

Young Portrays Future of Civil Rights

By Michael Lowenberg

The topic of last Thursday's Law School Forum was "Civil Rights-1964" — but rather than limit the discussion to the headlines of the past year, Whitney M. Young Jr., Executive Director of the National Urban League, gave his audience some indication of what to expect in 1965 and beyond.

Mr. Young called for a "crash program," "a new Marshall Plan," directed at changing the present status of Negro housing, education and vocational training and retraining.

"That's what the revolution is about," he said. Pointing out that the United States gave Europe seventeen billion dollars after World War II, he asked, "Why not give the Negro something?"

Mr. Young met the contention that the Negro should not be given "preferential treatment" with an analogy of a person with an injured hand: treatment of one hand is not "preferential," but necessary if the entire body is not to be infected. Any massive program of aid to the Negro would be a

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Court Decisions to Be

Explained to Media

By Stewart D. Davis

To meet the complaint that many Supreme Court decisions are being inaccurately reported by the press, the Association of American Law Schools this year chose Professor Vern Countryman to head the newly-formed Special Advisory Committee on Supreme Court Decisions.

The notion of forming this committee was recommended to the AALS by another of its organs, the Committee on Teaching of Professional Responsibility, the idea being that law teachers ought to teach by example as well as by precept. Prof. Countryman's position last year was chairman of that committee.

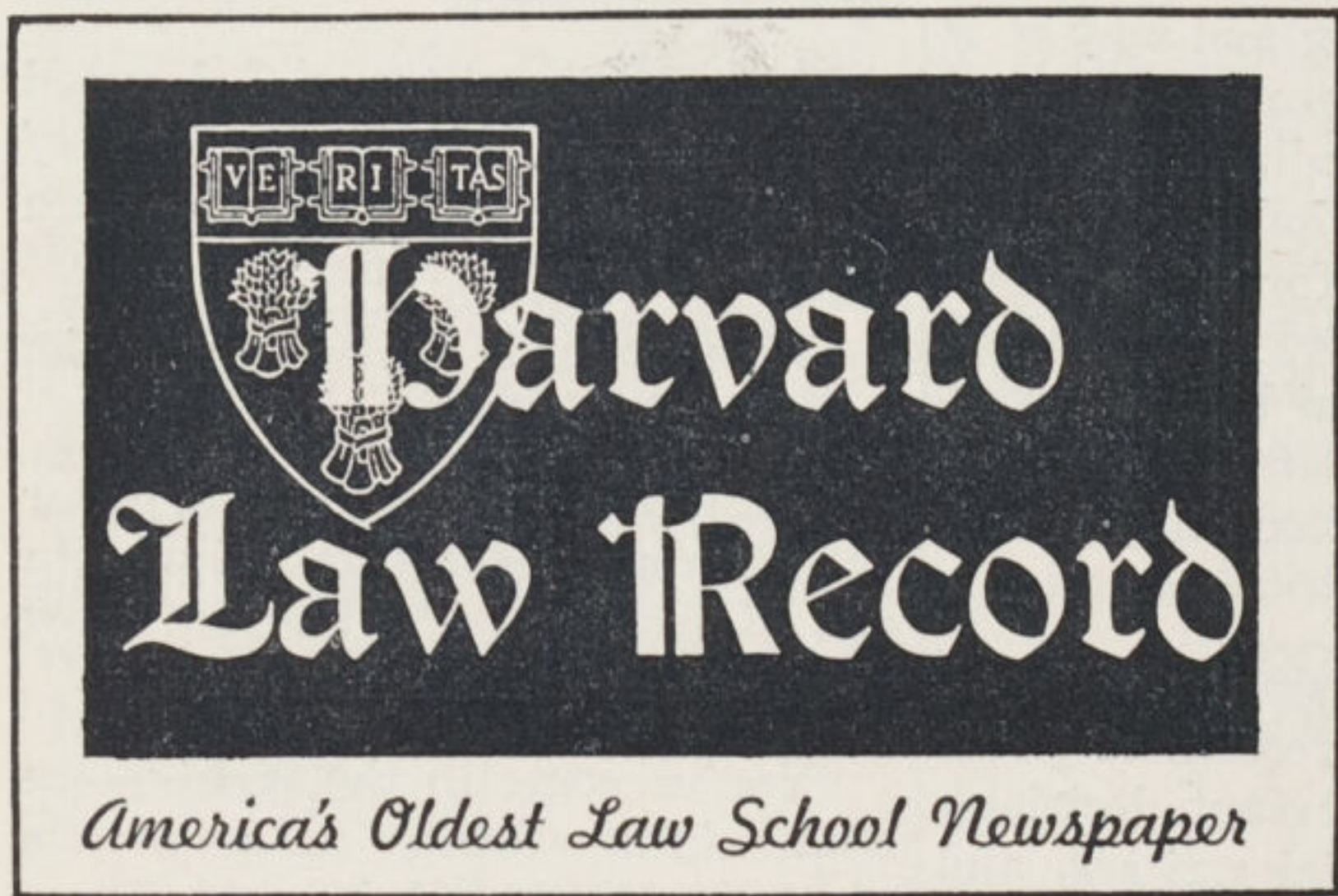
Cases to be Interpreted

What the new committee will do, whenever the Supreme Court takes jurisdiction (by noting probable jurisdiction or granting certiorari) of a case which is of public significance and is likely to be misunderstood, is to assign the case to one of its members, Prof. Countryman said.

That member will write a memorandum discussing the contentions which are most likely to be made, the grounds upon which the case may be decided, and the significance of the various possible dispositions. The memo will not try to predict the outcome of the case.

The make-up of the committee, which ac-

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Student Visits LBJ

By Myer J. Sankary

Armchair campaigning has been a popular sport in the Law School these past few months, but few have expected their suggestions ever to reach the candidates themselves.

Dennis Shaul, 2L, was admittedly surprised when he was called two weeks ago by the Honorary Steering Committee of the National Young Citizens for Johnson to come to Washington to talk with the President and discuss the campaign.

Shaul, who worked for the Young Citizens for Kennedy in 1960, joined four other young adults in Washington on Tuesday, October 20, and spent the day with presidential aides Richard Goodwin and Bill Moyers. That evening the group met with President Johnson in the White House. What had begun as a private discussion, turned out to be of

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Criticizing the Court

The Supreme Court is now deciding issues which bear upon the interests and actions of all American citizens—defendants' rights, civil rights, reapportionment—and thus the Court has opened itself up to comment and criticism by every American. Such criticism, to be useful, must be informed.

To demand that all criticism be "responsible" tends to the creation of a professional elite—lawyers and professors of law—who alone may do the criticizing. It seems that in South Africa the government, by demanding only "responsible" criticism, has a powerful weapon in its arsenal for the suppression of unfavorable comment. In America we must leave the door of free speech open so that all, be they Presidential candidates or prejudiced men in the streets, may voice their objections to what any institution, affecting their way of life, may rule.

Still, understanding of just what the Court is doing and why it is doing it must be the basis for useful criticism, and here the duty of explaining the Court's decisions falls heavily on the media and on the legal profession. That dicta will not be mistaken for holding, that a right secured by the Bill of Rights will not be mistaken for a "loophole" for the benefit of criminals, and that any decision required by precedent and by the Constitution will not be mistaken for judicial legislation, it behooves the men of the press and of the bar to spell out the meaning behind important decisions and their expected effect. After this is done, a dialogue on the Court may begin.

Particularly helpful in this area will be the assistance of legal academicians throughout the country who, under the direction of Prof. Countryman, will give the media insights into the important decisions which the Court hands down. Then politicians, editorial writers, and others may criticize from a position of understanding.

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TONGUE 'N CHEEK

By Fenno

When it got to the point that the only place to sit in the library was on the Atlantic Reporter shelf I knew it was time to seek refuge in the stacks.

Leaving a bread-crumble trail, I descended into the depths. Having majored in the Dewey Decimal System in college, I sought markings on the volumes to get my bearings. There were none—just thousands of bound pages arranged by an intricate system of overlapping alphabets.

In need of assistance, I dropped three volumes of the *Journal of Calendar Reform* on the toe of a sleeping cubicle occupant.

"What can I do for you?" he said, awakening.

"I'm writing my third-year paper on training schools in Minnesota and Kenya and I'd like to know where to look for information."

"You've come to the right place because I'm working on an article on the same thing," he said.

"How did you get interested in the field?" I asked.

"Oh, I wanted to write on anti-trust policy but the books were always out or missing in action, so I decided to concentrate on an area in which nobody had the slightest interest," he said, leading me to a beautifully bound blue set of the *Kenya Police Review*.

"This is great," I said, pulling the volumes down, "but what about Minnesota?"

"Right this way," he said, drawing a thin brown book from the shelf. "A completely matched set of *The Riverside*, the official school paper of the training school at Red Wing, Minnesota."

"Splendid," I whispered. "But, if I take these out, what will you have to work with?"

"Don't worry," he said, reassuringly, "there's bound to be another set in here someplace."

Haar Studying Latin American Cities

By Brian Christaldi

As teacher, scholar, and consultant, Professor Charles M. Haar has been deeply involved in the problems of Latin American development. He feels that urban problems have been unduly neglected in Latin America because of the emphasis on agricultural land reform and a prevailing theory of economic development which underestimates the importance of physical planning.

Currently, Prof. Haar is conducting a seminar in "Land Reform," together with Professor John R. Meyer of the Department of Economics, which emphasizes the legal and economic problems of rapid urbanization in Latin America; he is a consultant to the Agency for International Development on Urban Problems and has been especially concerned with the relationship between urban land use planning and the objectives of the Alliance for Progress; in collaboration with Professor Oliver Oldman he is conducting a study of property taxation in Mexico City.

In a recent article, "Latin America's Troubled Cities," 41 *Foreign Affairs* 536 (April, 1963), Prof. Haar persuasively argues that Latin America, unlike other underdeveloped areas of the world, is primarily an urban continent: "Forty-six per cent of Latin America's population lives in cities, 25 per cent concentrated in metropolitan areas of over one million." Rural poverty and the lure of the city have occasioned rapid urbanization in Latin America. In Mexico City, for example, population rose by 58 per cent between 1951 and 1960.

The most critical consequence of this rapid urbanization, according to Prof. Haar, is the lack of housing to shelter many millions of city dwellers. Perhaps one half the population of Latin America is living in inadequate or

grossly overcrowded housing. Many urban families do not even have the security of their shelter, being "squatters" on public or private land. Their numbers and concentration make them a threat to political and social stability.

Rapid urbanization frustrates the orderly growth of cities and, ultimately, Latin American development in general. City planning departments have lacked the trained manpower and the financial resources to deal with the problems of mushrooming cities.

Prof. Haar feels that insufficient attention has been given to the improvement of urban living conditions. He points out that inadequate housing is, in part, occasioned by a dearth of credit facilities. Savings and loan associations should be promoted; laws which prevent banks, insurance companies, and other financial institutions from investing their money in housing should be amended. Tax incentives might be used to encourage industrial housing for workers. Security and liquidity of investment could be aided by revising antiquated forms of security documents and inefficient procedures for collection and foreclosure, and by weeding out archaic legalisms which inhibit the free alienation of land.

In their study of property taxation in Mexico City, Profs. Haar and Oldman will examine the relation between the property tax and land-use planning. Attention will be focused on the effects of the existing tax system, together with zoning ordinances, building codes, the nature of the mortgage market and other variables, and on the land-use pattern. They will explore ways in which the tax system might be revised in order to improve the pattern of land use and development.

Wives Plan Beer Party

The annual Law Wives Beer Hall Blitz will be held Saturday from 8 p.m. to midnight in Harkness Commons. The theme will be "Roaring Twenties," the dress casual, and the charge \$2 per couple.

Baxter to Discuss Bibliography

Professor Richard R. Baxter will lead a discussion of international legal bibliography at 4 p.m. today in the Pound Room.

The program is under the auspices of the International Law Club. The Club hopes the program will be helpful to third-year students writing papers in the area.

Whitney Young

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necessary and long-overdue balancing of the scales of justice.

A much-publicized event of the past year has been the emergence of a so-called "white backlash." Mr. Young felt that this was only a surfacing of latent attitudes and as such was a "very healthy thing," and "nothing new." What is new, he said, is that many white people are now dramatically confronted with the fact that "the Negro is somewhat less than ecstatic about his condition." Mr. Young said he believed, however, that 75 percent of the white population are committed to the knowledge that some difficulty in readjusting is part of democracy. "White backlash" will not cause the Negro to "slow down," he said. Anyone who uses a race riot as a reason for hostility to the entire movement "is looking for a reason" and this does not represent a true political reaction.

Centuries of Deprivation

A basic barrier to improvement of conditions, Mr. Young contended, are the scars created by three centuries of being deprived of economic and educational opportunity. The argument that Negroes should "stop pushing and pull themselves up" as did other immigrant and minority groups is not valid, he said, because the Negro experience differs from that of the other groups.

The slave system effectively and deliberately broke up the family and so weakened the basic unit that was so important to later immigrant groups. The crucial difference, Mr. Young continued, is that while the Jews and the Irish and the others were able to "disappear," the Negro "couldn't wash off his color" when he sought new opportunities.

Deliberate Racial Balance

Perhaps the most controversial local issue in New York City at present concerns the bussing of school children in order to achieve better racial balance in the schools. Mr. Young found much to criticize in the argument that bussing violates the "neighborhood school concept." These neighborhoods, he

emphasized, are predominantly white neighborhoods, and "this didn't just happen . . . they worked at it." "Neighborhood schools" are a deliberate result of segregated neighborhoods, he argued, and the pattern must be broken.

"Buses are not new," he added. "The issue is whether we shall continue what is an ineffective and inefficient education for Negro children."

Growth through Diversity

Mr. Young was at his most eloquent when commenting on what an integrated society would bring. "Integration is an opportunity for white people . . . you grow through diversity." The average American should not need the crutch of white exclusiveness, he went on, and by the elimination of homogeneity, further growth will be possible.

Mr. Young reminded his audience that technology today has made the world itself a "neighborhood," one that is 75 per cent non-white. "Show me a child who today feels uncomfortable with diversity," he asked, "and I'll show you a child who is in trouble."

Strength of Conviction

He finished with a challenge. "You teach people through example, not through exhortation . . . Are you a person who stands up for what he believes in?" Mr. Young asked his listeners. He added, "This is an opportunity to show what kind of people you are."

Following Mr. Young's talk, the Reverend Charles P. Price, Preacher to Harvard University and Mr. Tom Atkins, NAACP Secretary, commented. The program, this season's second Forum, was moderated by Professor David L. Shapiro, of the Law School.

Hauser to Address ILC

Gideon Hauser, former Attorney General of Israel, will speak to the International Law Club tonight at 8 in the Harkness Meeting Room. Mr. Hauser was the prosecutor in the Eichmann trial.

Following the program, club elections will be held.

Market Contrarian Explains Techniques

By Frank W. Lloyd

"Running contrary to prevailing opinion in the stock market requires the same unwavering discipline as hard-line Goldwaterism or membership in the Communist Party," said Bradbury K. Thurlow, security analyst, speaking last Thursday on "Uses of Contrary Opinion" before the Bull and Bear Club.

Mr. Thurlow, of the firm of Winslow, Coho and Stetson, Boston and New York, and a contributor to *Forbes* magazine, attempted to rescue the image of the much-maligned market contrarian. "The process of disagreement with everything you hear about the market is healthy as a first reaction, even if you end up in agreement," he noted.

Beginning with the standard application of contrary opinion to a panic situation, Mr. Thurlow advised that the time to enter the market strongly is not at the climax of pessimism, right after the last selling wave, but after the "inevitable feeling of hopelessness

Career Conference Set

The Career Conference, sponsored by the Dormitory Council in conjunction with Harvard Law School and the Placement Office, will be held here next Wednesday, Nov. 11.

The Conference program calls for seminars and panel discussions on careers in various branches of the legal profession with the greatest possible amount of student participation. In the morning there will be a keynote speech by Mr. James B. Donovan, LL.B. '40, the lawyer who arranged the Rudolph Abel-Francis Gary Powers exchange, and a speech on corporate practice in a large metropolitan firm by Mr. Orville H. Schell Jr., LL.B. '33, a partner in the New York firm of Hughes, Hubbard, Blair & Reed. Both talks will be in the Ames courtroom.

In the early afternoon, several seminars will be held in Harkness Commons on such subjects as patent law, labor law and admiralty. These will be followed by panel discussions lasting until a reception and dinner in the evening.

ness and drift, with lack of interest and low volume, sets in."

"A good common-sense rule to remember," he said, "is that when everyone is optimistic and the stock is not going up, it is making a high; when everyone is pessimistic and it is not going down, it is making a low. Someone must be pushing on the other side from those who are doing all the talking." These large but silent investors are the masters of contrary opinion, he noted.

Bargain Hunting

Mr. Thurlow then looked at the two basic means of market analysis, the strict value approach of the security analysts and the behavioristic approach of the market technicians. "The security analyst deliberately disregards the irrational elements, in which the contrarian is most interested. Without these there would be no bargains."

On the other hand, the technician, following blind theories, may see a "break-out pattern" if a stock suddenly moves out of a long-held narrow trading range, when this is in fact a "false signal" artificially induced by large investors interested in short-term gains. "The good contrarian will do his own homework after reading both," he said.

A Rise in the Offing

In viewing other indices of market behavior, contrary opinion can be equally effective. When the sell signal on the Dow System of Signals is reached after a long bear market, this will usually call in enough stock to make a low. The contrarian will see a rise in the offing. "Read the annual reports and speeches of management," he suggested, "and then, without conceit, put yourself in their places. The intelligent stockholder can often make as good choices as company officers."

The contrarian takes the pronouncements of economists with more than a grain of salt, he noted. "All will tell you the market is impossible to predict over a long period of time, and then go ahead and try it." His

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Prof. Countryman

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According to Prof. Countryman is "probably the largest in the history of the AALS," is derived from that group of professors "whose teaching duties keep them in touch with everything the Court does."

The committee is broken down into two sections. The larger one, consisting of 31 professors throughout the country, writes the memos. A smaller special panel of 12 professors in the Washington, D.C., area (from Georgetown, Howard, George Washington, and William & Mary) will send one or two of its members to the Court on Mondays to help newsmen.

The procedure the whole committee follows entails the sending of the memos, which Prof. Countryman is hoping will be kept within a four- to six-page limit, to the Executive Director of AALS, Michael Cardozo, in Washington. His office reproduces each memo and sends copies of it to the Court's press room well in advance of decision day.

On decision day, panel members do their job of answering newsmen's questions and, if the memo fails to anticipate the decision, giving a helpful on-the-spot explanation.

Six professors at the Harvard Law School are memo-writing members of Prof. Countryman's committee.

Professor Paul A. Freund is considering the constitutionality of exceptions in the Selective Service Act for conscientious objectors.

Professor Ernest J. Brown is writing on the question of whether a state may constitutionally apply its miscegenation laws to take away the defense of common-law marriage in an adultery prosecution.

Visiting Professor Yale Kamisar has completed work on the problem of the retroactive effect of *Mapp v. Ohio*.

Visiting Professor Charles A. Wright has done a memo on two cases dealing with public accommodations under the Civil Rights Act.

On the committee, and still waiting to be called upon, are Professors Mark DeWolfe Howe and Albert M. Sacks.

Prof. Countryman reports that Chief Justice Warren has given enthusiastic backing to the new committee and has been cooperative in making the papers concerning upcoming cases available to it.

Vallat Addresses ILC

In selecting a speaker for their luncheon meeting at the Faculty Club last Thursday, the members of the International Law Club could hardly have made a happier choice, for Sir Francis Vallat, K.C.M.G., Q.C., born in France and raised in Canada, has been on the staff of the Legal Advisor of the British Foreign Office since 1945.

Vallat described his position as one not technically "political," since members of the Legal Advisor's Staff remain in office despite changes in the British government. This procedure is quite contrary to that followed in the United States, he noted, where legal advisors to the State Department are appointed by the President, and the staff therefore reflects any change in administration. Their British counterparts hardly ignore politics completely, however. While, according to Vallat, they are "often accused of being so legal we ignore the realities of a situation," the Britons do recognize the need to adapt law to meet the necessities of the times and are not "absolutely hidebound by the old rules."

Advising and Other Functions

The main function of Vallat's branch of the Foreign Office is to advise the Foreign Secretary in his execution of policy decisions (clearly not to make policy itself). This role has resulted in the Staff's having a wide range of functions; for example, Legal Advisors have intervened in such areas as Britain's position on freedom of the seas.

Aside from its advisory capacity, the Legal Advisor's Staff has three other areas of work, Vallat outlined. First, it protects individuals, companies, and the like, operating abroad. Second, staff members have posts in embassies and in international organizations, such as the United Nations. Last, many on the staff frequently act as negotiators. That is, Legal Advisors may be appointed as members of a diplomatic delegation, and, leaving the purely professional (i. e., legalistic) atmosphere of the home office, become members of "the team" for purposes of negotiating. Vallat himself served as such a team member during negotiations over Cyprus, several years ago.

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Whompers Fashion 6-0 Grid Upset

By Gary S. Brooks

Cheerleaders waved pom poms and a near-capacity crowd was on hand at Cambridge Common two Sundays ago as the Wyeth Whompers touch football squad stunned the previously undefeated Story Horned Toads 6-0. The Whompers, with a line-up of Harvard graduate and law women, scored the only touchdown of the game with ten minutes left to play, then hung on grimly to stop a final Toad surge.

Victory came on a spectacular 40-yard razzle-dazzle play. Elaine Kalenevitch, 2L, captain and quarterback, swept to her right and fired a twenty-yard pass to Karen Willner, 3L, right end, who had broken clear in the Toad secondary. The sure-handed Willner raced ten more yards before being trapped, then neatly lateraled to left-end speedster Alice Sainer, M.A.T., who streaked into the end zone for six points.

Well-coached and inspired, the Whompers were in control of the game most of the way and whipped the Toads in pass completions, first downs, and hustle. Besides their touchdown, the women threatened in the closing seconds of the first half when a series of plays moved them to the Toad 4 yard line. But their attack stalled as time ran out.

Spirited playing by the opposition visibly unnerved the Toads. A savage rush consisting of Sharon Waterstone, 2L, left guard; Jamie Figenbaum, M.Ed., center; Anita Glasco, 1L, right guard; and Arlene Silverman, 1L, right end, caused three Toad fumbles. The Whomper line, outweighed by at least thirty pounds per man, red-dogged in the finest pro fashion — limiting the Toad

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Before challenging the Wyeth Whompers, contenders should consider the following rules.

Rushing: Boys must count to 3 on passes.

Girls may rush as soon as ball is hiked.

Blocking: Boys may not.

Girls may.

Tagging: Two hands on the body (no arm tags) for boys.

Girls need only tag one hand anywhere.

Passing: Boys may throw only one forward pass and that from behind the line of scrimmage.

Girls may throw any number from anywhere.

Number: Boys 5, Girls 9.

Kicks: Boys must catch on the fly.

Girls may pick up after dropping, and run.

First Downs: Boys must score touchdown in four downs.

The field is divided into three parts; girls may make first downs upon reaching the next zone.

Referee: Gary Brooks.

Penalties: 15 yards unnecessary roughness.

15 yards bad words.

5 yards offsides.



WHOMPERS SWING INTO ACTION — As the male defenders crash through the Whomper line, halfback Anne Crotty sets for the lateral-pass-run option. Trailing her are speedster Anita Glasco and Sharon Waterstone. Dashing in the general direction of Hastings Hall on a well-planned pass pattern are, on both sides of the charging dark-shirted lineman, Cathy O'Donovan and Alice Sainer. In the close-up receiving position is plaid-trousered Jamie Figenbaum. And providing pass protection on the right are Judy Davis and Karen Willner.

Whompers Win

(Continued from page 7)

quarterback to a 25 per cent completion rate. Meanwhile, Judy Davis, 2L, safetywoman, was fearless in the secondary, intercepting one pass, knocking down three others, and often coming up quickly to make jarring tags of Toad runners. Elaine Kalenevitch led the Whompers offensively, alternately slashing off tackle and dropping back into the pocket to flip passes to swift receivers. She was admirably supported by Anne Crotty, 3L, right halfback, who worked the pass-run option play in a manner suggestive of P. Hornung. Kathy O'Donovan, Grad Law, left wingback, made the best catch of the game — a leaping snare of a 15-yard Kalenevitch aerial.

The Horned Toads, comprised of men law students from Story Hall, seemed upset by the fierce blocking and defensive tactics of the Whompers and never got a sustained attack going. Two apparent touchdowns were called back. The first one, a run-back of an intercepted pass, was nullified because the

Toad rusher was offside (clearly prejudicial error). The other, a 30-yard pass, was invalid since the Toad quarterback had stepped out of bounds before he threw.

Reached after the game, Kalenevitch stated: "No, I didn't realize pro-scouts were watching . . . Yes, we do have future plans — we may even challenge the faculty to a game. We owe it all to the hard work of our coach, Gary Brooks, who also generously volunteered to be the referee.

A Horned Toad spokesman stated: "Yes, we were playing hard . . . The officiating was extremely fair . . . We'd rather not have the names of the team members printed."

Linewoman Sharon Waterstone commented that, "It was a lot of fun though the girls were a little embarrassed to win. We just had to show we could."

Holmes Talks in March

The annual Holmes Lectures will be given on March 23, 24 and 25, and not in February, as announced erroneously in the last issue of the RECORD.

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Procedure Expert Visits from Texas

By Michael Hampden

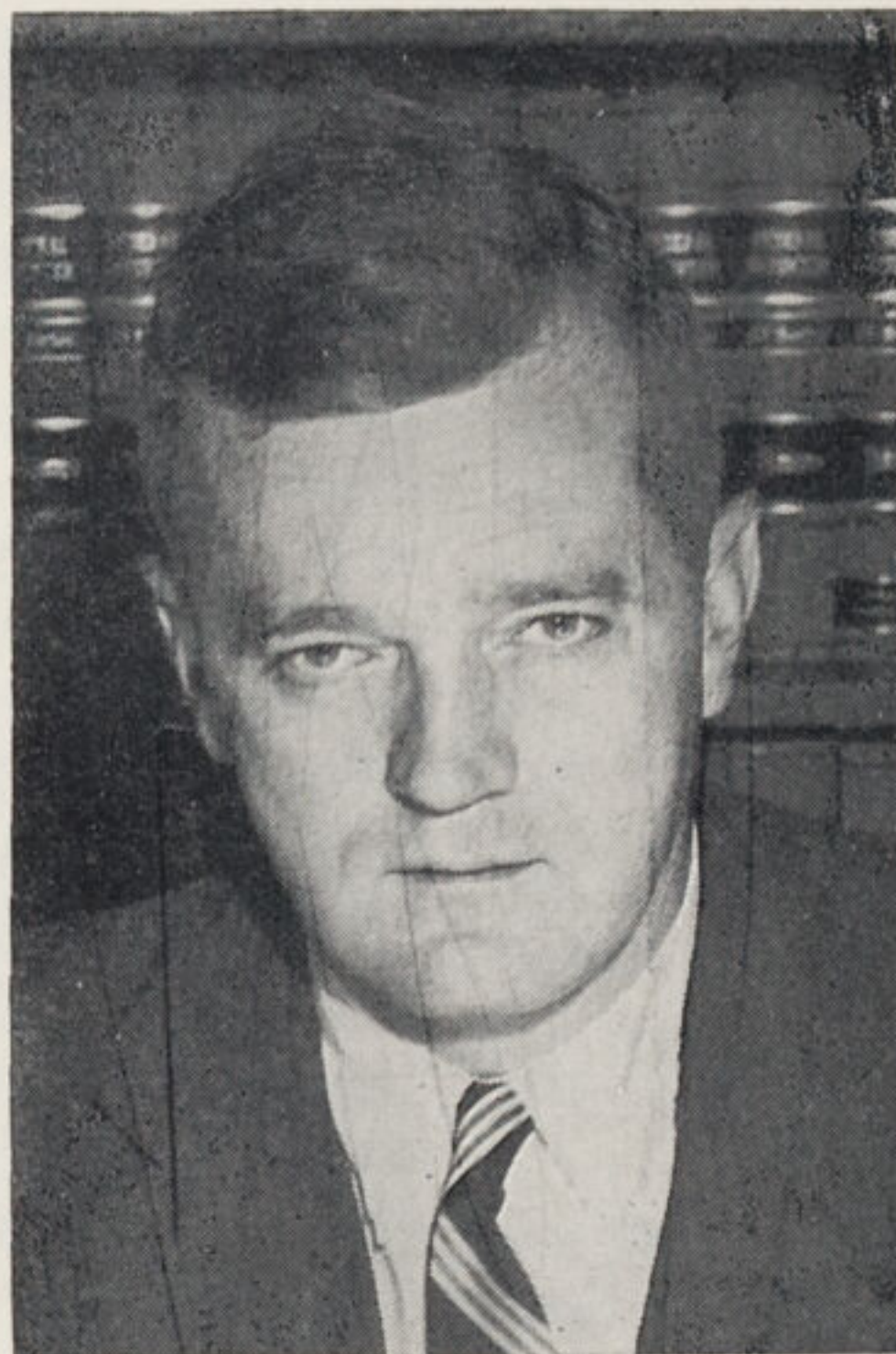
"When I began teaching, I always brought the casebook to class, as my own professors had done. Soon I realized both that I didn't really use it in class, and that I had an obligation to my students to be familiar enough with the material not to need references."

Visiting Professor Charles A. Wright's extemporaneous but strictly controlled class technique does credit to his conviction. He enters his classes empty-handed, ranges over several cases in the hour, and calling on students frequently, presents a wealth of detail from within and without the casebook, always precisely documented from memory with dates, citations and treatise sections. His classroom style lends itself both to the dramatic and to intentional anticlimax. Without books to fumble together at the end of the hour, Prof. Wright can choose his exit line by ear, and his trial lawyer's instinct rarely fails. It is not unusual for his students to look up from their notes at a pause in his presentation to find the hour over and Prof. Wright gone.

Author of Treatise

On leave from the University of Texas Law School, Prof. Wright is teaching sections in Civil Procedure and Evidence at Harvard this year. He is the author of *Cases on Remedies*; a revised edition of Barron and Holtzoff, *Federal Practice and Procedure*; *Cases on Federal Courts*, fourth edition, with the late Dean Charles T. McCormick of Texas and Professor James H. Chadbourne of Harvard; and *Wright on Federal Courts*, of which the galley proofs for the current pocket parts are stacked in his Langdell Hall office, soon to be returned to the printer.

Prof. Wright has been a member of the Advisory Committee on Civil Rules to the Judicial Conference of



Prof. Wright

the United States. Last April, Chief Justice Warren appointed him to the Standing Committee on Rules and Practice, which reviews Advisory Committee proposals to decide which to recommend to the Judicial Conference.

Prof. Wright has criticized proposals to add judges to the presently overworked Fifth Circuit, then to split the Circuit into two distinct benches. In an article in the *Texas Law Review* recently, he argued that such a measure would impair the idea built into the present arrangement of obtaining on each Circuit the personnel and viewpoints of several states. There have been reports in the press that the Judicial Conference may advocate the split. The Fifth Circuit now comprises Florida, Georgia, Alabama, Louisiana, Mississippi, the Canal Zone, and Prof. Wright's home state of Texas.

Defends Indigents

Prof. Wright is actively interested in problems arising under the criminal and civil guarantees of the Bill of Rights. He receives yearly a number of letters requesting help from persons convicted of

crimes, and never turns down a case of probable merit. One such case now on appeal to the Fifth Circuit (*Bush v. McCollum*, 231 F. Supp. 560), involves an indigent defendant's claim of right to a competent psychiatric appraisal of his sanity in a felony trial. The United States District Court (N. D. Texas), held that the defendant, previously adjudged insane, was denied a fair trial under the Sixth and Fourteenth Amendments when he was held to be sane solely on the basis of lay evidence. Prof. Wright, who is enjoying the "lovely feeling of being appellee for a change," will argue the case before the Fifth Circuit early next year.

Academic Career Extensive

Graduating *cum laude* from Wesleyan University, Prof. Wright received his LL.B. from Yale Law School in 1949. The following year he clerked for the late Judge Charles E. Clark of the Second Circuit Court of Appeals, and served as instructor at Yale. From 1950-1955 he taught at the University of Minnesota Law School, and subsequently at the University of Texas Law School, where he has been a full professor since 1958. During 1959-1960 he was Visiting Professor of Law at the University of Pennsylvania, and has done summer teaching at the law schools of the University of Michigan, the University of Colorado, the University of North Carolina and the University of Utah.

Prof. Wright has found, despite Harvard's wider reputation and higher average LSAT scores, that the level of classroom discussion here is not discernably higher than at the other schools at which he has taught. "But I am interested to see the way a law school the size of Harvard is run," he said. "The University of Texas Law School expanded 50 per cent last year, and we are beginning to encounter similar teaching and administrative problems."

At Home with LBJ

(Continued from page 1)

national interest. Thirty minutes of the hour-long unrehearsed conversation were televised and shown later in the week on NBC and CBS.

Shaul, who claims he is not committed to party politics and who is not a member of the local Young Democrats, explained that the original purpose of the meeting was to sound out the opinions of young citizens about how the campaign was going. The group was bipartisan and included one Republican and two independents. Only two were students and all were under thirty years old. There were two women and three men representing California, Indiana, Ohio, North Carolina and Pennsylvania.

The conversation with the President, which covered a variety of subjects from corruption of officials and crime in the streets to the alleged loss of freedom as a result of federal expansion, left a strong impression on Shaul. "I found the President to be a more likeable and powerful figure than I had imagined. Johnson projects a better image in person than on T.V.," Shaul said. Shaul noted that the President made every effort to give thorough answers, but he felt that this approach may not have been as effective on T.V. as it is in a personal conversation.

"Everyone left feeling greater confidence in President Johnson," Shaul remarked. "We were impressed by his hard-working, reasonable and likeable manner."

Shaul confessed that all the participants had a "wait-and-see" attitude. He explained that this feeling was based on the fact that the public does not know how President Johnson will behave when he is entirely on his own with the mandate of the people behind

him.

Particularly impressive to Shaul was the "middle-of-the-road" approach that the President expressed in his answers. "He doesn't think in terms of liberal versus conservative. He sees himself as a national mediator, not as a debating contestant," Shaul said.

When asked by Goodwin and Moyers how young people felt about the campaign, Shaul claimed that there was a general feeling of disappointment that the conservative-liberal dialogue never came off. "Everyone felt that the campaign became too personal," he said. "Both sides failed to specify its program or to educate the public. It was a campaign of 'glittering generalities.'" According to Shaul, the presidential aides claimed that most of Senator Goldwater's charges were impossible to answer without putting the President entirely on the defensive. They said it was Senator Humphrey's task to answer Sen. Goldwater's attacks.

Shaul felt that the President did give an effective answer to the Jenkins case when he was put the question by one of the participants. "He was right in maintaining that Jenkins' personal life was not a fit subject of the campaign, except insofar as it involved security risks," he said. Shaul confided that he did not think the President dealt with the Baker issue as effectively as he did with the Jenkins episode.

The Presidential aides told the group that since the campaign has been so personal and bitter, one of the major worries facing the President will be the difficulty of convincing the public to have respect again for the office.

To climax the evening for the youthful participants, the President, in the role of host, took the group on a personal tour through the White House.

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Recent Book

At Manhattan's Tip

The Wall Street Lawyer. BY Erwin O. Smigel. New York, N.Y. The Free Press of Glencoe, 1964. Pp. 369.

By Walter V. McLaughlin, Jr.

For the harried 3L in the midst of "placement rush" this book may fulfill a variety of practical roles in his consideration of the big (over 50 lawyers) law firms, which Mr. Smigel classifies generically as Wall Street Firms, irrespective of their physical location.

There are chapters dealing with the elements of character, the work habits, and even the dress which will lead to success in these firms. There is a discussion on the proper interpretation of partners' hints, and a suggestion of what places to try for a job if the hints turn out to be discouraging.

Above all the book has great practical value in its reassurance that the Harvard Law graduate can make good. Mr. Smigel provides tables showing that 71.8% of the partners in these firms graduated from Harvard, Yale and Columbia law schools. Harvard is well in the lead with 37.1% of the overall total.

Beyond this superficial level, however, the book provides material for the serious student of the legal process in particular and of

society and the forces which move it in general.

The author analyses some of the factors which make the Wall Street firms pre-eminent in the lawyer's traditional role as creator of law. He writes of their ability to do extremely thorough research, and of their division of labor which allows a lawyer to concentrate on an area and to fully think through its implications and lines of development. Of course the fact that they have clients willing and able financially to carry cases through to the United States Supreme Court, and their ability to attract the cream of the law schools, as Mr. Smigel points out, are also important extra factors.

Large and Specialized

On the more general social level, these firms can be seen as microcosms illustrating the possible impact of sheer size and concomitant work specialization on the professional and his organizations. Mr. Smigel points out that many writers, including lawyer-turned-sociologist David Riesman, have found that these factors tend to inculcate the members of the affected organization with MPD (Methodical, Prudent and Disciplined) behavior. These character-

istics in turn stifle creativity and originality.

The law firms may be atypical of such professional organizations since the very commodity they sell is independent opinion based on a lawyer's own good judgment. The book carefully details, for instance, that a young associate is expected to argue, tactfully, for his view of a case, even with a senior partner. The habit of independent thought in its students seems to be a factor in the firms' ranking of law schools.

This peculiarity may distort the picture of the typical professional reaction presented in this book, that professional organizations while perhaps conforming in dress and manners under a bureaucracy, can still maintain independence of thought. Yet other factors which Mr. Smigel discusses as contributing to this result—the outside code of ethics and sense of purpose which gives the professional a vision beyond his firm, and the fact that "professional people in bureaucratic situations seek and fight for autonomy"—are universal rather than particular factors.

The book can provide light reading for the casual layman wanting a quick view of the great legal world, or serve the lawyer in several ways. Yet, like so many sociological studies, it has a tendency to get lost in case histories and details. It is as if each interview had to be included, since the author went to all the trouble to sit and listen, or bothered to read, the source materials.

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Legal Advisor

(Continued from page 6)

Sir Francis spoke at length about the work of the International Court of Justice, located in the Hague. Noting that he has himself been "more and more impressed with the impartiality of the Court," Vallat pointed out that the Court's overall structure represents a body of lawyers experienced in international politics, all trying to apply legal knowledge to the problems which come before them. Unfortunately, the mechanics of the Court's operations have made it "a very awkward body"; if it is to gain increased support, its procedures must be improved. Such an improvement of its workability may eventually mean greater acceptance of the Court's authority by the governments of the world, Vallat concluded.

Contrarian

(Continued from page 5)

contrarian rule is: "The more respectable the economist, the more suspect his theories."

Pressed for his current contrary views, Mr. Thurlow predicted that the widespread anticipation of a strong rise on the re-election of President Johnson will prove to be ill-founded. "The suspense is gone. An event too long-awaited will produce the opposite effect of apathy." He also pointed to the current market ridicule of the Comsat stock, with profits or dividends foreseeable only in the distant future, as the perfect opportunity for the contrarian.

Future Bull and Bear Club speakers will be Edward Etherington, president of the American Stock Exchange, and Bernard Kilgore, editor of the *Wall Street Journal*.

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Journal Recounts Mississippi Summer

It was not only law students who worked for the civil rights cause this past summer. Some practicing attorneys volunteered two weeks of their time to help the Mississippi Summer Project under the auspices of the National Lawyers Guild and the Lawyers' Constitutional Defense Committee.

One such man was Charles C. Arensberg, LL.B. '38, of Pittsburgh, Pa., a trial lawyer who describes his activities in "that lush, sub-tropical and tragic country" in "Mississippi Diary — 1964."

The tone of his sojourn can best be gathered by excerpts from that diary.

July 29 — "... In the late afternoon we new lawyers went, as instructed, to the FBI and introduced ourselves to the man in charge and his assistants ... The gentlemen greeted us cordially and took our names. We were to travel in the Mississippi countryside in pairs, in rented cars with local license plates, and never at night. We were to report both our departures and arrivals at our LCDC office.

"...

"The white lawyers all feel safer in the Negro community where they eat and have their office than in the white areas.

"... it is sad to relate that there are no white lawyers in all of Mississippi who will take civil rights cases and only three Negroes. We have an office in association with two of them. This

is despite the pious statement of the Mississippi Bar Association that 'no one in Mississippi is without a lawyer ...'"

July 31 — "... at the office there were ... new problems. The COFO representative at Greenwood called to say the police had arrested two boys in Greenwood for having a temporary registration for a car purchased in Tennessee and not having applied to pay the Mississippi Use Tax within 48 hours of entering the State ... This is the kind of harassment by the State Police, who have been doubled for the invasion this summer, which goes on every day ..."

Harassment Cited

Aug. 1 — "... The feeling here is that the presence of the FBI here is a deterrent, although they can take little direct action.

"Back to the office after breakfast. The ultimate has happened in this tragic comedy. In Meridan (which incidentally has a friendly county attorney) we removed a traffic ticket case of a young COFO member to the Federal Court in Jackson. (Of course we are even removing parking ticket cases in some instances to the Federal Court, so harassing has the police action become.)

"Despite notice of the removal, the Judge held a hearing, fined the boy, and committed him to jail. The judge is of course in contempt of federal court. We are working on it. ..."

Aug. 2 — "... There is no let-up on Saturdays and neither on Sundays. There are more lawyers working today, Sunday, than I have ever seen — 13 in three small rooms ..."

Aug. 3 — "... Talked with the City Attorney [of Laurel] concerning a noll pros of Marcia Moore's vagrancy case. She's a white student at Carleton College in Minnesota working at the COFO Freedom House in Laurel. She is a charming, quiet girl and hardly a 'vagrant.' I told the City Attorney we wouldn't subject her to trial in Laurel, and I asked him in all fairness to dismiss the case. He hedged that since the papers had already printed the story, it would be hard to noll pros. We'll remove it to Federal Court. Apparently the famous Mississippi hospitality means that a visitor can be a vagrant. ..."

Aug. 4 — "Up to the Justice of the Peace Court in Canton with Harvey Klaris. Harvey is the eager young lawyer who wants an injunction today for something that is contemplated tomorrow. He says we have to get an injunction against the pamphleteering ordinance of Canton, because the students got out of jail yesterday and are going to distribute again on Sunday. I'm going to advise against it, but they're eager, young, and intransigent and will probably go ahead. Hunter Morey, their leader, will tell them, 'So they came down to

(Continued on page 14)

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Diary

(Continued from page 13)

demonstrate for civil rights, let them do it.' . . ."

Aug. 5 — ". . . Attended Police Court in Jackson, where Joe Lobenthal, introduced to court by Jess Brown, got a direct verdict in favor of a COFO worker who was picked up by the police and had one cent on him at the time. The police charged him with 'vagrancy.'

"The case before ours was a Negro who defended himself on 'resisting arrest.' They asked him if he wanted counsel or a continuance. He said no. The police testified they stopped him because he was wanted for abusive language. He called a fellow a 'white son of a ———.' Cursing, as in Texas also, is a crime in Mississippi. He testified the police beat him in the car on the way to the station. The judge asked the police if they beat him, and they said no. The judge gave the Negro six months in jail and a \$500.00 fine. . . ."

Aug. 8 — ". . . Joe Lobenthal drove 150 miles to Columbus last week to look at the public criminal record in the Circuit Court there of a boy who is allegedly serving two years in Parchman State Prison for pamphleteering. The clerk refused to show him the records (presumably because he was not a local citizen or lawyer).

"I called a lawyer in Columbus from the Martindale-Hubbell list of lawyers I had brought with me, introduced myself as a member of the LCDC from Pittsburgh, Pa., and a fellow Harvard man, and asked him if he'd take us over to the clerk and get us access to the record. After a few questions as to my class, whether I was one of 'those students from the North' (which of course I denied), he said he would. Joe and I will drive to Columbus on Monday."

Aug. 10 (Monday) — "With Joe to Columbus to see our Harvard friend and ask him to get his friend, the clerk of court, to show us the public record of a criminal

defendant.

" . . .

"He escorted us to the Court House, where the events transpired which I record on the following affidavit in preparation for a habeas corpus petition for the young man:

4. . . . in the company of Robert Stovall Jr. [LL.B '56], a citizen of Columbus, Miss., we met T. A. ('Jack') Wiggins, Clerk of the Circuit Court of Lowndes County . . .

Mr. Stovall introduced us to him as members of the bar of our respective states.

5. We requested permission of Mr. Wiggins to see the public records of the indictment trial and disposition of the case . . . so that we might determine whether the rights of the defendant under Mississippi and federal law had been duly observed.

6. Mr. Wiggins stated that he

(Continued on page 15)



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Diary

(Continued from page 14)

had previously refused permission to many others to see the records concerning Mr. Jackson, that there had been a great deal of trouble and fuss concerning the case, that the agitators from the north in the summer had been sent down here to stir up trouble and incite violence, that the civil rights workers, lawyers, and students alike had been misled as to the treatment by Mississippi of lawbreakers, and that he would not show us the records for those reasons.

8. When I questioned him as to whether he ordinarily considered the motive of persons who wished to see public records, he replied that ordinarily he did not, that this was

the first time he had ever refused permission to anyone to see any public records, but that he felt he was justified on this occasion, and that he would not show the records to us without a court order.

10. I then called Judge John D. Greene [Mr. Wiggins' superior] on the telephone . . . I said I was interested in seeing the criminal record of a defendant . . .

The Judge said: "I know the case and have talked to Mr. Wiggins about it. Jackson had a fair trial for breaking and entering, and the file was 'retired.' Jackson did not have a lawyer, but I did not think he needed one and it was in my discretion whether or not he should have one."

I asked the judge whether he would tell Mr. Wiggins to show the record to us. He replied that he would not; that he agreed with Mr. Wiggins and that he was going to stand behind him in his decision . . .

"We took our Harvard friend to lunch at the Holiday Inn. He called

himself a moderate, felt fortunate that Columbus had had so little trouble, and expressed the opinion that if the leaders of Mississippi had taken a firm stand against violence this summer, a lot of the things that had happened would not have occurred. Although he had attended 'Ole Miss' before Harvard Law School and knew who Dr. Silver was, he neither knew of the book, *The Closed Society*, nor had he read it . . . We parted with utmost cordiality and returned to Jackson . . ."

Aug. 11 — ". . . We had no strictly personal cause to complain as lawyers in Mississippi. We were generally courteously treated. Only two of our members were involved in unpleasant incidents. One law student had been chain beaten in Philadelphia; one had been pushed around by the police. But we had seen a vast and vertical cruelty and corruption directed at surely the most patient race in history, day after day. No, as we drove to the airport, I could smell no magnolias; I could feel only anger."

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Letters to the Editor

Course Termed 'Unreal'

To the Editor:

The article in the October 22nd issue of the Law School RECORD about Professor Dershowitz seems to epitomize some of the lack of reality at the law school, which as I have stated before, may be reflected in the decrease in graduates passing bar examinations on their first try.

Incidentally, if the statistics for the State of New York go up with the June Bar, with regard to Harvard, one should note that the

overall pass percentage in New York this year was inordinately high, close to 70 per cent.

With regard to Professor Dershowitz and his teaching of criminal law, one can sympathize with the evils and lack of reality in our whole criminal law system. It may well also be that the lawyer should be the motivating force in changing the approach.

It would seem that crime is more of a psychiatric problem than a legal problem, which Professor Dershowitz would seem also to understand.

On the other hand in "real life" the maudlin detail of the legalities and definitions of crimes form the basis for protecting the accused.

Until such time as our whole penalological system is changed, the law student is going to have to know his "law" as his preliminary basis for the experience to cope with existing institutions and do a lawyer's job.

One cannot deny the credentials of Professor Dershowitz' genius, but I question whether the application of his genius as apparently applied, is of any help making good lawyers out of Harvard law students.

M. Arthur Auslander, LL.B. '50

McLachlan Teaching

James A. McLachlan, Professor Emeritus of the Law School, has been appointed Visiting Professor of Law at the University of Cincinnati. In 1960 he retired after 36 years of teaching at Harvard, and has since taught at Hastings College of Law in San Francisco, and at Rutgers Law School.

Prof. McLachlan has been a member of the National Bankruptcy Conference, and has drafted amendments to the Bankruptcy Act and the Resale Price Maintenance Act. He has edited two editions of *Cases on the Federal Bankruptcy Law*, and co-edited several editions of *Cases on Creditors Rights*. In 1956, he completed a treatise on Bankruptcy. Prof. McLachlan is a 1916 graduate of the Law School.

Poet is Skeptical

My Dear Editor:

I was very much interested in the RECORD article of October 15, 1964 entitled "Grades Alone May Not Secure Clerkships" by Myer J. Sankary. So much so, that I was moved to make the following poetic observation concerning the article and its thesis:

Comment On Reading RECORD
Article That "Grades Alone
May Not Secure Clerkships"

How pleased to have that burning
insight
(Though there are some who'll look
askance, Sir);
Arise — Exult, non-genius stu-
dents!,
Grades alone are not the answer.

But, pray, don't overlook that
saving word "alone,"
Lest ye borrow needless strife;
For grades are here no more im-
portant, say,
Than good looks are in Holly-
wood,
Or money throughout life.

Arthur Stambler
LLB, 1948

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