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David Brinkley Forecasts

A Decline in State Power

By Paul M. Branzburg

"There is a rapid and accelerating movement of political power out of the states and into Washington, D.C.," declared NBC-TV's David Brinkley.

In a Harvard Law Forum sponsored speech entitled "The Decline and Fall of the 50 States," Mr. Brinkley told his Lowell Lecture Hall audience last Friday evening that this "growth of Federal political power

(Continued on page 3)

Dorm Group Charged With Ultra Vires Loan

Samuel A. Bleicher, 2L, and Stuart M. Bloch, 1L, participated on Mar. 22 in the final leg of the civil rights march from Selma to Montgomery. Their trip followed the Dormitory Council's twice voting down motions to send official representatives. Money for their trip was provided by a \$236 Dorm Council loan to the Civil Rights Committee to send two of its members to the Alabama march.

The circumstances of the trip and its financing have excited student controversy, which included an exchange of typed arguments, signed and unsigned, on the walls of Harkness Commons.

The controversy centered on the propriety of the Dorm Council loan, and the fact that Bleicher was a member of both the Council and the Civil Rights Committee.

The movement to send Law School students to the march began on Thursday evening, Mar. 18, at a meeting of several civil rights supporters in Harkness. The gathering, initiated by Bloch, later investigated the possibility of chartering a bus to Montgomery, but determined that expenses

(Continued on page 6)

Hasty Plan Is Jelled by Pudding

The "Instant Pudding, or Ad Hoc Committee to Bring Vicki Albright to Harvard" has not denied that it will request a loan from the Dormitory Council to effectuate its plans.

Miss Albright, the UCLA junior who adorned the Mar. 22 cover of *Newsweek Magazine*, has accepted the group's invitation. She will arrive after spring vacation if sufficient funds can be raised by the Committee to carry its charge to Cambridge.

"We're inviting her because she's there," sighed Pudding co-chairman Herbert J. Rogers, 2L. "It's like Moon Maid coming to Harvard, if you read 'Dick Tracy'."

Rogers and Fund Raising Chairman Stephen M. Raphael, 2L, estimate that the visit will cost \$500, part of which may be provided by *Newsweek*. The group's purpose, they say, is to "dedicate ourselves

(Continued on page 14)



Woman of the Year

Mr. Justice Stewart to Hear Concluding Ames Argument

A three-judge court, led by Supreme Court Justice Potter Stewart, will hear the final round of the Ames Competition. The Kaplan and Keeton Clubs will argue on Wednesday, Apr. 14 at 8 p.m. in the Ames Court Room.

The bench will include Hon. Robert P. Anderson of the Second Circuit U.S. Court of Appeals, and Hon. George Edwards of the U.S. Court of Appeals for the Sixth Circuit.

The Kaplan oralists are to be Edgar C. Howbert and A. James Robertson. Richard P. Campbell, Harry E. Miller, Philip L. Reynolds, Reade H. Ryan Jr., Peter W. Tredick and W. Harvey Webster III will be on the brief.

Steven R. Nelson and Norman D. Sloaner will be oralists for the Keeton Club. On the brief will be Anderson G. Bartlett III, Stephanie K. Bartlett, Cary P. Clark, Gary A. Spiess and Robert G. Tunnell Jr.

The case, *Lowell Lambert v. Postmaster General of the United States*, challenges the constitutionality of a statute requiring the Postmaster General to detain unsealed mail originating abroad and found to be "communist political propaganda," unless the addressee, notified of the detention, requests delivery.

The government advised Lambert that it deemed the filing of his suit to be an expression of a desire to receive the mail in question, and that in the future all mail would be delivered without interception. Lambert filed an amended complaint alleging that the government was improperly seeking to moot the case. He also alleged a new basis for standing—that his name had been added to a list of persons receiving "communist political propaganda."

He moved for summary judgment; the government moved to dismiss for mootness. It submitted an affidavit stating that the list of persons would not be made available to any government agency or committee except upon formal request to the Postmaster General. A three-judge court granted the government's motion.

The questions presented are: Did the Postmaster General's letter render the controversy moot? Did Lambert have standing to raise the constitutional question for other persons who had been fearful of responding affirmatively to similar Post Office notices? Did the pleadings show there was no present injury from the existence of the list? Is the statute constitutional?

Sacks on Ratios and Reasons

By Bart S. Fisher

"The cure to the problem of reapportionment presented by *Baker v. Carr* does not lie in the rigidity of a strict one-man, one-vote dogma," Professor Albert M. Sacks advised the Public Affairs Committee of the Harvard Law-Graduate Democratic Club at an open meeting on Mar. 25.

The Committee, established and chaired this year by O'Neal Smalls, 1L, presents resolutions on national policy questions for approval by the Club.

Prof. Sacks commented that "the problem is to make a legislature reasonably responsive to the wishes of the electorate, not to guarantee equal voting on the basis of population. The fact that most people couldn't care less about the current debate on reapportionment is evidence that strict equality is not an inalienable right."

Of the bills being considered by Congress, Prof. Sacks argued that Senator Frank D. Church's (D-Idaho) comes closest to "a reasonable solution to the problem." Sen. Church's plan would allow one house of bicameral state legislatures to be apportioned according to a reasonable system of representation other than population, subject to periodic review.

His formula differs from a similar plan of Senator Everett M. Dirksen (R-Ill.), Prof. Sacks noted, in that it contains no provision for periodic review of houses not based upon population. Prof. Sacks insisted that popular reappraisal is essential if a state wishes to allow one of its houses to be apportioned other than on a basis of population.

"If Sen. Church's approach means popular review," Prof. Sacks emphasized, "we have the beginning of a workable plan."

David Brinkley

(Continued from page 1)

is not new, but was interrupted for about 20 years by World War II, post-war turmoil, and United States involvement abroad."

The TV newscaster of the *Huntley-Brinkley Report* believes that the increasing centralization of power is accompanied by a "turning inward" of American thought about the future. "It is not the isolationism of the '30's, but a growing public concern over our domestic problems. President Johnson, by inclination, would like to solve these problems, and so it is not surprising that the new plans and projects of the Johnson administration are entirely domestic."

In a tone of restrained indignation, Mr. Brinkley pointed to the domestic problems with which the United States is confronted. "Look about the America of 1965," he said. "Amid all the prosperity, one out of every five of our citizens is poor, and one out of 20 is unemployed. Our transportation system is shockingly bad. In our cities, both big and small, it seems that nobody is safe on the streets. In these same cities it also takes three to four years to get a case tried by a jury."

Mr. Brinkley offered several reasons why the Federal government is more efficient than state and local government in solving such problems: Local government is not equipped to handle such questions because "they spill across county and state lines," and "the cure costs a great deal more than local government can afford to raise."

Thirdly, much of "state, county, and city government is not a full-time profession and so, instead of attracting competent leaders," is run by "part-time amateurs" who are often "corrupt, inefficient, and excessively subject to the bribes and blandishments of lobbyists." He asserted that every one of the state governments which he had covered as a reporter was "substantially corrupt. I have seen votes of state legislators bought for as little as a fifth of whiskey. Bad whiskey."

Finally, "when something necessary and unpopular needs to be done by local government, it is far more subject to the pressures of religious, ethnic, social, and political groups than is the Federal government."

The journalist rejected the argument that local government is cheaper. He reminded

the audience that unless the Federal government collected taxes and distributed the income equitably, certain states would become very wealthy, while others could not afford effective state government.

As for those who inveigh against "raw,



David Brinkley

naked Federal power," Mr. Brinkley queried, "why is it any more raw or naked when Washington has it than when Governor Wallace has it?"

"It is perhaps too much to say that as far as exercising effective governmental power, the states are through, but I don't think so. Soon state governments will be left with nothing to do but pass traffic regulations. I think the change will be for the good and make for a better life for American citizens."

The Forum panel was composed of Edward C. Banfield, Harvard Professor of Government, and C. Ray Jenkins, Managing Editor of *The Alabama Journal*. Professor David

(Continued on page 15)

A Profile of Criminal Law in Massachusetts

Attorney Doubts Effectiveness Of Glueck's Academy Proposal

By John S. Karls

The proposal to establish a federal criminal law institute completely misses its goal of training competent criminal lawyers, according to Monroe L. Inker, LL.B. '51, a criminal lawyer and partner in the Boston firm of Crane, Inker, Zamparelli & Oteri.

Such institutes, connected with established law schools such as Harvard, have been suggested by Professor Sheldon Glueck (RECORD, Feb. 25). His idea has been incorporated into a bill now before Congress.

"Such extensive work in the social sciences as is called for by the proposed curriculum just isn't necessary," he said in an interview last week. "In virtually all of his work, the criminal lawyer is only concerned with obtaining an acquittal at the trial level." Mr. Inker, formerly a teaching fellow at Harvard and Assistant Professor at Northwestern Law School, maintained that a lawyer's exposure to the underlying causes of his client's difficulties may invoke greater sympathy from him as a counselor, and could be helpful in the formulation of criminal codes, but that because his primary concern is with the law as it stands today, a student's time is better spent studying criminal law and procedure, evidence and trial practice.

Of more value than the institute, Mr. Inker suggested, would be an internship program under which students could interrupt their regular legal studies to work on actual criminal cases, and return with "an appreciation of the practical problems involved."

Moreover, the lawyer said, the establishment of criminal law institutes would not solve the manpower shortage in the criminal field. The problem is basically the inadequacy of compensation in the majority of cases not involving professional criminals, who can afford and require competent, well-trained and trustworthy counsel. But many accused of crime are thrown on the clemency of the state, which allows, for example, only \$1000 for the defense in a first-degree murder case, which may require six weeks to try, exclusive

of advance preparation.

It is unlikely, Mr. Inker said, that the graduate of the institute would be attracted to such criminal work for the rest of his life. More often he will perform the internship prescribed by the program and move to other more lucrative and interesting fields, he predicted. Moreover, in the ordinary case, representation does not require the broad and expensive training envisioned by advocates of the plan.

Prison for Obstinate Children

Mr. Inker raised a serious doubt as to the constitutionality of the Massachusetts "stubborn-child statute" (RECORD, Mar. 25), which gives to parents the right to put their children between 17 and 21 into the custody of the state for disobedience. Its constitutionality has never been tested, he said, because the only interested parties are destitute of resources to challenge the legislation.

Enacted in 1699 and amended last in 1943, the statute provides that a child may be sent to reform school or, if he is not treated by the court as a juvenile, to prison. "The remedy is harsh and makes no pretense of solving the original problem," Mr. Inker stated. "Thrown in with convicts being detained for almost anything, a child is bound to become embittered. And the criterion by which he is committed is so vague as to defy formulation. All that can be said in its favor is that in certain areas it has been used occasionally to administer psychiatric help through court clinics."

Drugs at Harvard

Mr. Inker reported from personal observation and experience with such cases that the use of pep pills and marijuana is "extensive" at Harvard. He contended, however, that the same is true of most large American universities, and that the use of more harmful drugs than these is virtually nonexistent.

"The lamentable fact is that those involved are nice, bright kids who consider the use of marijuana neither dangerous nor improper," he said. Their attitude is based in part on the belief that it is not habit-forming, but no definitive study has shown this to be true.

(Continued on page 14)

Conflict of Interest in War on Poverty

By Keith S. Watson

"At the heart of the Poverty Program legislation is the idea that the poor themselves must be involved in its administration. But too often the local control board has been composed of representatives of 'silk-stocking' and 'city hall' factions who do not understand the real problems of poverty," charged Edward Cahn, special assistant to Sargent Shriver.

Mr. Cahn and his wife Jean discussed the legal problems of the Poverty Program before a small audience in Langdell North. The talk was sponsored by the Law School Civil Rights Committee. Mrs. Cahn has worked in the legal department of the Office of Economic Opportunity which administers the Program. She recently left her position "not entirely at my own choosing." Mr. and Mrs. Cahn are both recent graduates of Yale Law School.

Mrs. Cahn was "disturbed" by some of the statements of her husband and believed that the issues could better be seen in a historical perspective. She stressed that the poor have been denied their "civil rights" in the

broadest sense of that term — the rights and benefits that belong to those with American citizenship. The current campaign of marches, demonstrations and sit-ins are effective in achieving political, but not economic results. The questions of poverty will be more difficult than those of voting rights and segregated schools, according to Mrs. Cahn, because "being poor has no sex appeal. You can't go to jail over poverty," she concluded.

Both Cahns agreed that one of the most controversial and most significant aspects of the Program was providing the poor with legal counsel. Mr. Cahn noted that many of the poor feel as controlled and abused by the Poverty Program as by other governmental agencies. Attorneys working for the Program sometimes have cases in which their client seeks action against the attorneys' own employer.

It was this conflict of interest which concerned Mrs. Cahn during her stay with the Office of Economic Opportunity. The American Bar Association and the Adminis-

(Continued on page 15)

Elevation of Poor Is Christian Duty

The English author and economist Barbara Ward has called for the wealthy, predominantly Christian nations to re-examine their moral obligation to erase the wrongs of colonialism.

In a lecture on "World Poverty and the Christian," sponsored by the St. Thomas More Society of the Law School, Lady Jackson characterized the concept of democratic constitutionalism as a fusion of the Hebrew moral tradition and the Greek idea of state citizenship. The application of this concept she said, has prevented the fulfillment of Marx's prophecies by the liberation and enfranchisement of subject peoples during the past century.

In such a tradition, Miss Ward urged, we must establish a "Christian lobby" to raise the living standards of the poorer nations. While the newly independent countries are gaining technological skill, the gap between rich and poor will continue to grow, she said. This and the power vacuum left by the liquidation of the colonial forms leave these countries vulnerable to Communism.



Barbara Ward

Council Loan

(Continued from page 1)
would be prohibitive.

On Monday, Mar. 22, at an evening meeting of the Dorm Council, Robert A. Shelton, 2L, proposed that two representatives of the Law School be flown to Alabama with Council funds. The Dorm Council has a balance of \$2870 in its accounts. After some debate, it rejected the proposal by a vote of 12 to 9.

That evening, Council members who were dissatisfied with the final vote, led by Anita L. Glasco, 1L, began circulating a petition calling for the Council to reverse its stand and to send representatives to the march. According to Miss Glasco, by Tuesday evening 400 students had endorsed the petition.

On Wednesday, Mar. 24, the President of the Council, Dennis O. Cawthorne, 3L, at the request of six members, called an extraordinary meeting to reconsider its stand on the Alabama demonstration. Cawthorne declared that the special session was not to determine whether Law School students favored the march, but whether the Dorm Council should become directly involved in it.

In the interim between the meetings, several Council members had conducted informal polls of their corridors. The reported result was 144 to 135 against sending representatives.

Again there was intense discussion on the issue. Some Council representatives believed it was not its proper function to become directly involved in civil rights activities. Others felt that since the Council is the only student government at the Law School, it has an obligation to respond to student concerns on national questions. When a vote was finally taken, a motion sponsored by Miss Glasco to send official representatives lost by a vote of 14 to 9. A motion to send "observers" lost by 14 to 6.

Bruce L. McDonald, 2L, had suggested earlier that the Council make an "open-ended" loan of \$236 to the Civil Rights Committee to send two members on a Boston charter flight. Bleicher, as a Council representative, put the suggestion into a motion. A hand vote appeared to indicate that the motion had lost 11-10, but a subsequent roll-call vote showed 12-11 for the loan.

An obligation to repay the loan

was accepted by Joseph P. Meissner, 2L, a member of the executive committee of the Civil Rights Committee.

That afternoon Meissner assembled a group of interested Civil Rights Committee members in the Wyeth Hall parlor to select two delegates to send to Montgomery. Because this gathering was not authorized to take action in the name of the Civil Rights Committee, it was styled the "Ad Hoc Committee to Send Representatives to Montgomery." A few members questioned the advisability of sending two law students to join in the large demonstration planned for the next day, but they were out-voted. Committee members Bleicher and Bloch were chosen by lot from those present to make the trip.

According to Civil Rights Committee officers, the two were not representing that Committee in Montgomery, but rather the Ad Hoc Committee. In a letter to the RECORD, however, Bleicher affirmed that he participated in the demonstration as a member of the Civil Rights Committee (see p. 9, this issue).

On the following day, Mar. 25, Meissner began to solicit money to repay the Dorm Council loan. Over \$50 was reported to have been collected that day. But the representation scheme had generated opposition, and signed and unsigned tracts began to appear on Harkness walls denouncing the loan and the Civil Rights Committee.

At that date, however, the Committee had not yet taken official action on the loan or the delegates. On Friday the executive committee of the Civil Rights Committee was convened by Chairman Elizabeth Holtzman, 3L, to consider the actions of the ad hoc committee. The Civil Rights Committee there voted to assume responsibility for the Dorm Council loan.

Meissner later said that he had collected enough money to repay the loan and that it would be repaid at the regular Dorm Council meeting on Mar. 31.



Samuel A. Bleicher in the March

Dorm Council Programs: Public and Private

By Paul M. Branzburg

It has been the opinion of a growing number of students that the funds of the Dormitory Council are in excess of the amount needed to fulfill its proper functions.

The Dorm Council, with a present total of \$2870 in its savings and checking accounts, sponsors a broad program of activities, including mixers in Harkness, dormitory floor parties, the Law School show, semi-private Dorm Council cocktail parties, and a private Dorm Council dinner and party.

This year the Dorm Council has held three semi-private cocktail parties in student rooms in Hastings Hall. Five to ten Dorm Council representatives attended each of these parties. They invited a few select students on the corridors they represent. Approximately 30 law students appeared with their dates each time. Those who were not members of the Dorm Council were charged admission. However, the parties did not pay for themselves, and the Dorm Council has lost \$75 on them.

"These parties are hardly run for the benefit of Dorm Council members," remarked Frank E. Morris, 2L, Dorm Council treasurer.

The Council also held a dinner and party exclusively for Dorm Council representatives, costing the Dormitory Association \$160. The Association is composed of dormitory residents, who elect the Dorm Council.

The most outstanding Dorm Council program open to students other than Dorm Council representatives may well be the mixers at Harkness. Five mixers are held each year.

The first mixer this year brought in between \$500 and \$600, while expenses were between \$300 and \$400. The second and third mixers broke even, with income and expenses both at \$150. The fourth mixer netted \$30, with income at \$280 and expenses at \$250. The last mixer was free, and the Council lost \$100. "The free mixer

is held to release some of the profits made on previous mixers," Morris noted. "But the Dorm Council will come out ahead on mixers this year."

The Council has sold 40 mixer cards at \$3.00 each, which entitle the bearer to admission to all mixers and to the Law School Show.

Another Dorm Council activity is its sponsorship of dormitory floor parties. It allots about \$1000 per year for floor parties. Each corridor which requests Council funds receives \$25. The Council has appropriated \$880 for floor parties so far this year. \$550 of this was appropriated in the last two weeks. Of the \$880 allotted for floor parties, about \$650 has not yet been used by students. Morris expects that only \$300 of it will actually be consumed.

Other programs handled by the Council are:

Coke Machines. The Dorm Council made \$930 on its machines last year. It earns 72¢ per case of Coke sold.

Richards Hall Laundry. Ten percent of the gross revenue collected from the washers and dryers goes to the Dorm Council. This amounted to \$600 last year.

Cigarette and Candy Machines. The Dorm Council earns \$50 a year from the machines.

Thus far this year, income from vending, washing and drying machines has been \$1130. Morris expects another \$450 to \$500 more. He is considering the possibility of installing sandwich machines next year.

Law School Show. The Council has banked \$1100 from the Show. The expenses are expected to come to between \$700 and \$800. \$400 of this has been paid.

Athletic Program. The Council spent \$400 last year on the intramural program. This year \$425 was spent for basketball referees. Participation in the program is 25% higher this year.

The Dorm Council spent \$20 for a UHF converter "so that students

could watch the Princeton-Michigan game."

Career Conference. The program cost \$388, of which the Law School contributed \$100. The cost to the Dorm Council was thus \$288.

Administrative Expenses. The Council spent \$50 for stationery, stamps, postcards, and yearbook space. A mailing to first-year students cost \$70.

Lawbooks U.S.A. The Council has donated \$96 to send books about American law to attorneys in underdeveloped countries.

The Election Beer Party cost \$130.

Unpaid Phone Bills of dormitory residents are a Dorm Council liability. It has cost \$4 this year.

Dennis O. Cawthorne, 3L, President of the Dorm Council, explains that any "treasury surplus existing presently is the result of accumulations in past years . . . We have no great interest in carrying large balances forward from year to year but, on the other hand, it is not always easy to secure a majority for passage of the numerous spending projects that are pro-

(Continued on page 16)

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We Talked a Good March

One week ago, Mrs. Viola Gregg Liuzzo, a 39-year-old mother of five, was shot to death on Alabama's U.S. 80. She had been driving a car used to transport civil rights demonstrators back to Selma after the conclusion of the march to Montgomery. Before she left her home in Detroit to participate in the Alabama struggle, she told her family, "It's everybody's fight. There are just too many people who just stand around talking."

Mrs. Liuzzo, like the 25,000 demonstrators who traveled to Montgomery from every corner of the United States, must have believed in Edmund Burke's warning that "All that is necessary for the forces of evil to win in the world is for enough good men to do nothing."

To the discredit of the students and professors of the Harvard Law School, during the Selma-Montgomery march we were among those who just stood around talking; the good men who did nothing.

Nobody was in Montgomery to represent Harvard Law School's students and professors. We have at least as much reason to be concerned about the Alabama Negro's fight for citizenship as the clergymen and history professors who participated in the historic march. The best that we could do was to send two students who claimed that they represented not the Harvard Law School, but the Civil Rights Committee.

Harvard Law students were active last fall campaigning for their Presidential nominee. Harvard Law professors frequently cancel their classes to argue important cases or give counsel to government officials. Such activity is laudable. But where were the HLS activists during the march? They watched the news reports on television, they went to meetings to listen to academic discussions about the use of Federal power in Alabama, and they did nothing.

No one tried to raise funds to send a delegation from Harvard Law to Montgomery. No faculty member found it possible to go to Montgomery. The students were busy talking; the faculty was busy talking.

"Justice will not come about," Solon said, "until those who are not injured are just as indignant as those who are."

Harvard Law Record

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TONGUE 'N CHEEK

By Fenno

I was lying motionless in the snow outside Austin waiting for spring vacation to come by to revive me, when I noticed a classmate throwing pebbles at Gannett House.

"What causes you to be so destructive today?" I said weakly from where I lay.

"I'm a failure! I'm a failure!" he cried out.

"Aren't we all? What is your special failing?" I asked.

"The law," he cried, pelting the Review's windows.

"That does make it a little tougher," I said, inching my way to a sitting position.

"It all started two years ago when I took the law boards and got a 99," he sobbed. "I was happy at the time—the scores convinced me that I had a perfect aptitude for law. So I came up to Cambridge and rented an apartment."

"What's strange about that?" I inquired.

"I didn't quite grasp the significance of the 99-year term with a prohibition on subletting. And I really thought I knew what a right-of-way through the bathroom meant," he muttered.

"Those cagey form-leases will get you every time," I said, conveying my sympathy.

"Then last summer after a year of law school I managed to sign the only employment contract in the country with a pay-scale geared to U.S. success in Vietnam," he continued.

"We all make mistakes. That's why law is something you practice," I said in my prize consolation voice.

"That's not the worst," he replied. "Today I got my tax form back from IRS with a nasty note from their computer directing me to get competent assistance in filing if I'm incapable of doing it."

"That was uppity of the Service. But don't feel too bad. Lots of people have trouble reporting their taxes," I said.

"On the short form?" he returned.

Letters to the Editor

The Nation Marched: Harvard Talked

To the Editor:

Harvard Law School was not represented at the March in Montgomery last week.

It is true that two students who are enrolled at the law school joined the march in its final day. But they did not represent the Harvard Law School.

To Harvard Law, the brutal rout of citizens peacefully walking to the state capital to petition the governor raised only classroom questions of interpreting the First Amendment of the Constitution.

To Harvard Law, the killing of a Marion, Alabama, mason and a Boston minister raised only pedantic inquiry into the role of the federal government in the criminal law.

To Harvard Law, the systematic denial of the right to vote raised only legalistic issues of reconciling the Fifteenth Amendment and states rights.

It was all too predictable that nearly one-third of the student body would attend a lecture by three professors about Selma and an equal number would sign a petition urging someone else to do something, while no member of the Harvard community thought about joining the historic march for human and civil rights until the final day. And it was all too typical that when the sending of two representatives was finally suggested, the vital issues discussed concerned interpreting an ambiguous Dorm Council charter and impugning the honesty of those chosen to go to Alabama.

For years, Harvard University has been the symbol of enlightened and humanitarian thought. To Gov. George Wallace and other racists of the north and the south Harvard has represented a threat to their reactionary and inhumane social system.

But the racists have given Harvard too much credit. They evi-

dently thought that pedantic legal discussions might be translated into genuine concern and concrete action. The events on this campus last week gave ample notice to Gov. Wallace: you have nothing to fear from Harvard Law.

Keith S. Watson, 1L

Dorm Council Rebuked for 'Sightseeing' Loan

To the Editor:

The Dorm Council has seen fit to appropriate \$236 so that two Civil Rights Committee members might participate in the Selma march. One might doubt whether this is the function of this organization, but it seems that its own concept of its own scope of authority is such that little lies beyond its power—as long as the treasury holds up.

True, the \$236 is supposed to represent a loan, but what are the terms? It seems that the Dorm Council is not too concerned with collateral or interest or for that matter repayment! But loan or not, is this the function of the Dorm Council?

It is also interesting to note that one of the two "dedicated" Civil Rights Committee members representing this great institution in the march is also a member of the Dorm Council. Since the Council has a very liberal view of its power it is probably expecting too much to suppose its members would be concerned about any conflict-of-interest problem. How the Civil Rights Committee picked the "sightseers" seems irrelevant—this particular person could have easily disqualified himself.

On the other hand, why was this all necessary? Why wasn't the Civil Rights Committee able to raise the money itself? It would seem that if the student body were so concerned it would have been able to raise \$236 from over 1500 students. In fact, if all the anxious petition-signers had given \$1 they would have raised nearly twice

that amount. That the Civil Rights Committee had to look to the Dorm Council for the money adds little to its prestige. The fact that there may be repayment will not change the fact that without the loan the two able-bodied young law students would not have reached their destination in time. But the omniscient Dorm Council, always listening to the voice of the students, saved the day.

Gerald S. Wilcox, 2L

'Sightseer' Rejects Conflicts Charge

To the Editor:

It has been claimed that there was a "conflict of interest" in my representing the Harvard Law School Civil Rights Committee in the Montgomery March because, as a member of the Dorm Council, I voted for the loan which made the trip possible.

I feel that these charges are unfounded for the following reasons:

(1) I felt that a majority of my constituents favored the loan. Fourteen of twenty-one have contributed to its repayment. To vote against it would have violated my duty as a representative.

(2) Other representatives were aware of my connection with the Civil Rights Committee.

(3) I am not an officer of the Civil Rights Committee, and I had no control over the selection or the method of selection employed. Since the selection was by lot, subsequent to the Dorm Council loan, I could not possibly have influenced that choice.

(4) The Dorm Council could have chosen two of its own members by lot for such a trip. The delegation of the selection to the Civil Rights Committee did not change my fiduciary duty so as to require me to disqualify myself.

The Dorm Council often uses its large treasury to assist student activities and organizations. A \$236 loan to the Civil Rights Com-

(Continued on page 12)

HARVARD SQUARE THEATRE

Through April 6

Bette Davis Olivia DeHavilland
"Hush . . . Hush, Sweet Charlotte"

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Events of Note at the Law School

Allen W. Dulles, former Director of the Central Intelligence Agency, will engage in a series of discussions with MBA students entitled "Reflections on a Life of Public Service," on Mar. 31 and Apr. 1 and 2, at 4 p.m. in Carey Cage.

* * * *

Representative Gerald Ford, House Minority Leader, will address the Harvard Law-Graduate Republican Club on Friday, April 2, at 4:30 p.m. in Langdell North.

* * * *

The library reading rooms will be open during spring recess as follows:

Sat., Apr. 3 — 8:30 to 5

Sun., Apr. 4 — Closed

Mon., Apr. 5 through Fri., Apr. 9 — 9 to 5

Weekend — Closed

The extended hours of the ILS Reading Room will be:

Sat., Apr. 3 — 8:30 to 5

Sun., Apr. 4 — Closed

Mon., Apr. 5 through Fri., Apr. 9 — 5 to 11

Sat., Apr. 10 — 9 to 5

Sun., Apr. 11 — 2 to 10

* * * *

Free tours of Walpole Prison will be available to members of the Student Bar Association during the week of Apr. 12.

* * * *

The International Law Club meeting featuring Thomas Farmer has been cancelled, but the Club will meet on Apr. 15 at 4 p.m. in

the Pound Room with Prof. Richard R. Baxter, who will speak on "Bugs and Gas."

* * * *

The Harvard Law Wives will stage an International Night, open to all, on Apr. 15, at 8 p.m. in the Harkness Meeting Room. The event will include a fashion show, foreign food, and a display of jewelry, clothing and maps.

* * * *

A discussion of "The Chinese Communist Attitude toward International Law" will be held by the International Law Club on Apr. 19 at 4 p.m. in the Pound Room. Featured will be Prof. Jerome A. Cohen and Hungdah Chiu, S.J.D. '65.

* * * *

"The Practice of Criminal Law in a Wall Street Law Firm" will be discussed by Milton R. Wessel, a Wall Street lawyer, Professor Livingston Hall and Professor James Vorenberg, on Apr. 20 at 7 p.m. in Harkness Commons.

* * * *

Mrs. Erwin N. Griswold will speak about "Lawyers' Wives" at the spring luncheon of the Harvard Law Wives on Apr. 24 at the Statler Hotel in Boston. Cocktails will be served at 12:30 p.m.; lunch at 1 p.m. Tickets are \$2.00.

* * * *

Class Reunions scheduled in the coming months are as follows: Class of '25, Apr. 2-3; Class of '35, Apr. 30 to May 1; Class of '40, May 7-8; Class of '20, May 14-15; and Class of '15, June 15-16.

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Recent Book

A Critical Mistrust of the Factfinder

A Man's Reach, the philosophy of Judge Jerome Frank. Edited by Barbara Frank Kirstein. Macmillan Co.: New York, 1965. Pp. 448. \$10.00.

By Theodore W. Volckhausen

Judge Frank sat in the Court of Appeals for the Second Circuit for 16 years, until his death in 1957. Before his appointment he practiced law in New York and Chicago, and held several posts in the Roosevelt administration, including that of chairman of the SEC. Out of his experience, and the intellectual currents of his time, he distilled a sceptical but forceful philosophy expressed in books, essays and opinions. His daughter has selected his writings she considers most representative. The reader senses a skilled and eloquent essayist, a conscientious libertarian, a capable but somewhat dogmatic legal philosopher.

The main ingredients of Judge Frank's legal philosophy were two. He had a great respect for the present coupled with a disparagement of the past and the future; and a distrust of the process of drawing inferences, a distrust recalling Voltaire's "History is a pack of cards which we use to play tricks on the dead."

A particularly pure dose of the first ingredient is Judge Frank's essay "The Speech of Judges" in which he criticizes Justice Cardozo's style as an imitation of 18th Century English, and not an altogether successful one. He advocates a written style like speech, and praises Justices Black, Douglas, and Jackson who are writing "for men of their own time and place." But more important, to take the substantive solutions of past years and apply them to the problems of modern times seems to Frank to be futile and wrong-

Theodore Volckhausen is a third-year student at the Law School.

headed.

The second ingredient, a scepticism of human inferences and theories, is found throughout these selections. Most of the last half of the book is devoted to criticism both of the capacity of juries to sort out the facts of a case from conflicting testimony, and the capacity of appellate judges to say that an error at trial was "harmless." He finds juries prejudiced, inexperienced, and likely to become confused.

Law courts are not the only factfinders he treats with reserve. In "The Place of the Expert in a Democratic Society" and "Facts are Guesses" he points out the subjective side of every judgment of the "facts." The facts are governed by the preconceptions of the factfinders. Grimaldi's discovery of light waves was ignored for a century because it did not fit the theories then in vogue. Witnesses lie, forget, invent, alter, distort. And when the factfinder is a historian, the witnesses themselves are dead. They cannot be cross-examined. Hence all disciplines—but especially history—are reflections of the personalities of their scholars, not reflections of the "hard facts."

But his proposals for reform are inconsistent with this cynicism. If there are no "hard facts" there can be no better way of finding the facts. Very likely Judge Frank was driven to exaggerate his points by polemicists on the other side of the question. When one gives weight to his catalogue of difficulties in reconstructing past events, he may find it difficult to see how special verdicts or findings of fact will improve matters. But Judge Frank made the important point that a bad method of finding facts is fatal to a legal system. Even if the law is consistent, published, sufficiently clear to be applied, prospective, and capable of being obeyed, it cannot shape

human conduct unless the people believe that the courts will determine the underlying facts of a lawsuit correctly most of the time. A rule to determine when a promise is binding is to no avail if the courts use a hit-or-miss system to affirm that a promise has been made. Judge Frank's criticism of the factfinding machinery is so radical that it is difficult to see that there can be a cure.

This book offers a perspective on the mind and personality of a conscientious and intelligent judge. Many of his opinions which were new and exciting when he held them are now conventional wisdom. But it is fascinating to see how those ideas took shape and were articulated. Though unsystematically, Jerome Frank offers his reader a guide to the intellectual currents of the last 30 years.

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Letters to the Editor

(Continued from page 9)

mittee, which will be repaid in one week, is at least as appropriate as, for example, the subsidy to the athletic program for referees, or the proposed gift to the financially embarrassed Law School Forum. The real issue is the wisdom of the loan, and I hope that future discussion will be confined to that issue.

Samuel A. Bleicher, 2L

Unsigned Tracts Deprecated

To the Editor:

Weak enough is the type of pathetic defamation by shoddy cartoon and non sequitur that was posted last Tuesday around Langdell Hall denouncing those who would curb police brutality and criticize the John Birch Society, and imputing Communist associations to Martin Luther King.

When these mimeographed tracts do not even bear the name of the author who lacked the courage to sign his work, they offer fitting testimony to their bankruptcy of conviction as well as of content.

Peter Bernard Sobol, 1L

Alumnus Is Proud of Leighton Decision

To the Editor:

All members of the Harvard Law Fraternity may be proud that one of their members recently honored us all by a court decision. Judge George N. Leighton, HLS 1943 (46), of the Chicago Municipal Court is our benefactor.

At a time when President Johnson is emphasizing crime, Judge Leighton has struck a blow for individual liberty by upholding the right of every citizen to use self-defense in resisting arrest by the police.

The unfortunate side result that a policeman was hospitalized for three weeks and scarred for life in his face is of small consequence compared to Judge Leighton's

courageous ruling in support of civil rights.

It is even more significant that the freed defendants were two young Puerto Ricans. Even though drunk at the time and brandishing a broken bottle they are American Citizens, entitled to the full protection of our laws. Judge Leighton has proved a Negro judge will do justice and bring order to Chicago. William H. Vodrey Jr., LL.B. '29 East Liverpool, Ohio

Southerner Said to Hold Bizarre Legal View

To the Editor:

Mr. John M. Arnold of Atlanta, Ga., in a letter published in the March 25th RECORD, expressed great chagrin that a fellow alumnus should have been the one to issue a decision that Mr. Arnold apparently found lacking in wisdom.

What then is left for us non-Southerners to say about the views of Senator Sam J. Ervin of North Carolina who is also an alumnus of this law school? According to the New York Times (March 29, 1965, p. 28, c. 3), Sen. Ervin contends that it is ex post facto to seek to correct violations of law and the Constitution that have existed for nearly a century. One supposes that the senator has some sort of theory of reliance on the non-enforcement of the 15th Amendment.

Jeffrey P. Ossen, 3L

Editorial Prompts Delayed Fury

To the Editor:

I delayed delivery of a burst of invective on your February 18 Editorial, "A Time for Precedent," with a hope that some of the fury would subside. Meanwhile, Mr. Huffman furnished you with all the gentle and reasonable arguments against your thesis.

My accusation, advanced with
(Continued on following page)

Letters to the Editor

(Continued from preceding page)
the emotion of both a participant and an officer with the responsibility of some hundreds of participants, plus the friendship of some hundreds more, is that your editorial was irresponsible, impertinent, totally lacking in any historical knowledge or background, and entirely unworthy of the knowledge and learning expected from 3Ls.

No responsible officer who served against the Japs would ever be guilty of cheerfully assuming they would give up without one armageddon. All this is in the history books. Possibly not in the history books, but obvious to any 3Ls would be the day to day accidental cost of keeping several million men in the field against the Japs. Plane crashes, accidental shootings, wood alcohol deaths, jeep accidents, training losses, and so on must have amounted to something on the order of five to ten thousand Americans a month, if not deceased at least hideously injured.

No conscientious president could allow any war of this scale to continue a moment longer than necessary. No conscientious president could blithely gamble on the Japs deciding to surrender at any particular time. No conscientious general could withhold preparation on the theory that the threat, even a major threat, of the dropping of a bomb in the ocean or elsewhere would deter the Jap command.

May I close with the remark that your editorial seemed to be based

on the plaintiffmindedness which infects our civilization and is even quite noticeable in the columns of your superior brethren of the Harvard Law Review.

A wise man said, "Only a Napoleon can criticize Napoleon's campaigns." When you presume to criticize the president's moral judgments, be certain you are as wise and courageous as the president, and above all that you have the same sources of information and background.

Arnold S. Dane, LL.B., '34
and Brigadier General
U. S. Marine Corps Reserve
(Ret.)
Boston, Mass.

Implication of Judge Cox Said to Be Misinformed

To the Editor:

In your March 11 issue, page 19, Dean Griswold is reported as saying that "if Judge Cox had any Negro marshals, he had not seen them in Jackson."

U. S. Marshals are appointed by the President (28 USC, sec. 541) and deputy U. S. Marshals are appointed by the Marshal for the District (28 USC, sec. 542). Neither Judge Cox nor any other Federal judge appoints Marshals or their deputies. The Dean's implied criticism (if accurately reported) should have been directed toward the Department of Justice.

James F. Duncan, LL.B., '58
Kansas City, Mo.

Justice Frankfurter Is Recollected

To the Editor:

The well-merited tributes paid to Justice Frankfurter in your issue of March 11 recall two striking incidents to my mind.

About thirty years ago, when he was on the Law School faculty, he was invited to a meeting of the Ohio State Bar Association in Cincinnati to do the summation of a panel discussion on a subject which I have forgotten. The arguments consumed about six hours, during which the Justice sat next to me and never took a note. His summation was the most brilliant exposition I have ever heard. For clarity, for beauty and diction and for sheer logic it was unequalled.

About twenty-five years ago, I wrote to him in an effort to persuade him to become interested in the son of one of my Law School classmates, who was anxious to enroll in the School but whose financial situation prohibited it. The young man had a remarkably high record at college. I shall always cherish the reply which I received: "Send the young man on. I'll take care of him." And so well did the Justice take care of him, that during the regime of Franklin Roosevelt this protege rose to high public office and is now one of the leading members of the Washington bar.

Alfred A. Benesch, LL.B. '03
Cleveland, Ohio

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PATRONAGE REFUND TOO

Criminal Law

(Continued from page 4)

Whether or not society's attitude toward marijuana will change, Mr. Inker added, students for the present will have to conform to the law. Judges and other law enforcement officials are taking an increasingly severe attitude. They no longer feel that "these are just college students and we have to save them. The man on the street still thinks the use of marijuana is wrong, so that is still the law. Besides, who is to prophesy that today's users will not be tomorrow's market for more harmful drugs unless something is done now?"

The public image of criminal law practice is inaccurate, the Boston litigating attorney said. "There is more at stake but it is less exciting." Being more personal than, for example, the corporate case, a criminal matter must be handled with less delegation of work to subordinates, and more personal attention to details.

He charged Massachusetts with a double standard of discovery proceedings for civil and criminal cases; for the latter, "there just doesn't exist any effective discovery procedure" for the defendant. The first aim of the criminal lawyer in a given case, Mr. Inker noted, is obtaining an acquittal at the trial level, because in Massachusetts a conviction is rarely overturned, and the appeals of indigents are not subsidized.

Woman of the Year

(Continued from page 1)

to something foolish."

Miss Albright will accept the Blackstone Club's first annual "Woman of the Year" award. The Club considered, but rejected the titles "Miss Legal Development" and "Miss Due Process." A drama major and member of Kappa Kappa Gamma sorority, Miss Albright apparently won the honor by acclamation of the Pudding. Though she volunteered to stay at the KKG house at Harvard, it was quickly recognized that KKG is not among the Law School sororities, and Tim Egal, 1L, was appointed from several volunteers to handle the housing problem.

David Brinkley

(Continued from page 3)

Westfall moderated.

Prof. Banfield questioned whether state government is really dying. "How can this be so, if a white man in Alabama can murder a Negro, and the Federal government may not be able to act?" He could have added that Federal employment has been almost level in the past decade, while state and local employment is expanding furiously. Moreover, state and local spending will soon pass total Federal spending, including funds spent for foreign aid and defense.

Mr. Jenkins admitted that "much of the nation has gotten sick of states rights" arguments, but he added that "in the long haul I'd like to take my chances with the sheriff of Montgomery County, Alabama than with the Attorney General of the United States."

Monument to the Weevil

The Alabama newspaperman added that state officials like Governor Wallace often help solve national problems. He pointed to the fact that "the net result of his efforts is the 1964 Civil Rights Act and the 1965 Voting Rights Bill." Just as one Alabama town, he said, had erected a monument to the boll weevil because its destruction of cotton crops forced the state to diversify its agriculture, Alabama might one day erect a monument to Wallace for forcing the Federal government to integrate Alabama. "But the boll weevil ate a hell of a lot of cotton before people learned," he cautioned.

Retorted Mr. Brinkley: "If Wallace would confine himself to eating cotton, I wouldn't mind him."

Replying to a questioner, Mr. Brinkley

admitted that "it is entirely possible that we will be so involved in foreign affairs that we will not be able to devote time to domestic affairs. If not, in the next few years we will solve many important domestic problems."

The Cahns

(Continued from page 5)

tration agreed that Program attorneys must serve their clients' interests only, even when it conflicts with Program policy. She said that the Program does not implement the policy as she had hoped, and that the question has not received proper priority. Both speakers indicated that her leaving brought the issue to the foreground, but that the "uphill fight" over this question has not been won.

A satisfying aspect of the Program, according to Mrs. Cahn, was the ABA's enthusiastic response. The Association offered vocal support and contributed staff time. The purpose of the Program's legal efforts, she said, is to acquaint the poor with their legal rights and to dispel the "shyster" image of attorneys entertained by the poor.

Prof. Frank E. A. Sander belatedly joined the discussion to provide, in his words, a "chaser to the heady tonic of the Cahns." He noted that acquainting the poor with their legal rights might violate the bar's tradition of opposing solicitation. The conflict of interest between group and client and the concepts of representing a large class and not an individual also illustrate that professional ethics bear re-examination. Prof. Sander called for Law School courses which reflect the new mores and give more "clinical training" in the field to balance the "nihilistic atmosphere" of Harvard Law School.

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Dorm Programs

(Continued from page 7)

posed each year. Furthermore, a substantial balance should be kept on hand to meet the cost of an exceptionally important and expensive project, now unforeseen, that might confront us."

Another official said that the Dorm Council has "altogether too much money." He thinks that the Council should strive to break even at the end of the academic year.

Several students have suggested that the Council officially expand so as to represent non-dormitory students. The Dorm Council's expenditures and programs, they say, already encompass nearly all students, and not just dormitory residents. Cawthorne thinks there "is considerable merit in the suggestion, and perhaps it ought to receive serious consideration."

There are 26 members of the Dormitory Council. Dormitory residents number 489.

Defenders Initiating Summer Program

Up to six of the Harvard Voluntary Defenders' second-year members will remain in Cambridge during the summer months to carry on fulltime the work of interviewing, investigating and trying criminal cases.

The plan is believed to be unprecedented among student voluntary defenders groups.

In addition, the Defenders' research wing plans to take up to 10 students, not now members, on a voluntary basis to do post-conviction research here during the summer. Robert J. Glass, 2L, a vice-president (research and appeals) will participate in the full-time program and direct the research work.

Each regular Defender, eligible to appear in court as soon as he officially becomes a third-year student, will receive \$50 per week for his legwork and investigating expenses. The funds will come from Action for Boston Community

Development, Inc. (ABCD), a Boston civic planning group. ABCD has received funds for the Defenders' program from the National Legal Aid and Defenders Association, which has recently been given a large Ford Foundation grant.

Detailed arrangements with these agencies and with the Massachusetts Defenders Committee and the Boston Voluntary Defenders regarding supervision of the students' work are yet to be settled, according to Defenders President Kenneth A. Manaster, 2L.

Expected to participate in the program with Glass are Mrs. Alexandra D. Dawson, Peter P. Gamer, Jeffrey E. Lamson and Lawrence S. Goldman.

The Harvard Legal Aid Bureau is planning, as in the past, to stay open for part of the summer. Second-year students in the Boston area will spend two office hours a week interviewing and working on cases for the Bureau.

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