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FIFTEEN CENTS

## Defenders to Add Research Staff

The number of students who will conduct post-conviction research for the Harvard Voluntary Defenders has been tentatively expanded by a resolution unanimously adopted by the group at its first meeting of the full membership on Oct. 5.

The resolution followed a unanimous recommendation made by an *ad hoc* committee last spring favoring an expansion of participation in post-conviction work by "research assistants," according to Defenders President Thomas A. Welch. The committee, chosen from among the membership to make a general study of expanding the Defenders' size, had reported too late for action last year.

Welch said that it was the feeling of that committee and of the membership that the demand for post-conviction services is far outstripping the needs of the other areas of the group's operations. For this reason it was decided that an expansion of the regular membership would be unwise, and the "research assistant" idea became the next most feasible alternative.

The resolution provides:

(1) That the following be explained to those who qualify under it as an *experimental* program;

(2) That in light of the report of the *ad hoc* committee and the growing demand for

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Carl T. Rowan

## Rowan Notes USIA Goals

By Murray S. Levin

Carl T. Rowan, Director of the United States Information Agency, began the nineteenth season of the Harvard Law School Forum by presenting an informative, witty, and well-developed talk on the role of the USIA in fashioning "our image abroad."

Mr. Rowan, a former newsman, author, and diplomat, was often at his best when telling "a couple of my favorite stories" — such as the one that has former President Eisenhower beating Nikita Krushchev by fully 40 yards in a 200-meter dash only to have *Izvestia* report: "We are proud to report that yesterday our glorious Chairman dashed across the finish line in second place, while the leader of the imperialists, Eisenhower, barely finished ahead of the last man."

In a more serious vein Rowan explained: "USIA pleads

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# The Courtroom Atmosphere

Studying the law in an academic atmosphere could be compared, to some extent, to learning in a vacuum. Our tools are the printed page and the classroom discussion.

Practicing lawyers are wont to criticize the theoretical qualities of the law school education and the erudite subject matter of law review articles. One gains only an inkling of how things are in court from watching a model trial in the first year and taking Trial Practice in the third year. He may pick up a bit more in Civil Procedure and in Evidence. What transpires at the appellate level is hinted at in the Ames competition, but there, too, the judges are usually, beneath their robes, only fellow students.

Two heartening developments of this fall will lead some interested students to more contact with real courts and real cases. The rejuvenated Student Bar Association has been sponsoring trips, well-attended by at least curious first-year students, to Massachusetts courts in the immediate area. And the Voluntary Defenders are offering to take on "research assistants" to help work on behalf of needy convicts, on the large number of cases which arise in the area of post-conviction proceedings.

Because most of the students here are planning to make law their profession, and thus to practice before the bar, it is hoped that the Association's trips will continue and that the Defenders' program, after the ironing out of administrative difficulties, will be a success.

Professors, particularly in civil procedure and related areas, can aid the former program by urging their students to visit the local courts, individually and with Association-sponsored groups. Also professors, particularly in criminal law and related areas, can aid the latter program by offering to read and sign as attorneys the briefs and memoranda prepared by the Defenders and their new assistants.

## Harvard Law Record

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## TONGUE 'N CHEEK

By Fenno

In pursuit of the perfect display of New England leaves I went out to the country and got lost. I was about to seek help when I came across a little town. I hailed a fellow with a hatchet in his hand and asked where I was.

"Welcome to Ames, the jurisdiction capital of the country," he said.

"What does that mean?" I asked.

"Nevada has its divorces, Delaware has its corporations, but Ames has the biggest and best array of laws in the nation."

"How do you manage that?"

"We adopt any law that comes along. We've got every Uniform Code ever written and we've enacted all the restatements. For those who like it we keep the English common law, and we've also passed all the legislation of the other states and the federal government," he said proudly.

"Doesn't it get a bit confusing for the residents?" I inquired.

"There are no permanent residents. The people who work here all live over in Langdell."

"What do they do here?"

"Oh, they are all members of the legislature. They meet every morning and repeal things."

"How's that?"

"You know, some moot court director or law professor will make a reservation to use Ames one day. He tells us what kind of laws he wants and the legislature meets and enacts what he needs and repeals the rest for the day."

"What do you do the rest of the time?"

"We stage accidents and make foolish contracts. Some people make a nuisance of themselves or go off on frolics of their own. Some folks are on the swing shift jury at the courthouse. They deliver verdicts to suit the customer."

"Sounds very appealing," I said.

"You'll have to excuse me now," he said raising his hatchet high. "I'm due over at the James Bar for an intentional tort."

# ***Students Work Year-Round for Civil Rights***

## **Higgs Group Is Active**

By Walter V. McLaughlin

William L. Higgs, LL.B. '58, has been the guiding spirit of many of the Law School's students working in civil rights.

Four second-year students spent the last summer working with Mr. Higgs on his Washington Human Rights Project.

One of the students, Christopher C. Schwabacher, 2L, noted that the primary project was a creative exposition of the 1964 Civil Rights Bill, title by title. This was intended "to counter the more conservative exposition-memo of the Attorney General's Office," which did not claim for the act all its inherent jurisdiction and power.

## **Convention Delegates Lobbied**

Another important project, Robert E. Turtz, 2L, added, was the lobbying done for the Mississippi Freedom Democratic Party at the Atlantic City Convention. While the students were not admitted to regular caucuses of the delegations, they were able to explain informally to many of the delegates the legal basis of the Party's claim to represent the state of Mississippi.

The Project also worked on a variety of legal memos and research jobs, assisted by a number of Harvard undergraduates, who did much of the long job of indexing and cataloguing.

Jeffrey E. Lamson, 2L, described the summer's work as "just like any legal work — sometimes interesting, sometimes tedious."

## **Electors to be Challenged**

The important project now, Meissner said, is the preparation of an attack on the seating of the Mississippi Congressional delegation this year. There will be a challenge before the Congressional Elections Committee, on the grounds that the Representatives were illegally elected under Mississippi Law, or, alternatively, that their election violated the 14th Amendment and that they are unrepresentative. Part of the attack, he added, will be a move before the Democratic Caucus,

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## **Summer Symposium Held**

By Michael Lowenberg

The experiences of law students active in civil rights activities this past summer were discussed on Oct. 6, at a symposium billed as "The Lawyer's Approach to Civil Rights." Sponsored by the ad hoc Civil Rights Auxiliary Committee, several Law School students and a Harvard undergraduate related their observations and experiences to a large crowd.

These experiences varied widely, ranging from the halls of Congress to the tense and turbulent small towns of rural Mississippi. Lowell D. Johnston, 2L, was one of several law students working in Jackson, Miss., coordinating the activities of volunteer attorneys recruited by the National Lawyers Guild and the Lawyers' Constitutional Defense Committee to aid the Mississippi Summer Project. He and others had the difficult task of maintaining continuity in a program where the volunteer attorneys served for two-week shifts.

## **Law Students' Roles Assessed**

Johnston accompanied several attorneys into Philadelphia, Miss., three days after the three murdered civil rights workers had been reported missing. He emphasized, however, that instances of violence to law students were rare.

The somewhat anomalous position of the law students in the South was brought out by Claude Weaver, a junior at Harvard College. The regular field workers, he said, "didn't know what to do" with the law students who all "wore shirts and ties."

Frequent arrests of workers for the Congress of Federated Organizations soon provided these elegantly clothed volunteers with a great deal to do. The attempts of the understaffed COFO legal force were often to little avail, and quite a few convictions are now being appealed. To the law students, one of the most fascinating experiences of the summer was in observing and participating in trials in many local courts.

Several members of the federal bench in

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## Rowan

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America's case to the world because no foreign policy can succeed today that does not make allowance for what is on the minds of other men and women . . . because we want the world to know that what we offer is . . . the spirit of liberty, something that is in the hearts of American men and women."

USIA ferrets out those fundamental principles on which there exists a broad American consensus and attempts to explain United States ideals to "an often suspicious, distrustful, and sometimes hostile world." Many times no American viewpoint can be discerned. Then USIA — through the Voice of America, motion pictures, and publications — emphasizes the broad American agreement "that the freedom to disagree is a vital part of any society worth living in."

The USIA is constantly conducting polls

### Depossessed, But Not Divested

#### *Professor's Car Stolen*

While Professor Richard R. Baxter was in the auditorium of Rindge Technical High School Friday evening, serving as moderator at the Law Forum's first program of the semester, his 1960 automobile was stolen.

The car, which had been parked next to the school building, had apparently been taken by persons unknown who were going on a joy-ride, Prof. Baxter said. He believes the car was started by "jumping" the ignition wires.

The Cambridge Police found the car abandoned on Harvard Street on Saturday, its bumpers mangled and at least one bumper pressed against a wheel.

Although a policeman was stationed in front of the school building both when Prof. Baxter entered and when he left, it was during the Forum's program that the theft of his car, and also of a car belonging to one of the members of the audience, took place.

Following the discovery of his car's absence Prof. Baxter called the Cambridge Police and, accompanied by his wife, was driven by them to the Central Square station to make out a report. Thereafter the Baxters took a taxi home.

and studies to determine "what is 'bugging' the average man in certain countries." Oftentimes, Mr. Rowan reported, a foreigner reacts to a U.S. stand on a specific issue "from what we might call a gut-feeling" based on pre-conceptions — often wrong — about the United States.

"Knowing this," Mr. Rowan continued, "I have said to my colleagues in USIA that we will not succeed if we rely solely on sterile pronouncements and press releases." We must plead our case in such a way as "to touch the heartstrings of people" who are full of bitterness and in all too many cases beset by confusion.

The USIA is well aware that the deed is mightier than the word, but "the word must document the deed. And with our words we document these qualities of America for all the world: integrity, strength, intellect, courage, justice, success."

How are we doing in the ideological struggle? Agency Director Rowan believes we must win in any free competition of ideas and ideals, but "it will never be a case of sudden dramatics." The results we desire will come "only by the step-by-step efforts to ease a bit of tension here, to remove the reason for fear there."

At the conclusion of Mr. Rowan's address, Professor W. Barton Leach of the Law School, John Day, station manager and commentator for WHDH radio and TV, and a number of enthusiastic questioners elicited further information from the USIA Director.



# *Student Bar Puts Mass. Courts on Trial*

The Harvard Student Bar Association inaugurated its program for the year by conducting two tours of the Massachusetts Superior Court last week.

Stuart Eizenstat, 1L, a participant in the tour, reported that although the students were allowed to attend sessions on civil as well as criminal actions, the enticement of the latter drew most of the future attorneys into the criminal courtrooms.

Although he noted that "the dignity of the Court and the skills of the lawyers and judges were encouraging," he stated that there was much in the Court which "left cause for concern."

As an example, the first-year student said: "One criminal case we observed was being heard a full six months after the occasion for the accused's confinement; yet the Constitu-

## **Gym Closing Time Extended**

Athletic Director A. W. Samborski revealed this week that extra time will be available for using the Hemenway Gymnasium this fall.

Mr. Samborski said that the Arts and Sciences Faculty Committee on Athletics considered the problem presented in a recent letter from several law students. The letter asked that more time be available for using the Gym by opening it at 9 a. m. and on Saturdays. The gym presently opens at 11 a. m. on weekdays only.

The Committee instead agreed to extend the closing time from 5:30 p. m. to 6:30 p. m. According to Mr. Samborski, the budget, which had been determined earlier, would not permit additional accommodations. The 5:30 p. m. closing hour will resume about the second week of November, he said. He indicated that the Committee hopes to review the budget later.

The extended time will not exactly solve any problem of limited facilities, it was revealed, because it will be open to college squash and basketball teams as well.

Perhaps the law students should be advised to join the Y, one of the letter-writing law students suggested.

tion guarantees the right to speedy trials."

Commenting further, he said, "One of the three persons indicted in the above case, not having posted bond, was forced to remain in prison for half a year. Thus, the general problem of the hardship imposed by bonds on the indigent arose in our minds."

Eizenstat was "exceedingly disappointed" by the performance of some of the policemen he watched testify. He said: "When the policeman answered the defense's questions one often got the impression that he had not even been at the scene of the incident, yet his answers to the State's questions were most exact and precise."

One criminal case which made a strong impression on Eizenstat involved, he said, a Negro woman who had "gotten into a wreck with a police car." In this case the woman alleged that she had been roughly treated and kept in jail overnight, without being told with what she was charged, and had been denied an alcoholic test although it later appeared she was imprisoned for drunken driving.

The student concluded: "The varied insights gained into the procedural and substantive workings of our judicial system, as well as the observable tribulations we as lawyers will face in the courtroom, made the trip a worthwhile venture."

At the conclusions of the day's sessions, the students were addressed by Superior Court Justice Lewis Goldberg, LL.B. '13, on such topics as the choosing, impanelling, and questioning of prospective jurors and the role of the public defenders in the Commonwealth.

Many of the lawyers who had tried cases witnessed by the students then answered the students' questions.

### **Future Forum Features**

Whitney Young, Executive Director of the Urban League, will be featured at the next Harvard Law Forum on Oct. 29. Future programs will feature Clare Booth Luce and John McCormack, Speaker of the House of Representatives, and others.

# Summer Symposium

(Continued from page 3)

the South received praise from the panel. Active Negro voter registration in Batesville, Miss., was made possible only after a federal judge suspended operation of an unduly restrictive literacy test previously in use, the panelists noted. Fifth Circuit decisions also proved helpful to the work, they added.

## Legal Tactics Noted

The legal techniques frequently used by attorneys working with the civil rights organizations were outlined by Craig A. Peterson, 2L. Peterson worked for a New Orleans law firm which was retained as house counsel for COFO.

Removal petitions were used in attempts to bring cases into the federal district courts, but were usually unsuccessful, Peterson pointed out. He added that this technique will become more useful in the future now that the Civil Rights Act allows remands to be directly appealed to the Court of Appeals.

Local laws designed to foil picketing and demonstrations were challenged as being unconstitutionally vague. The panel members complained of arrests and "harassment" as major difficulties faced by civil rights organizations.

The institution of class actions in voter registration suits was another important weapon in the COFO arsenal. A typical class action would be brought by local candidates for the "Freedom Democratic Party," registered voters who planned to vote for them, and citizens who wished to register to vote.

## Assault Reversal Won

One of the most significant legal victories of the summer was a reversal by the Georgia Court of Appeals of the conviction of a civil rights worker for assault with intent to murder a police officer. Peter V. Lockwood, 2L, worked for C. B. King, a Negro attorney in Albany, Ga., who represented the defendant.

Mr. King was noted for his success in reversing convictions of Negro defendants on the ground that there was a systematic

and arbitrary exclusion of Negroes from the jury.

The above case was unique in that the defendant was white. The question of whether or not the same rule would apply to white as well as to Negro defendants had never been passed upon. On appeal, the Georgia Court of Appeals held that there would be an "attitudinal association" of a white civil rights worker with Negroes in the minds of jurors. The Court then followed the trend of recent Supreme Court decisions and ruled that any jury from which Negroes were excluded was unconstitutionally composed and its actions null and void.

## Opinion Termed Surprising

Lockwood pointed out that the opinion seems to be broad enough to cover convictions of even ordinary white criminals with no connection to the civil rights movement. He emphasized that this precedent-shattering and surprising decision by an intermediate court of appeal in a Southern state serves to demonstrate the important results to be achieved by persistent legal pressure, and perhaps augurs well for the future.

## New Look in Austin



From those typically stern faces studying the empty classroom, it is hard to assume their owners would entirely approve of the comfort and style of our new note-taking milieu. But no worry; the seats are just as hard, the professors just as exacting. Formica desk-tops are after all only a formal, not a substantive, concession to the twentieth century.

# Harvard LL.B. Runs Casual Discount House

By Michael Hampden

If a Cambridge store is so crowded that customers trip over fixtures, merchandise and each other to get around in it, it either takes off-track bets, or it is the Harvard Auction Outlet, owned and operated by Gerald S. Fogelman, LL.B. '64.

Magic-markered signs covering the facade of Fogelman's shop both herald the bargains, and conceal the disorder, within. Getting inside for the first time is a problem of statutory construction. One sign reads:

Temporary hours: Mon., Tues.,  
Wed., Thurs. 1:30-5:30 p.m.  
and irregular evenings.

Closed Sat.

Open Sun. 1-6 p.m.

Open tonight 8-9:30 p.m.

If closed, please leave shipments next door at tailor.

Piled to the ceiling in hurricane fashion is merchandise of every description and condition. A customer moving things to get at that clock-radio in the corner is bound to find something else that interests him—a used adding machine, or a sweater for his little girl.

Fogelman's main pitch is price. He has established the unquestioned reputation for underselling everyone. He buys at closeouts, bankruptcy sales and auctions, turning over the goods very fast and taking a low margin on them. Overhead consists only of rent on the narrow Mass. Ave. shop, a well-worn Microbus, and the part-time help of Sheldon J. Reisman, 2L, a former electronics salesman and holder of an M.A. in Economics.

But his low prices do not entirely account for Fogelman's success. The place has a certain magnetism in its chaos and in Fogelman's masterful soft sell. He is never lost for words to list, with modest understatement, the ten or twelve fine features of that reclining chair, and to add that he liked it so much he took one home himself. He takes *anything* in trade for his wares. The price of an expensive hi-fi for one customer recently was reduced by the value of a bed, a lamp, an old console and a roaster oven.

Fogelman, who graduated *cum laude* from

the Law School last June, intends soon to begin practicing law while maintaining his discount business. "I may be my own first client," he said. "Minuteman Radio has threatened suit for mentioning it by name in my ads. ('Prices lower than Coop, Minuteman, Lechmere, etc.'). But they haven't told me what their legal basis is for such an action yet. I just see it as a question of free speech—there's no illegality in telling the truth."

Fogelman began his business two years ago as a law student to help support his family. In those days his old black Buick hearse filled with used furniture and appliances was legendary around Cambridge.

As one of the first stores in the area open on Sunday under the new Massachusetts law, Fogelman has been visited on occasion by Cambridge policemen not yet familiar with its provisions. The law permits Sunday trade if the proprietor observes another Sabbath.

## Senator to Address Republicans

Senator Peter Dominick (Rep., Colorado), will speak Oct. 21 at the Law School in a program sponsored jointly by the Harvard Law and Graduate Republican Club and the Harvard College Republican Club. He is expected to present his party's viewpoint on national campaign issues and to answer questions from the floor.

Sen. Dominick reports that he is especially interested in meeting students from Colorado, regardless of party.

## ILC Will Hear State Dept. Aide

Mr. Leonard Meeker, Acting Legal Adviser to the State Department, will informally address the International Law Club today at 5 p.m. in the Roscoe Pound Room on "The Work of the Legal Adviser's Office."

Mr. Meeker's talk will be the first of several to be given by legal advisers to foreign offices this fall. On Oct. 29, Sir Francis Vallat, Legal Adviser to the British Foreign Office, will speak, and on Nov. 19 Mr. Shabati Rosenne, who holds the equivalent position in the Israeli Foreign Office, will address the club.

## Defenders' Staff

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post-conviction assistance:

(a) The Harvard Voluntary Defenders take on not less than five persons as research assistants in order to reduce the present backlog of cases and to experiment with the possibilities of making such an arrangement a permanent part of the organization;

(b) This program take only those persons who indicate that their association is not intended by them to be temporary, in order to assure the Defenders of receiving a certain quality of work which can be obtained only from those who have done several cases;

(c) Second- and third-year students be eligible presently, but it is intended that in the future only second-year students be eligible and then only if they venture to associate themselves before Dec. 1 of their second year;

(d) Those taken on in this capacity may be dissociated from the organization in the discretion of the officers.

Welch explained that the series of qualifications incorporated in the resolution in no way demonstrates a lack of faith by the Defenders that they will be able to employ energetic and talented assistants from outside the membership of their group. He said that these conditions were placed in the resolution to make such an expanded program more administratively feasible.

He added: "Also we want to insure that the quality of completed work maintains a consistently high standard, which would be more difficult were there to be any significant amount of turnover among the persons participating. We want to find out from this project whether any changes in our administrative procedures would be required and how extensive these might be."

Welch said that, at the start, one of the Defenders' officers will devote half of his time to assisting James B. Zagel, Vice President, Research and Appeals, in supervising the new people. Welch added that the project will be reviewed by the group's membership around Christmastime. "At that time we will consider making it a permanent part of the organization," he said.

In conclusion, Welch stated: "This problem has been with the Defenders for some time

now. We have increased our own output of work significantly in the post-conviction area as well as in trial and interview work. The load of post-conviction cases continues to grow as do our efforts to meet it. At some point we will have to arrest the volume of case inflow, but we want to afford the opportunity for work in this area to interested Harvard Law students, so far as is practicable, before that point is reached."

Welch advised that those second- and third-year students interested in the program should contact Zagel at the Defenders' office in Gannett House.

## New Plan Covers Auto Victims

By Joseph M. Hassett

The report of a comprehensive study of automobile claims systems, currently being completed by Professor Robert E. Keeton of the Harvard Law School and Associate Professor Jeffrey O'Connell of the University of Illinois Law School, will propose a plan of basic protection for the traffic victim.

The plan would extend benefits to every person who suffers an injury arising out of the ownership, maintenance, or use of a motor vehicle regardless of fault. The compulsory basic coverage is patterned after medical payments coverage and is designed to reimburse out-of-pocket economic losses (but economic losses only) on a periodic basis as such losses are realized, up to a limit of \$10,000.

Prof. Keeton emphasized that the protection plan for motoring victims is aimed at maximum use and minimum disturbance of the existing institutional framework for handling personal injury claims. Neither the marketing of insurance nor the procedure for adjudication of claims would be substantially affected.

"The basic protection coverage can be marketed as simply another coverage within an automobile insurance policy otherwise quite similar to present forms; and present ways of adjudicating disputed claims, including jury trials in cases of substantial size, will still be used," Prof. Keeton said.

He added: "The load imposed on courts by automobile claims, however, will be greatly reduced because issues will be simplified and

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# Faculty Active in Latin Tax Reform

By Brian Christaldi

A survey of Professor Oliver Oldman's involvement in Latin American tax reform illustrates the scope of the Law School's expanding activity in connection with Latin America. Prof. Oldman and other members of the Law School faculty and staff are engaged in ventures which blend urban legal studies with international legal studies, economists with lawyers, and land law with tax law.

Last month, for example, Professor Oldman spent a week in Venezuela as a consultant to the Harvard-M.I.T. Joint Center on Urban Studies and conferred with a Venezuelan group on the planning for Ciudad Guayana, a city at the junction of the Caroni and Orinoco Rivers in the iron and steel mill region of Venezuela. He helped formulate plans for municipal financing, particularly through property taxation.

## Mexican Tax Structure Studied

Currently, Prof. Oldman, together with Professor Charles M. Haar, is engaged in a detailed study of financing urban development in Mexico which is sponsored by the Faculty Research Committee and the International Legal Studies Program. This study is being conducted by Professors Haar and Oldman, specializing respectively in land-use and tax law, in collaboration with Henry Aaron, instructor in Economics in the International Program in Taxation, Stephen L. Kass, Research Assistant, and Lawrence Lee, Teaching Fellow. The project dramatizes the convergence of urban and international legal studies.

## Drug Official to Speak

George P. Larrick, Chairman of the United States Food and Drug Administration, will give the Charles Wesley Dunn Lecture on Feb. 2.

The informal speech, sponsored by the Harvard Student Bar Association, will be followed by audience questioning.

The study will deal with the administration and yield of the property tax in Mexico City, as well as rent control, legal provisions affecting title, transfer and mortgaging of property, and other real estate taxes. The purpose of the study is to determine the impact of these legal and economic provisions on land use and on urban finance and development. An effort will be made to determine the extent to which land use is influenced by property taxation, rent control, and other pertinent governmental restraints and incentives.

## Latin Law Students at Harvard

According to Prof. Oldman, the Law School, through its faculty and staff, has been involved in tax reform in Latin America for about ten years. The involvement has taken the form of training, research, conferences, and "tax missions." Each year since 1955, from five to ten Latin Americans participate in the School's International Program in Taxation curriculum. Many of them have gone on to take active roles in major and minor tax reforms in their own countries.

Research has included World Tax Series volumes on Brazil and Mexico, a study titled *Tax Incentives for Industry in Mexico*, and Latin American portions of other Program publications. Among these are a bibliography of taxation in underdeveloped nations and volumes on agricultural land taxes, on tax incentives, and on the fiscal and other economic problems of the raw material-exporting countries.

## Profs. Oldman and Surrey Confer

An idea developed as a result of tax mission experience in Latin America and first articulated in an airplane conversation between Prof. Oldman and the then Professor Warren A. Surrey (now Assistant Secretary to the Treasury for tax policy) led to two Latin American conferences, one on tax administration in Buenos Aires in 1961 and one on tax policy in Santiago, Chile, 1962. The planning for the first of these

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# Dean Reproves Campaign Attacks on Court

By Robert A. Grayson

Dean Erwin N. Griswold joined 49 other prominent lawyers in a statement issued last Sunday in Washington deploring Sen. Barry M. Goldwater's campaign attacks on the Supreme Court.

The statement charged that the Senator's "broadside attacks on the integrity and competence of the Supreme Court have become regular and prominent features which overpass the limits of comment appropriate to a Presidential candidate."

Since September Sen. Goldwater has repeated that "of all three branches of Government, today's Supreme Court is the least faithful to the constitutional tradition of limited government and to the principle of legitimacy in the exercise of power." The candidate has criticized the state legislative apportionment decision and those dealing with fair procedure in criminal cases and school prayers.

The lawyers' statement asserted that the Court should be criticized — but in "an in-

formed and responsible way." Sen. Goldwater's "attacks are not based on reasoned analysis of the Court's opinions; instead they resort to catch phrases and slogans."

Of the fifty signatories to the statement, fifteen attended Harvard Law School. They are Walter P. Armstrong, Jr., LL.B. '41 of Memphis; Bruce D. Bromley, LL.B. '17 of New York; John G. Buchanan, LL.B. '12 of Pittsburgh; Abram J. Chayes, LL.B. '49 of Washington (and formerly Professor of Law at the Law School); R. Walston Chubb, 1915-16 of St. Louis; William P. Gray, LL.B. '39 of Los Angeles; Griswold; Cloyd Laporte, LL.B. '20 of New York; William L. Marbury, LL.B. '24 of Baltimore; Robert W. Meserve, LL.B. '34 of Boston; Maxwell M. Rabb, LL.B. '35 of Boston (and Secretary of the Cabinet under Eisenhower); Murray Seasingood, LL.B. '03 of Cincinnati; Dean John W. Wade, LL.M. '35, S.J.D. '42 of Vanderbilt Law School; Dean William C. Warren, LL.B. '35 of Columbia Law School; and Bethuel M. Webster, LL.B. '25 of New York.

## SPORT COATS

No man's wardrobe today is complete without two or three sport coats. Excellent selections in fine fabrics are available to satisfy the individual taste and style demands. See the new Harris Tweed and Shetland imported materials . . . the popular blazers too.

29.95 to 59.50

## WORSTED FLANNEL TROUSERS

Team up a pair of these fine worsted-flannel trousers with your pet sport coat. You'll discover they are crease resistant, long wearing and very comfortably cut. Grey, brown or lovat.

19.95

### STORE HOURS

8:50 a. m. to 5:30 p. m.

Monday thru Saturday



## Recent Book

# German Lawyers and Post-War Perspective

By Theodore W. Volckhausen

*The Personality of Lawyers.* By Walter O. Weyrauch. New Haven: Yale Univ. Press, 1964. \$7.50.

If you were to go to Germany to interview some 300 German lawyers on their attitudes toward their profession and the world about them, what would you have when you come back?

Those who reply, "A confused mess of notes," will recognize Walter O. Weyrauch as a kindred soul.

Weyrauch, now a professor of law at the University of Florida, returned to his native Germany while completing work for a doctoral degree from the Yale Law School. He conducted several hundred interviews, writing down his recollections of what had been said immediately afterwards. When he returned, apparently with a suitcase full of notes, he set to work trying to organize a coherent paper. He did not completely succeed.

The first third of the work describes the technique of the interview, and expands on the difficulties which Weyrauch encountered. The technique of the free-flowing interview is indeed a difficult one, and an interviewer's conclusions are even more difficult to evaluate. It is impossible to tell how much guidance the interviewer gave, whether his attitude toward the subject prompted certain reactions, or how he selected and edited the material which he chose to repeat in his account. In particular, this author at times seems more hostile to his subjects than he is willing to admit. At any rate, he emphasizes and expands on the tales of those who did not co-operate with him or who reacted defensively to his questions.

Essentially, his conclusions are unflattering to the subjects. German lawyers are narrow-minded,

uninterested in anything outside their own fields, distrustful of the world, hostile to the author's project, the United States, the Russians, other Germans. Weyrauch found them not very interested as a group in symbols of wealth, but very much interested in status, security, and power.

These conclusions are, in general, supported by the interviews. Weyrauch speculates that at least some of these characteristics are common to the kind of character which the legal profession attracts everywhere. But the data is quite insufficient to support this conclusion.

The more general conclusions are quite sweeping, though Weyrauch stresses that they are hypotheses still to be tested, suggested by the study, not proved by it.

The interviews on power processes indicated the existence in Germany of a coercive, stratified society in which the legal profession has specific functions. Decisions on all levels seem to be based on almost capricious discretion, with standards often left obscure while outwardly an appearance of orderly proceedings is maintained.

The role of the legal profession, German lawyers conceive, is to apologize for and support the status quo. The professional technique is to adhere to "objective standards" which actually mask the informal exercise of power as determined by personal and social affinities. People who are different from the kind who usually enter the legal profession are discriminated against. Non-conformists tend to be weeded out of the company of jurists.

Unfortunately, there is little evidence one way or another proffered for these hypotheses. Certainly the isolated and unsystematic evidence that is presented does nothing to show that

non-conformity is punished in Germany or in the legal profession more severely than common experience shows to be usual in other societies. All societies are coercive, and most are stratified, but nothing in the data shows that Germany exceeds others in either respect.

The author occasionally plays a strange game with his footnotes. Once he quotes a young lawyer who says that a sudden realization of the immensity and complexity of the universe left him feeling very relieved. The footnote gives a statement by Hitler which supposedly shows similar perspective. Both quotations, it is true, mention the microcosm, the macrocosm, and reason, and both string them together rather incoherently, but aside from that, it is difficult to see similarities. One has the feeling that Hitler was dragged in by the throat merely to show that the author had read him.

A few other themes are more definitely supported. The discussions reveal uncertainty, deep pessimism, a yearning for security. Many subjects seem to want to grow old quickly, retire, and enjoy the respect, prestige and relative freedom of old age. The author is very perceptive in pointing out the various forms which these feelings take. But all these feelings may not be a function of being a lawyer as much as being a lawyer in Germany over the last forty years.

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# Tax Reform

(Continued from page 9)

conferences led to the creation of the so-called Joint Tax Program, which combined the tax energies of the Organization of American States (Pan-American Union), the Economic Commission for Latin America (United Nations), and the Inter-American Development Bank.

While the School's International Program in Taxation planned and organized the first conference and presented the Joint Tax Program with a plan for the second conference, the Joint Tax Program has since the spring of 1962 operated on its own and is currently engaged in a series of country-by-country fiscal surveys in Latin America. The papers and proceedings of the two conferences have already been published in Spanish and will be published in English later this year.

## Book Notes Venezuelan Findings

The tax missions began with a Venezuelan study which occupied a good part of the summer of 1958 for both Profs. Oldman and Surrey as members of the Shoup Mission to Venezuela. The result was a book, *The Fiscal System of Venezuela* (Baltimore: Johns Hopkins Press 1959), which was also published in Venezuela in Spanish. Recent information from Venezuela indicates that the book has had its impact on subsequent developments in tax law, continues to serve as a major reference work within the Ministry of Finance, and is used in the universities both by teachers and students.

## Colombian Capital Gains Treated

During the summer of 1958, Professor Frank E. A. Sander, as a member of a four-man group organized by former Assistant Dean William S. Barnes, prepared the capital gains portion of a report analyzing a tax law then under consideration by the government of Colombia. This work was done in Cambridge and arose because of the Program's research in preparation of a World Tax Series volume on Colombia. Largely because of major and frequent tax reforms since that time, the World Tax Series volume

for Colombia was not completed until recently. It is being published this month.

In June 1960, Profs. Oldman and Surrey spent two weeks in Buenos Aires reviewing Argentine tax administration and tax law, and prepared a report, published the following year in the European journal *Public Finance*. This work led to many reforms in tax administration, but to few changes in law.

## Salvadoran Taxes Revised

From April 1962 to November 1963, Prof. Oldman was involved with a series of short visits to El Salvador to work for the government of El Salvador in collaboration with a group of private lawyers and businessmen in preparing a new income tax law. A major revision of Salvadoran income tax law took place in December 1963. A description of the process of reform and the reforms themselves will appear in an article in the next issue of the *Inter-American Law Review*.

Last January Prof. Oldman served on a five-man committee under the auspices of the Fiscal and Financial Branch of the United Nations Secretariat which analyzed and criticized proposals for tax reform in Costa Rica. One of Prof. Oldman's concerns was to comment on how the Costa Rican reform could be harmonized with the laws of its neighbor, El Salvador. The Costa Rican government is presently considering the committee's recommendations.

## Student Incentive Sought

Prof. Oldman feels that the Law School's involvement in Latin American fiscal problems will continue to grow. He hopes that graduating law students will be moved to participate in tax reform projects in connection with the international organizations mentioned above, and in the growing number of Fulbright Fellowships which are available for Latin American study. He anticipates that the Law School will do more to stimulate student interest in this important area, perhaps by providing fellowships to graduating students for the study of and participation in tax reform.

# Grades Alone May Not Secure Clerkships

By Myer J. Sankary

In considering whether to apply for a clerkship position with a judge, C-average students should not be deterred because of their grades, Dean John P. Wilson informed the RECORD this week.

Although high grades are perhaps the most important single factor in the selection of clerks for both state and federal courts, other factors such as outstanding college records, writing abilities, high law aptitudes, and good recommendations are also considered by a judge in choosing a legal assistant, according to Dean Wilson.

Grades are stressed more than personality, Dean Wilson explained, because unlike work in a law firm which is concerned in large part with getting clients, clerking for a judge involves dealing with tough intellectual problems and arriving at answers quickly, correctly, and objectively.

Much depends, however, upon where the candidate applies, as it is competitively more difficult to secure jobs in popular areas such

as New York, Boston, the District of Columbia, and Los Angeles.

But there are exceptions to the general rule which should encourage those with average grades, said Dean Wilson. "I know of a few men last year with overall averages of less than 70 who got positions with judges on popular courts," he said. "The important thing to remember is that the judges make their own decisions in selecting clerks. Since each decides independently, the requirements naturally vary."

## Advantages Stressed

Dean Wilson, who together with Professor Livingston Hall assists interested students in applying for clerkship positions, gave several reasons why students prefer working for judges.

Primarily a clerkship gives the beginning lawyer an opportunity to spend a year with a man who is extremely competent in his profession. It gives him an opportunity to

(Continued on page 14)

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## Clerkships

(Continued from page 13)

see how one important area of the lawyer's work is done on either the trial or appellate level. Finally, Dean Wilson pointed out, students feel that "it is a good chance to spend a year in a place where they want to practice and to get a feel for the area."

Dean Wilson explained that applications for clerkships are made by the candidate himself directly to a judge. He suggested that interested candidates should write the judge early in the year, sending his resume and stating his willingness to interview. If an applicant receives a request by a judge for recommendations, Dean Wilson indicated that he would interview the student and provide a letter assessing the student's performance at the Law School, if requested to do so.

According to last year's records, 69 graduates from the Law School were accepted for clerkship positions out of 119 who applied. The figure represents 13 per cent of the class of '64 and includes a few from the class of '63. The records also indicate that this is the largest class percentage to date filling clerkship positions.

Dean Wilson advises those who are interested in clerking next year to come to his office for further information or assistance.

## Higgs Group

(Continued from page 3)

attempting to deny the Mississippi Representatives their seats because of their failure to support the Democratic National ticket. If successful, the move would cost the Representatives seniority and other privileges.

Other projects include *amicus curiae* briefs for cases before the Supreme Court and work on actions before the FCC against Mississippi radio stations trying to enforce fair representation of the news.

### Students Recruited For Project

The law students were recruited in a variety of ways. Schwabacher talked with Mr. Higgs last year when he was interviewing at the Law School. Turtz had a casual conversation with Mr. Higgs at lunch in Harkness and became enthusiastic. He then convinced his roommate, Jay E. Filberg, 2L, to join the Project. Lamson heard about the Project at second hand and made his contact by a personal letter to Mr. Higgs.

When he visited the Law School last week seeking more recruits, Mr. Higgs made Meissner his contact for the handling of current projects. Meissner said that the group, which is connected with the Law Students Civil Rights Research Council, tries to help with individual research projects as well as working with Mr. Higgs.

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# Keeton Study

(Continued from page 8)

litigation will be less frequent and less complicated."

Another important feature of the plan is that the system of basic protection displaces only the smaller tort claims. Tort actions are prescribed for cases in which damages exceed the stated limit of \$10,000.

Prof. Keeton and Assistant Prof. O'Connell, respectively Director and Associate Director of the study, will include a detailed explanation of the plan in their final report

which will be published by Little, Brown in the spring of 1965. An adaptation of two chapters of the report will be included in the December issue of the *Harvard Law Review* and a model statute will be published in the January issue of the *Harvard Journal on Legislation*.

The study was conducted at Harvard Law School in consultation with members of the law faculties of Boston College, Boston University, Harvard University and Suffolk University with the financial assistance of the Walter E. Meyer Research Institute of Law, Inc.

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# Prof. Fisher Urges Johnson Re-election

The expected appearance of John Kenneth Galbraith at a Democratic Club meeting created a jam in Langdell North Middle on Wednesday afternoon, Oct. 6. Mr. Galbraith's presence was required in Washington, however, and he did not attend.

After revelation of this fact had resulted in a rapid thinning of the crowd, about 200 persons remained to hear Professor Roger D. Fisher of the Law School stress the importance of an overwhelming victory for President Johnson.

Prof. Fisher said that there would be beneficial results from Johnson's knowledge that the "whole country" was behind him. This knowledge would allow him to think in terms of overall results rather than petty political considerations, and also would make

his position in foreign affairs stronger since it would reassure our allies of the country's total commitment to "reasonable policies," Prof. Fisher explained.

He continued by describing the effectiveness of Johnson's political skill and remarking on the close association of ideas and practice in the Johnson administration.

Prof. Fisher branded the polls as inaccurate, saying that they do not measure enthusiasm, a determining factor in whether or not a person bothers to vote. He noted that only 60 percent of those who are eligible to vote do so, and if the dormant 40 percent comes from Johnson supporters, the result will be a dead heat. With this Prof. Fisher concluded, urging that the Democrats set as their goal a two-to-one victory.

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