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FIFTEEN CENTS

Conference Outlines Legal Attack on Poverty

By Joseph P. Meissner

"Do you really respect the poor? Do you want them to speak out for themselves? Or is your interest in law and poverty only a new white man's burden, a new form of imperialism?"

These words from an address by Dr. Edgar Cahn of the Office of Economic Opportunity set the theme for a three-day conference on "Law and Indigency" held last weekend at Georgetown University in Washington, D.C. More than 200 law students from some 20 schools were represented, including Harvard students Elizabeth Holtzman, 3L, Donald L. Baraf, 3L, Samuel A. Bleicher, 2L, Beatrice E. Koretsky, 2L, and Joseph P. Meissner, 2L.

The conference was sponsored by the Law Students Civil Rights Research Council, a student-organized group which last summer

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Neighborhood Aid Planned

By Michael Lowenberg

A group of Harvard law students will participate this spring in a Neighborhood Law Office Internship Program under the supervision of the Boston Legal Aid Society. The Program has been organized by a faculty committee consisting of Professors David F. Cavers, Vern Countryman, Alan M. Dershowitz, Charles M. Haar, Livingston Hall, Frank I. Michelman, Albert M. Sacks, Frank E. A. Sander, and Detlev F. Vagts.

The students will work one evening a week

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Dean Urges Canons Revision

By Murray S. Levin

Dean Erwin N. Griswold appeared before NBC television cameras last week to tape his views on the problem of guaranteeing a fair trial to criminal defendants.

The Dean's remarks will be aired on an NBC White Paper at 9:00 p.m., Tuesday, Feb. 9. The Lee Harvey Oswald incidents of the fall of 1963 will provide a dramatic take-off for the program. Dean Griswold has said that by Nov. 24 Oswald "could not have obtained a fair trial any place in the United States."

The threat to the citizen's right to a fair trial comes in part from the activities of the

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Dean Griswold

Williston Sherry Hour Set

Changes in this year's qualifying round of the Williston Competition will be discussed by Lawrence Browne, chairman of the Williston Committee, at a Sherry Hour, Friday, Feb. 5, at 5 p.m. in the Harkness Meeting Room.

In a letter to second-year students, Browne encouraged those who are interested in participating in the competition to attend the meeting to hear Professor Robert Braucher, a draftsman of the Uniform Commercial Code, who will speak on problems of drafting. Other members of the faculty are also expected to attend.

Browne indicated that he will explain several improvements in the selection of judges, the judging process, the rules of the competition, and plans to increase personal contact between the students and the attorney-judges.

Noting the importance of the competition, Browne said, "Drafting is an unfamiliar subject to most second-year men, and yet the drafting of documents takes up a great deal of the practicing lawyer's working time. The Williston Competition is the only chance most students are likely to have to develop the skills necessary for good drafting."

Registration for the qualifying round began Tuesday and will continue through Monday, Feb. 15.

William Bertusi, 1L, Is Dead

William P. Bertusi, 1L, of 1352 Bucklin Ave., LaSalle, Ill., was discovered dead in his room in Hastings Hall on Monday, Jan. 4, after his return to school from Christmas vacation a day earlier.

Dr. Leo J. Cass, Physician to the Law School, reported that an overdose of a rapid-action barbiturate was the cause of death. An autopsy was performed under the direction of Dr. David C. Dow, Medical Examiner for the City of Cambridge. Though his report stated that the death was suicidal, other medical authorities and friends saw no evidence that Bertusi had taken his life intentionally.

The Rev. Joseph Collins, a Chaplain of Harvard College, held mass in Bertusi's honor in Hastings Hall later in the week.

Neighborhood Offices

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or part of Saturday in law offices to be established shortly in South Boston, Roxbury, Charlestown, and the South End, assisting attorneys in the Boston Legal Aid Society. The participating students will attend both a special training program conducted for them by the Boston Legal Aid Society and a weekly colloquium with members of the faculty committee.

According to Prof. Sander, the faculty committee sees the Program not only as an important community service but also as a "highly experimental" project which is "designed to explore to what extent clinical experience can supplement the formal Law School program." He expressed the hope that a full-year program, to begin next fall, might grow out of this spring's experience.

Prof. Sander said that the Colloquium "will explore some of the problems raised" by the office work, such as building-code enforcement, consumer credit, and other areas of the law that are of concern to those seeking legal assistance. The faculty-student group will also consider the administrative and procedural problems involved in these matters and the need for reform.

Funds for the project were made available to the Boston Legal Aid Society by the Action for Boston Community Development, Inc., (ABCD). Operating with grants from the Ford Foundation and other sources, ABCD contracts with community organizations in the Boston area to provide a wide variety of needed social services.

The National Defender Project of the National Legal Aid and Defender Association announced this week another grant to ABCD. This fund of \$320,000 will be used to provide for the defense of indigent accused persons in Suffolk County. In particular, ABCD will give support to the criminal defense efforts of the Massachusetts Defenders Committee and of four law schools in the Boston area—Harvard, Boston University, Suffolk University, and Portia. ABCD will employ six members of the Harvard Voluntary Defenders in a full-time capacity this summer.

Profession Blamed For Pre-Trial Prejudice

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mass news media. Newspapers, radio, and television are giving more comprehensive coverage to major criminal trials. The resultant publicity, Dean Griswold finds, is "wholly inconsistent with the basic objective of a trial — the meticulous and dispassionate ascertainment of the truth."

'An Absolute Prohibition'

But perhaps the communications media are not to be criticized for "championing the public's right to know," — for observing and recording. It is, after all, the lawyers who must guard the right to a fair trial in our society. Dean Griswold has urged the ABA to amend the Canons of Professional Ethics "to include an absolute prohibition on the release by any lawyer, . . . of any material relating to the trial, either before the trial or while the trial is going on." The Dean's remarks appeared in the January issue of *Harvard Today*.

The conduct of law enforcement officers, who are generally not members of the bar, presents another problem. Dean Griswold argued that the rule-making and contempt powers of the courts should be brought to bear to prevent the release of "any sort of information about a person charged with crime, other than his identity and the nature of the charge." Law enforcement officers must refrain from making public statements and releasing evidence about a pending criminal case: "an absolute prohibition, without exception, is called for."

The Dean said that the Supreme Court of the United States has authority to formulate and adopt rules regulating the release of information by lawyers and law enforcement

officers in connection with persons charged with federal offenses. Such a move, the Dean suggested, would be "a great step forward."

On the evening of the NBC telecast, Dean Griswold will be arriving in Jackson, Miss. where, as a member of the Civil Rights Commission, he will help conduct investigatory hearings on alleged irregularities in voter registration proceedings. The early part of the ten-day investigation will be conducted in executive session to give persons subpoenaed an opportunity to escape public exposure.

Dean Griswold has served on the Civil Rights Commission for four years. He believes that its work touches on "the great and fundamental issue of our time. Though civil rights is essentially a moral and not a legal problem," Dean Griswold is convinced that the law can make an important contribution to its solution.

Austin's Pink Pachyderm



"I never saw a purple cow . . ." but I surely thought I was seeing things of a nonindigenous variety when I spied a pink elephant loose (but not stampeding) in the vicinity of Austin Hall during the throes of exam week. It turned out to be neither a mirage of my exam-emptied mind nor a fiendish hypothetical devised by a power-mad practice-examiner; I inferred it was real when it playfully knocked me over (on the ice) with its trunk.

Post to Portray Soviet Justice

Photographs by Murray S. Levin, 1L, will appear in the Feb. 13 issue of *The Saturday Evening Post* in a story about the ways of Soviet justice.

Subject of the photographs is Levin's friend, Peter Landerman, who is currently serving a three-year jail sentence as the result of an automobile accident during their summer 1963 trip to the U.S.S.R.

Law and Indigency

(Continued from page 1)

provided civil-rights internships both in the North and the South for law students. The weekend meeting was an expression of the Council's growing realization that to a great extent civil rights is part of the much larger problem of poverty.

Our society, according to Dr. Cahn, has made it a crime to be poor. This is most easily seen in criminal prosecutions in which indigent defendants too often have not secured adequate legal help. But more serious are the other sanctions of society for being poor, such as bad schools, worse housing, and lack of job opportunities, Dr. Cahn argued.

The challenge to the legal profession was made clear to the conference participants. "Can the common law," asked the Honorable Simon E. Sobeloff, retired Chief Judge of the Fourth Circuit Court of Appeals, "adapt itself anew? Will a new breed of lawyers emerge who will use law as an instrument of orderly social change?"

It would be unfair to say that existing groups within the legal community have failed to do anything about the problem. The speakers stressed that good work has been done by legal aid societies and voluntary defender programs throughout the country in providing the indigent with legal help. Such groups, however, according to Mrs. Jean Cahn, formerly with the New Haven Project, are often viewed by the poor as part of that "composite man downtown who so often in the past has taken advantage of them."

The consensus of the conference was that the Legal Aid Societies would be brought

closer to the people by the development of a program of neighborhood law clinics. These would be located in impoverished areas throughout a city to provide legal aid — civil and criminal, corrective and preventive — to the indigent. Employing an integrated approach of legal, social and psychiatric assistance, they would attempt to bring about Judge Sobeloff's "orderly social change." Their goal would be more than merely to help *this* client in *this* case, but rather to aid and correct the situation as a whole.

Most important of all, these neighborhood law clinics would seek to inform indigent families of their legal and civil rights, to bring about a broader enfranchisement of all groups within society, and to help the poor gain confidence in their ability to speak out on their own behalf. If such a program is to succeed, conference speakers pointed out, it would need the support of the entire legal community — the universities, the bar associations, lawyers, and law students.

Professor Howard Sacks, a faculty member of Northwestern University Law School, gave concrete suggestions as to how law students can help. They can seek out existing groups, such as legal practitioners in poor neighborhoods, legal aid and defender societies, and civil rights organizations, to offer their services as legal researchers. Within the law school, students can urge that courses be offered in these areas. They can write research papers on topics connected with law and indigency. Of the highest importance, Prof. Sacks maintained, was the necessity that students regard law not only as a resolver of private conflicts but as an instrument for the orderly achievement of a radical reconstruction of American society.

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'Election '64': A Major Ripon Manifesto

By Theodore S. Curtis, Jr.

The Ripon Society, a Republican research and policy group of "Ivy League intellectuals" according to *Newsweek* magazine, has published another political report and again has created a stir in the decimated ranks of the Republican Party.

Edited by Thomas E. Petri, 3L, *Election '64* is an analysis of the issues of the election, a state-by-state summary of GOP fortunes and a twelve-point program of "specific first steps" for Republican recovery.

Barry Goldwater, at the Chicago meeting of the GOP National Committee, one week after *Election '64* was published, stated that "The Ripon Society is a group no responsible Republican understands . . . [it] is a little more secret than the John Birch Society." Outgoing Chairman Dean Burch quipped that the amount of weight which should be accorded the 124-page critical report was "about six ounces."

Other leaders of the GOP, however, took Ripon's warnings and recommendations less lightly. One National Committeeman, closely affiliated with a potential Presidential aspirant, suggested that *Election '64* should be distributed to every County Chairman in the country. The most widely quoted speech of the Chicago meeting was Senator Thruston B. Morton's ten-point proposal which was strikingly similar to the 12 suggestions of Ripon.

Sen. Morton stressed the necessity to "build a two-party system in the South. But we are not going to do it by being racist in our approach." *Election '64* commented that "... this was the unhappy year in which the Party of Lincoln clasped to its bosom a racist Democrat from South Carolina and refused even a respectful hearing to the Republican Governor of New York state."

In its recommendations, the Ripon Society called for a reversal of the southern strategy of 1964 and a formal apology to Dr. Martin Luther King for efforts attributed to an employee of the National Committee to induce Negro voters to waste their votes by writing in Dr. King's name for President.

The Society pointed out that "only by championing the cause of civil rights can

[the GOP] make real and permanent gains in the South and retain strength in the North." *Election '64* urges Republican Negro voter-registration drives and "national Party pressure [to] assure that all State Party machinery and elections are administered on a completely open and non-discriminatory basis."

"The restraint of the Negro community in the face of the Goldwater campaign is one of the remarkable stories of the 1964 campaign," Ripon argued. "Rather than picket or demonstrate against the Senator, the civil rights movement was notable in its almost complete boycott of public Goldwater functions. Instead, the Negroes of America waited in long, silent lines on November 3d to register one of the greatest protest-votes ever recorded."

Unequivocal disassociation of the GOP from irrational and irresponsible extremist elements, more representative national Party bodies, a re-examination and updating of the Bliss "Big City" Report of 1962, efforts to recruit "qualified, vigorous, articulate, and

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Squash Evenings Added

The University's Department of Athletics has attempted to meet law- and graduate-student requests for more squash-playing time by opening the Hemenway Gymnasium courts from 7-9 p.m. during the intramural basketball season. The response so far, however, has not been encouraging.

Mr. Frank Vaughn, superintendent of Harvard's indoor athletic facilities, noted that the new hours went into effect on Jan. 4, with notices displayed in the gymnasium, but that in three weeks of operation the courts had only been used at one-sixteenth of their capacity during those hours. The experiment will be continued Monday through Thursday until Feb. 25, the final day of intramural basketball, and will be instituted again next year if student interest warrants it.

Courts may be reserved in the same manner as for daytime hours, by signing at the entrance-desk in Hemenway.

'Election '64'

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moderate candidates" for 67 Congressional seats that could be won in 1966, and a national policy conference as suggested by Massachusetts Attorney General Edward W. Brooke and the Republican Governors were among the other recommendations of Ripon. In suggesting a national policy conference the Society noted the almost total repudiation of the Republican Party by the academic and intellectual community as a result of the 1964 campaign.

The Society directed its closing remarks to younger voters who it believes were alienated by the 1964 campaign:

"... today no man and no Party carries the torch of our generation. This is the great tragedy of American politics — all too easily overlooked in the excitement of the 1964 election. And it is the great opportunity of a new Republican Party."

Ripon operates on a shoe-string budget — it lacks both an office and a secretary — but the group, which includes over 25 Harvard Law students, has plans for future publications.

Several other groups, modeled after Ripon, have been formed to foster an interest in, and acceptance of, ideas in the GOP. They include the California Republican Forum, led by Melvin H. Bernstein, LL.B. '59, and the Trumbull Society, centered at Columbia Law School.

Holmespun Humor Collected

When Mr. Justice Shiras resigned, Roosevelt appointed in his place William R. Day of Ohio, a wisp of a man. His son, a former football player and a six-footer, once argued a case before his father and the others of the Court. Mr. Justice Holmes surveyed the upstanding dimensions of this offshoot of his associate and passed a pencilled note along the bench: "He is a block off the old chip."

This is one from a collection of Justice Holmes anecdotes which will soon be put in book form by Edward J. Bander, formerly Assistant Reference Librarian at the Harvard Law School, and now of the New York University School of Law Library.

The anecdotes are currently being published in three installments by the Villanova Law Review. Mr. Bander there states that "It would be a simple matter to dismiss these anecdotes as an expendable by-product of a singular figure in American law. Often, however, they tell as much about the source as the object. And, oddly, not all the anecdotes leave the good Justice a victorious knight in shining armor; to put it epigrammatically, . . . he often proved the point that those who choose to live by the word, stand to perish by the word."

The collection is to be published by the Michie Company, publishers of Mr. Bander's 1964 title, *Mr. Dooley on the Choice of Law*.

TAX MANAGEMENT

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For further details, interested students should apply by writing or calling Leonard L. Silverstein, Silverstein and Mullens, 1000 Bender Building, 1120 Connecticut Avenue, Washington, D. C., Telephone, code 202, FEderal 3-9250. Applications after February 15, 1965 will not be considered.

Tony Hope, 3L, Tours Far-East Bases

By Paul M. Branzburg

During Christmas recess, Anthony J. Hope, 3L, accompanied his father Bob Hope and a troupe of entertainers on a 25,000-mile tour of American military bases in the South Pacific and the Far East. The cast included Janis Paige, Anna Maria Alberghetti, Anita Bryant, Jerry Colonna, John Bubbles, "Miss World" of 1964, the Les Brown Band, and Jill St. John.

Tony worked primarily with the technicians in setting up the equipment prior to each show and then dismantling and packing it for the flight to the next show site.

The journey began in Los Angeles on Dec. 15 on board an Air Force KC-135. Bob Hope declared, "We've got our identity cards in case we have to surrender." Nine hours later the group stopped on Wake Island for refueling and a quick show, and Tony managed to get in a swim with Jill St. John. After three hours on Wake they flew on to snow-covered Korea.

In Seoul Bob Hope told the troops: "I had the greatest experience today. Some kid tried to sell me *my* CARE package."

To the First Cavalry at snow-swept Osan he complained: "I don't know how close we are to the enemy, but when I send out my laundry it comes back with a fortune cookie in it."

After three days and six shows in Korea the company flew to Okinawa for a single show and then it was off to Bangkok, Thailand.

"The Thais are very friendly, although they seem to have a prop smile," Tony commented. "At first this causes you to distrust them, but then you realize that the smile is a national custom and not a fraud."

Thai King a Cantab

On the first night in Thailand, Bob Hope's group entertained the King and Queen. The King, who was born in Cambridge, Massachusetts, while his father was a student at Harvard, played his alto-saxophone with members of the Les Brown Band.

In his shows before American troops stationed in Thailand, Bob Hope observed that "Over here Suzie Wong is not a movie—it's a way of life!"

The comedian introduced Ann Sidney,



Anthony J. Hope

"Miss World" of 1964. When the soldiers whistled, Hope beamed, "Do I know how to pack or not? Don't you wish the world was in this shape?" Tony then appeared on stage with a press camera and dressed in an infantryman's uniform. He announced that he wanted to take a photograph of Hope and Miss World for the camp newspaper. Tony then said, "Now Miss World, if you'll come with me to the darkroom I'll give you a print."

After two and a half days in Thailand, the entertainers flew to Saigon where they spent Christmas Eve. The next day they helicoptered to Bien Hoa where, one week before, the Viet Cong had destroyed American B-57 bombers with mortar fire. On the morning they arrived in Bien Hoa, six Viet Cong were caught setting up a Duesse mortar to bomb the audience.

The shows in Vietnam may well have been the best of the lot. At Bien Hoa Bob Hope walked on stage and shouted "Hello advisers!" and he received a deafening roar of laughter.

"I asked Secretary McNamara if I could come here," he explained. "He said: 'Why not? We've tried everything else.'"

At Bien Hoa Tony saw a B-57 wreckage on the airstrip and decided to take a piece of it home as a souvenir. He headed across a muddy field toward the wreckage when an

(Continued on page 10)

Ethics by Osmosis

Dean Griswold has recently advocated in strong terms a revision of the Canons of Professional and Judicial Ethics to absolutely prohibit lawyers, judges, district attorneys and enforcement officials from making any public statement concerning a pending or current criminal proceeding.

The Dean's proposal implies a recognition that ethical standards are an inherent element of the legal profession, as does the existence of the Canons themselves. It is lamentable, however, that this recognition is, at the Harvard Law School, virtually extracurricular. Vice Dean Toepfer recently explained the administration's policy: Harvard Law students graduate with an appreciation of professional ethics after exposure to 1) Dean Griswold's welcoming speech to first-year students, 2) group-work study of a problem in professional responsibility, 3) the exemplary attitude of faculty members in their respective substantive and procedural courses, and 4) the elective course in The Legal Profession (present enrollment: 18). Dean Toepfer further expressed the administration's fear that requiring a student to think about honesty and integrity in his professional conduct also leads him to think about dishonesty and improbity.

The effectiveness of the administration's "osmosis" approach to instruction in the standards of the profession is extremely doubtful. Leaving the student to chance encounters with the ethical problems he will be facing as a practitioner (if he recognizes them at all), amounts to a concession that this field is less an integral aspect of the legal profession than are, say, contracts, torts, taxation, or even accounting or legal history, all of which are required disciplines at the Law School. Any given professional decision involving an ethical judgment is a highly personal one. But there must be a social obligation to at least be aware of, and think about, the circumstances in which these judgments arise. It is generally acknowledged that purely legal knowledge and techniques are better understood by the lawyer in actual practice, after he has left the detached and rarefied atmosphere of the university. But ethical problems can best be appreciated for what they are before they are met in practice, when their very recognition is not likely to be blurred by self-interest.

Deficiencies, ambiguities and direct contradictions abound within the ABA canons themselves. They are reflections of the uncertain level of the bar's professional standards. American critics, including Dean Griswold, have compared our practices unfavorably, point by point, with those of the British. How much of our admittedly inadequate posture can be laid to inadequate thought given to ethical problems by leaders of the bar who had no systematic exposure to them in their professional training?

There may be an unsavory ring to "a required course in professional ethics," but it is not without precedent—about 65 percent of the nation's law schools have one. (The Universities of Michigan, Texas and Virginia do; Yale, Columbia and Harvard do not.) Professor Countryman has remarked on the success of the required, but uncredited and ungraded course at the University of New Mexico, where classes are relatively small and continual absences are bound to be noticed. Such a plan may not be feasible at Harvard. If not, the administration should consider seriously the possibility that a required course in The Legal Profession is the only way, not to "teach ethics," but to require students to think about the recurring problems of professional conduct in which ethical judgments must be made.

TONGUE 'N CHEEK

By Fenno

It was exam week and I was busy translating the Latin phrases bordering the library into Old French when a friend from Harvard College came by for a coffee break.

From behind 6 Am. Jur. he withdrew an immersion coil, two cups and some instant coffee.

"Why don't we go to Harkness?" I asked.

"This saves time and besides, I prefer to socialize in a more academic atmosphere," he replied.

Noticing that the boiling water was irritating two Lesley girls in study at a nearby table, I whispered, "What do you do with the dirty dishes?"

"Well, we throw the silverware down a metal ramp at the reserve desk," he explained.

"Doesn't that bother people?"

"We wait until the librarian's phone rings," he said.

"You look calm for someone in the middle of law exams," my friend said, drawing two doughnuts out of his green bookbag.

"Why shouldn't I be calm? I only have four exams and this year I have the whole week off to take them. What really keeps me going is the thought of the Sunday off between exams and the second term. Are you worried about your finals?"

"Yes," he said collegiately, "since classes ended I've had six weeks of vacation and reading period and I have one exam."

"What's so worrisome about that?" I asked.

"I ran out of things to study after two days and I've spent the rest of the time figuring out what I'm supposed to do during reading period," he said.

"Well, you'll have intersession to recover," I said.

"But we only get 10 days off," he said tragically.

I sympathized with him and then returned to thinking how happiness is planning to be unprepared the Monday after exams.

Letters to the Editor

Supreme Court Held To Support HUAC

To the Editor:

It seems worth pointing out that the bald allegation of the petition to abolish the House Committee on Un-American Activities excerpted in the Harvard Law Record for Dec. 10, 1964, that "the Committee on Un-American Activities serves no useful purpose," is somewhat at odds with the opinion of the Supreme Court. Upon an extensive review of the legislative findings with respect to world Communism which were the explicit basis of the Subversive Activities Control Act of 1950 and other anti-communist legislation (see 50 U.S.C. sec. 781 et seq.), Mr. Justice Frankfurter for the Court in *Communist Party v. Subversive Activities Control Board*, 367 U.S. 1 (1961), concluded: "[These legislative findings] are the product of extensive investigation by Committees of Congress over more than a decade and a half.³⁷ We certainly cannot dismiss them as unfounded or irrational imaginings." [367 U.S. 1, 94-95.] In supporting footnote 37, the Court cited some 14 Committee reports on the subject of Communism, its nature and how to deal with it; nearly all of these reports were by the House Committee on Un-American Activities. Even so virile a free speech-ite as Mr. Justice Douglas, dissenting in the same case, noted "Those

findings [that, as Justice Douglas put it, the Communist Party of the United States is 'a disciplined organization' operating in this nation 'under Soviet control' to install 'a Soviet style dictatorship in the United States'] are based, I think, on facts; and I would

Professor Vern Countryman, a signatory to the petition, replies to these letters on page 15.

not disturb them." (67 U.S. 1, 169.)

The important fact-finding and legislative functions of the Committee, adverted to by both justices, are reflected in the very substantial quantity of its published materials. During the years 1945-1960, the Committee issued more than 475 publications, including verbatim transcripts of

public hearings, selected executive hearings, reports resulting from its hearings and investigations, consultations with experts on Communist subversion, and compilations of legislative recommendations. So far as legislative proposals and the oft-repeated charge that the Committee sponsors no concrete legislation are concerned, the record, as developed by Mr. N. Crocker (of the San Francisco Bar, special student H.L.S. 1926-1927) and as the Legislative Reference Bureau of the Library of Congress will corroborate, shows that between 1941 and 1960 the House Committee on Un-American Activities made 129 legislative recommendations to Congress. Thirty-five of these recommendations were passed by both houses and today are the law of the land. [See Crocker, "HUAC

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Harvard Law Record

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Tony Hope

(Continued from page 7)

armed M.P. some distance away ordered him to halt. Tony asked, "What's the matter? Is this a restricted area?" The guard answered, "No, you're walking in a mine field." Tony then retraced his steps "very, very carefully." Eventually he secured a piece of B-57 which is now in his home in North Hollywood, California.

In Vietnam there was always the possibility of injury even though the entertainers had tight security. One day Tony walked out of the Hotel Caravelle in Saigon just as the nearby Brink Officer's Quarters was blown up with a 200-pound bomb that the Viet Cong had driven into the Brink garage. "It was a hell of a blast — really terrific!" Tony recalls. "All of the windows in the buildings around Brink were shattered and trucks outside the building were overturned."

Hazards of the Trip

Later, on a trip down to Vinh Long, an airbase in the Mekong Delta, Tony insists he saw a bullet rip into the plane's wing.

On arrival, Hope cracked: "This is a very democratic country. Everybody gets to be President."

In Vietnam there were shows at Pleiku and Nha Trang, nights when mortar star shells kept the sky continually ablaze, camps without running water, and times when soda was used for brushing teeth.

Finally the troupe left to entertain the servicemen in the Philippines and Guam. When Tony reached Los Angeles, he needed two days of sleep to recover. He now thinks that "the greatest thing about this trip was getting back into an American airliner with stewardesses and good food."

This was the seventh time Tony Hope has accompanied his father on his Christmas tour of American overseas service bases. The

(Continued on page 16)

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Recent Book

A Fitting Tribute to Professor Scott

Perspectives of Law, Essays for Austin Wakeman Scott. Edited by Roscoe Pound, Erwin N. Griswold, and Arthur E. Sutherland. Boston: Little, Brown and Co., 1964. Pp. 386. Illus. \$10.

By Thomas E. Woodhouse

None of us, students who are now attending classes at the Law School, has had the privilege of studying trusts in a class conducted by Professor Austin W. Scott. But we could hardly fail to be aware of his presence here. Sometimes he is suddenly encountered in Langdell, ready to put in a day's work in his office or leaving at the end of it. At other times, it is at the desk in the library, waiting for someone to come out of the back room and bring us the index to Scott on Trusts, that we are reminded of his presence somewhere in the building. If we have been alert, we have seen the announcement of the annual Coffee Hour presentation of the Traditions of the Law School, recounted by Prof. Scott in a wealth of personal anecdotes involving the famous names which make up our history. And we realize that this sly, quick, very kind man is himself one of those famous names.

Prof. Scott's history began its concurrency with that of the Law School in 1906, when he enrolled

as a student. He attributes that decision, following closely upon his graduation from Rutgers with a major in mathematics, to the delight he had experienced in reading Blackstone's *Commentaries*. After graduation in 1909, he spent a year commuting by train between New York, where he worked for the law firm which Justice Felix Frankfurter had also joined, and Cambridge, where he taught Dean James Barr Ames' courses in equity and pleading. On May 9, 1910, he was appointed Assistant Professor of Law at the Law School, and simultaneously Dean Roscoe Pound was appointed Story Professor of Law. That day proved to be an auspicious one for the Law School, for Prof. Scott remained to teach for 51 years, and Dean Pound continued his association with the Law School until he died last year.

Essays Do Not Eulogize

This book of essays dedicated to Prof. Scott is the achievement of an idea put forward by Dean Pound. The contributors were contacted by Dean Pound, and their selection was his. The work involved in preparing a book for publication was attended to by Professor Arthur E. Sutherland. Although it commences with a letter to Prof. Scott from Justice Frankfurter, a dedicatory preface

by Dean Erwin N. Griswold, and a delightful autobiographical letter sent by Prof. Scott to Professor W. Barton Leach, this work is not a collection of eulogistic or commendatory essays directly relating to Prof. Scott's very productive law career. Rather, it is what in library parlance is termed a *Festschrift*, a collection of scholarly essays which each contributor writes on a matter in his field of competence, and dedicates to the subject in whose honor they are written. Thus, in the midst of 17 articles directed to different areas of the law, Prof. Scott is mentioned by name, otherwise than as the author of references, only a few times. Professor David F. Cavers introduces a problem at the end of his essay on oral contracts to provide by will, and surmises that its resolution "calls for the lawyerly skill and innovating imagination of another Austin Wakefield Scott." Dean Ronald Graveson very diplomatically concludes, "May we hope that Professor Scott, applying a well-known precept of his subject, will look on those things as done that ought to have been done, and excuse the inadequacy of this sincere tribute to his greatness." Professor William G. Rice deviates from this form, and in a footnote

(Continued on page 12)

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Prof. Scott

(Continued from page 11)

writes his own dedication.

The contributors to this collection were all chosen because they were admiring former students or associates of Prof. Scott. Dean Pound himself contributed an article on sovereign immunity, and the Law School is further represented by Professor Robert Braucher as well as Profs. Sutherland, Cavers and Leach. In his preface, Dean Griswold asserts that "this foreword is no threnody." Neither is the book. It is the work of legal scholars, united in their admiration for another very distinguished legal scholar.

Events of Note at the Law School

Professor Robert Braucher will speak to the Republican Club on Tuesday, Feb. 9, at 1:30 p.m. in the Wheeler Room of Holmes Hall.

* * *

Marvin Kratter, President and Chairman of the Board of the Kratter Corporation, will address the members of the Bull and Bear Club Feb. 10. Speaking in the Harkness Meeting Room at 1:45 p.m., Mr. Kratter's topic will be "Outlook For the Real Estate Industry."

* * *

On Feb. 10, Professor Robert E.

Keeton will hold a seminar for members and guests of the Harvard Law Wives. Titled "Liabilities in Manufacturing," the seminar will meet at 8 p.m. in the Harkness Meeting Room.

* * *

Governor George Romney of Michigan will speak on Friday, Feb. 12 (Lincoln's Birthday), at 4 p.m. in Langdell North Middle. Sponsor is the Law Graduate Republican Club.

* * *

The annual Holmes Lectures will be given this year by Professor L. C. B. Gower of the London School of Economics. They will be held Mar. 23, 24 and 25.



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Letters to the Editor

(Continued from page 9)

and Legislation" in Buckley, ed., *The Committee and Its Critics* (Putnam, N. Y. 1926).]

For all that the petitioners' statement that the Committee "serves no useful purpose" is inspired by high principles about democracy, we must, in my opinion, recognize that the petitioners' word "useful" is freighted with an argument for a less rigorous anti-communist legislative program.

Very truly yours,

Robert T. Jones, LL.B. '63

HUAC Dangers Seen as Overrated

To the Editor:

It cannot be news that some H.L.S. professors wish the House Un-American Activities Committee were abolished, but perhaps it is when they go to the trouble of drafting a petition to that effect. The attacks directed toward HUAC strike this reader as like those which organized labor levels at the Taft-Hartley Act. The vilified object just doesn't seem to measure up to the evil image ascribed to it by those pointing with horror and alarm. No one seems to have been enslaved by the "Slave Labor" law and similarly, some of those cited in the *Record* as petition signers are well-known for their uninhibited public commentaries on many of the topics in current controversy.

Supposedly, HUAC was as its worst during the wicked McCarthy era (or "reign of terror" period as Lord Russell characterized it). The *Record* seems to acknowledge this in its editorial echoing the sentiments of the petitioners. Why then all the sustained pressure to curb or abolish the Committee? Evidently the use of the subpoena coupled with 'exposure for exposure's sake' activities are at the root of the unhappiness with HUAC. But HUAC isn't doing anything qualitatively different

from what the Bobby Baker Committee is supposed to be doing, and a lot of people wish there was more exposure for exposure's sake going on there (such persons not necessarily being enemies of our democratic institutions).

If it is objected that probing motives for the utterance of ideas is worse than probing to see if influence peddling is corrupting legislative processes or the granting of government contracts, the answer must be that both are permissible within reasonable bounds. Why isn't it a contradiction to assert HUAC's power "... is directed exclusively against the rights of Americans to free and open expression ..." (emphasis supplied) and then complain that summoned witnesses are subjected to public exposure? If they have been openly expressing themselves, what is there to expose? The hard fact, which I think has not been given sufficient recognition and weight, is that worthy ideas and ideals are knowingly put to discreditable uses by persons and groups who intend the destruction of fundamental rights Americans traditionally have regarded as identical with freedom. We live in a world where a kind of Gresham's Law of Ideas operates. Justice Holmes was optimistic when he thought truth would win out in the market place — unless the view is accepted that whatever wins out is truth. So our libraries abroad are burned by

mobs who think we are the enemies of freedom while at home the cry is heard that book-burners and witch-hunters abound. With real book-burners active, supposedly critics at home could tell the difference.

If communist and fascist-like philosophies have fervent adherents who accept a duty to lie and otherwise abuse freedom to gain their ends, is it wrong to try to find out who they are — not to quiet them, but because the validity of what they say must be judged in the context of the anti-democratic creed they espouse? Truth can be used in such ways that it becomes a kind of lie. The law of libel recognizes this and may punish truth with bad motives. It is not unknown for the public interest to require proper labeling where prohibition is neither permitted nor desired. The realistic view of this world makes that power apply as validly to a propaganda pamphlet as to canned tomatoes.

HUAC has existed for about 20 years and ideas and expression are surely as free now as they have ever been. As for the petitioners' proposal that HUAC files be sealed for 50 years, doubtless much of the same kind of data is contained in F.B.I. files, but any urging of a similar fate for the latter comes *sub-silentio* from the abolitionists. HUAC activities are a lot more visible than many

(Continued on page 15)

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Students Detail Exam-Week Diversion

A number of Harvard Law students who found time, and knew the right people, journeyed to Washington for the inauguration of President Johnson.

Dale G. Higer, 2L, spent much of Inauguration Day helping Mrs. Frank Church, wife of the Idaho senator, deliver some 30,000 favors to the sites of the five inaugural balls. Higer had expected to be escorting Mrs. Church to all the balls, but when she decided to stay at only one he took the VIP ticket

she handed him and made the round of three balls.

Higer, a national committeeman of the Young Democrats from Idaho, said he met Mrs. Church during the Democratic Convention in Atlantic City this summer. There he "troubleshoot" for her Women Doers Committee, among other things arranging for Carol Channing's exit from a women's event.

Higer happened to come back on a dignitaries' flight (Sen.

Edward M. Kennedy, Gov. John A. Volpe) and arrived Thursday morning in time to take his Legal Process exam slightly belatedly in the Roscoe Pound room under Secretary Russell H. Peck's supervision.

Michael A. Pane IV, 1L, who worked this past summer as a research assistant for the New Jersey State Democratic Committee, was "thrilled to get an invitation" to the events and spent four days in the Capitol.

Eric R. Kaufman, 1L, made the midweek jaunt to Washington under the auspices of a friend who had worked for New York City Congressman Jonathan Bingham.

G. Randolph Bevis, 3L, who is acquainted with Vice President Humphrey, spent four days in Washington. Between the ballet and the balls he squeezed in his Equitable Remedies examination on Inauguration Day, 8-10:30 a.m., administered by a handy George Washington University law professor.

Washingtonian Margaret J. Corcoran, 3L, daughter of Thomas G. Corcoran, LL.B. '25, S.J.D. '26, travelled home Tuesday for the festivities and returned to Cambridge Thursday for an exam.

John T. Connor Jr., 1L, son of newly-appointed Secretary of Commerce John T. Connor, LL.B. '39, chatted with the President and danced with the First Lady during his four days in Washington.



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Letters to the Editor

HUAC Petition Debated

(Continued from page 13)

things done by the government. It cannot go very far off the mark without being exposed by persons, like the petitioners, quick to defend civil liberties.

Lastly, the criticism is made that no one group can define Americanism. It need not be defined in precise terms, any more than the general welfare, or due process must, before Congress can show a proper concern and move to defend it with sensible diligence. HUAC has done no more than this.

Very truly yours,
John E. Fick, 3L

Professor Countryman replies:

As correctly reported in the *Record*, the "bald allegation" in the petition that the Committee "serves no useful purpose" is followed immediately by this statement: "So far as the operations of the House of Representatives are concerned, The Committee considers only a handful of bills each year, and all of these fall within the jurisdiction of some other committee." Mr. Jones replies that in a 20-year period the Committee made "129 legislative recommendations," 35 of which were enacted. These "legislative recommendations" are found in the Committee's annual reports, frequently have no relation to anything covered by the Committee's hearings, and only rarely are put into the form of a bill by the Committee. Since the recommendations not infrequently cover matters embodied in a bill which another committee is considering or has already reported favorably, it is not surprising that some of them can be traced to enacted legislation. But the Committee's contribution to the end result is, at best, highly speculative.

Although the petition says nothing of the published materials of the Committee, they have no stamp

of approval from the Supreme Court, as Mr. Jones implies. His quoted excerpt from Mr. Justice Frankfurter's opinion for the Court is immediately preceded by the statement, "It is not for the courts to re-examine the validity of these legislative findings and reject them," and proceeds immediately to the conclusion that "if we accept them, as we must, as a not unentertainable appraisal by Congress of the threat which Communist organizations pose, . . . we must recognize that the power of Congress to regulate Communist organizations is extensive." And the findings which Mr. Justice Douglas would not disturb are not those of the Committee, but of the Subversive Activities Control Board. The Committee's publications, therefore, have no certificate of merit from the Court, and their inherent validity is not demonstrated by the fact, cited by Mr. Jones, that there are so many of them.

The petition also asserts that the Committee's files contain "miscellaneous and often inaccurate data about millions of Americans." With the request that the Committee be abolished, and on the stated assumption that the Committee would have already given to prosecuting authorities any material pertaining to violations of law, the petition urges that "the remainder is not of a character which should be maintained in a legislative file or furnished

to the public" and recommends that it be sealed in the Archives for 50 years. Mr. Fick takes petitioners to task for making a proposal which, consistently applied, would require similar treatment for FBI files which "doubtless [contain] much of the same kind of data." Since FBI files have not been made available to the public as the Committee's files have been, it is not possible to corroborate Mr. Fick's assumption. But this petitioner, speaking for himself alone, would concede that if the assumption is correct the treatment should be the same.

The petition's chief concern is with the use of the legislative investigation as a means of abridging free speech. Even under the "balancing-of-interests" approach currently fashionable under the First Amendment, Mr. Fick can hardly equate investigation of speech with investigation of influence peddling by the assertion that "both are permissible within reasonable bounds." That won't wash any better than his attempt to equate interrogation under subpoena with an exercise of free speech.

Vern Countryman

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Tony Hope

(Continued from page 10)

trips have taken him all over the world.

Last year when the kidnapers of Frank Sinatra's son announced that they had first planned to kidnap Bop Hope's son, the Boston F. B. I. tailed Tony about for several days. "It sort of cramps your style," Tony remembers. "I had to observe all of the speed limits." He loaded the shotgun in his apartment and waited eagerly for kidnapers, but none materialized.

Tony Hope graduated in 1962 from Georgetown with a B. A. in English and philosophy. He is uncertain about whether he will become a lawyer or a producer. He has written and produced a college musical comedy and has had offers from studios to start as an assistant producer. If he decides to practice law, he is most interested in litigation.

Spring Ames Rounds Underway

The Board of Student Advisers has announced that the spring rounds of the Ames Competition have begun earlier this semester and all but the third-year final round will be completed before spring vacation.

The first-year rounds began Feb. 1, and will end on Mar. 9. The second-year rounds of the Quarterfinals began on Jan. 29, and will end on Apr. 1.

The oral argument for the final round is set for Wednesday, Apr. 14. The two finalist teams are the Kaplan and Keeton Equity clubs. Members of the Kaplan team are Edgar Howbert, Richard Campbell, Harry Miller, Philip Reynolds, A. James Robertson, Reade Ryan, Peter Tredick and W. Harvey Webster III. The Keeton team includes Anderson G. Bartlett III, Stephanie K. Bartlett, Cary P. Clark, Steven R. Nelson, Norman D. Slonaker and Robert G. Tunnell Jr.

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