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The Expense of a Harvard LL.B.

Aid Program Criticized

By Myer J. Sankary

What do Harvard Law School students think of the Financial Aids Program? In a survey conducted by the RECORD, students voiced a wide range of opinion, from "very well satisfied, prompt and realistic" to "completely, utterly dissatisfied and bitter."

In a three-page unsigned questionnaire, students were asked to assess the School's handling of financial aids and to estimate their total expenses and assets for the academic year. Of 347 students selected at random, 124 responded.

The major source of contention between the administration and students centered on the meaning of the word "needy." The administration considers a student "needy" who has insufficient assets (including his total savings, earnings, fixed assets, wife's resources, and total parent resources) to meet the minimum cost of attending law school as estimated by the administration.

In general, students who voiced dissatisfaction charged that the present policy is "unrealistic." They questioned the fairness of expecting them to deplete their savings to zero, of forcing them to rely on their parents, and of including a car as an asset to be turned to cash for school expenses, to be eligible for financial aid. Some students disagreed with the estimated minimum cost

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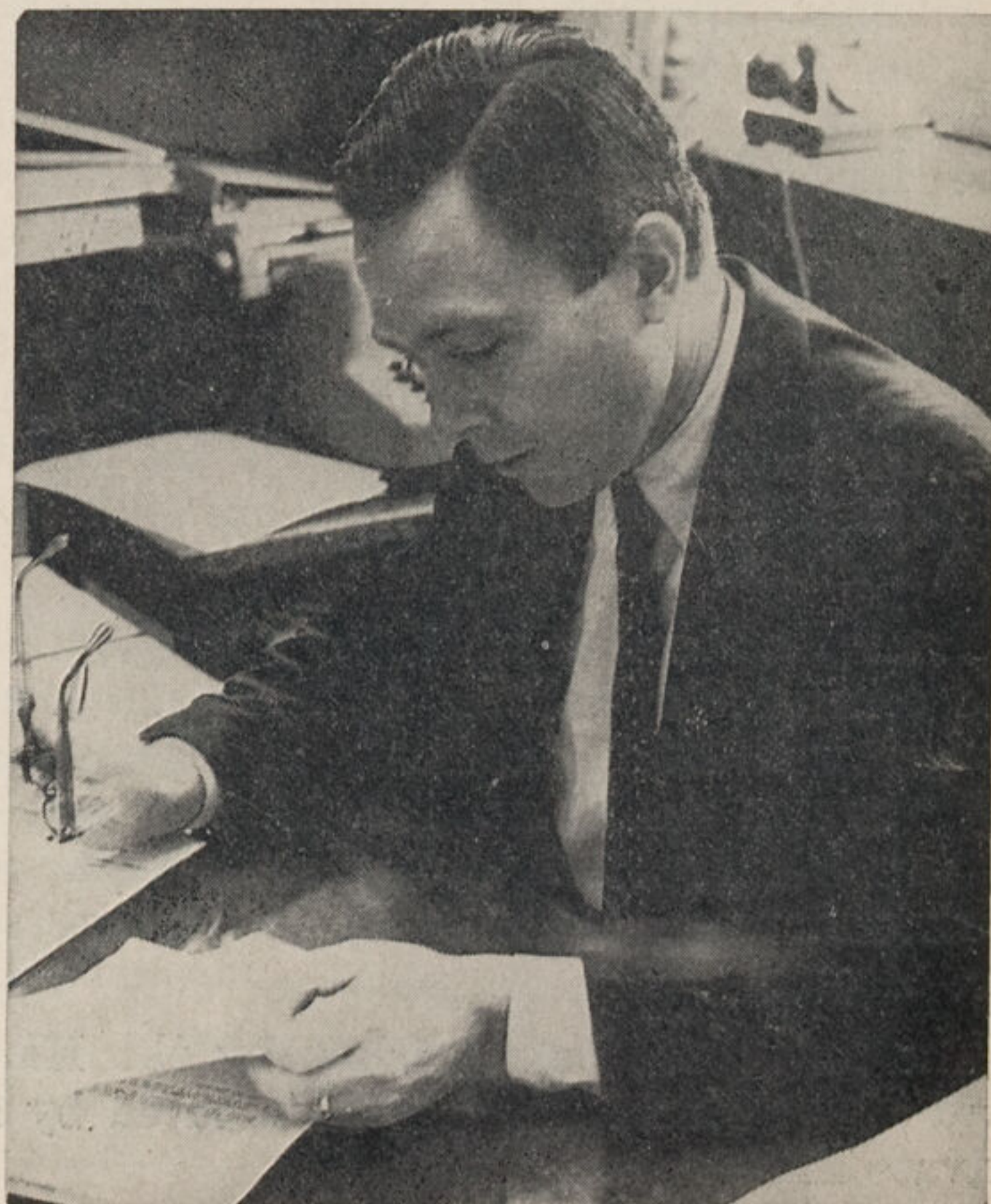
Costs Unexpectedly High

By Robert M. Goff

A RECORD survey indicates that most law students spend more at law school than the estimated minimum budget of the "Financial Aid Bulletin," a pamphlet sent to all entering students.

The average of the budgets reported by married students in every class is at least \$1000 more than the estimated minimum

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Dean Bruce: Heads Loan Program

Treaty Index Compiled

The Harvard Law Library next week will publish the first complete index to multilateral treaties ever compiled.

The index, which also contains supplementary protocols and draft conventions, includes 3,859 references covering documents in every major foreign language from 1596 to 1963. References are indexed chronologically, with detailed indexes by subject matter, country and region. Professor Milton Katz, Director of the International Studies program, noted that an index of this type has been needed for years and will prove invaluable to the bar, bench, foreign service, and legal scholarship.

The project was begun in 1962 under the direction of Vaclav Mostecky, Assistant Librarian in charge of international and foreign collections. Responding to the need to index post-1963 documents for supplementary reports, the index will be kept up to date continuously. The supplements will also contain newly discovered citations to documents already in the index. Over 200 multilateral treaties are made yearly, ranging from the nuclear test ban to agreements on the size of salmon fishing nets, the quality of wine, and the proper names of cheese.

Another attempt to index multilateral treaties was undertaken by the State Department in 1918, but was discontinued. The Harvard project is more comprehensive than the government version, containing more than twice the number of references for the period covered in the earlier effort. The United Nations maintains a list of treaties, but many documents are not listed, and some that are registered there have not been indexed.

Prof. Katz commended the "imaginative and constructive" efforts of Librarian Earl Borgeson and Mr. Mostecky in organizing the work on the index. Mr. Francis Doyle of the library staff also made significant contributions to the endeavor, according to Mr. Mostecky.

The index will be published by the Harvard University Press and distributed by a private firm.

Faculty Activism Defended

Two former Harvard Law professors took active roles in the founding of the American Association of University Professors 50 years ago. At its annual meeting in Washington last week, Professors Clark Byse and John P. Dawson echoed those early contributions with their work for the organization.

Prof. Byse spent the week meeting with and preparing the report of the AAUP Committee on Academic Freedom and Tenure, which he heads. Following his report the AAUP stressed the right of students and faculty members to participate in civil rights demonstrations and political activities.

The Association said: "It cannot be over-emphasized that members of the academic community are also citizens possessing the rights—and subject to the responsibilities—of all citizens." The report of Prof. Byse's committee led the association to vote censure against three institutions of higher learning for dismissing faculty members who had engaged in off-campus meetings or demonstrations.

Prof. Dawson is first vice-president of the Association. He sits on both the six-man executive committee and the 30-man council, and is a participant in these governing groups' massive correspondence throughout the year. Prof. Dawson was chairman of the AAUP Committee on the Role of Faculty in College and University Government from 1960 to 1963.

Prof. Byse served as general counsel for the Association before his present appointment. Professor Paul A. Freund is presently the president of the Harvard University chapter of AAUP.

Roscoe Pound and Joseph H. Beale, then of the Harvard Law faculty, were instrumental in the Association's founding in 1915.

Sutherland a Scholar-in-Residence

Professor Arthur E. Sutherland will act as Master of Lowell House next year for Master Zeph Stewart, who will be on leave at Oxford.

Prof. Sutherland teaches one undergraduate course in the social sciences.

Newsmen Spend Year on Harvard Law Beat

One Finds that Law Students Avoid Moral Confrontation

By Frank W. Lloyd

"All newspapermen are anxious to improve the quality of legal reporting today. The legal branch is now as important in policy-making as the political branch, where the very best reporting is done." The speaker was C. Ray Jenkins, Managing Editor of the *Montgomery, Alabama Journal*. Among Harvard University's eight Nieman fellows, he is one of the three taking courses at the Law School.

The others are Arthur W. Geiselman Jr., a reporter for the *York, Pa. Gazette and Daily*, and Ronald J. Ostrow, a business and finance staff writer for the *Los Angeles Times*.

The Nieman Fellowship program gives outstanding journalists an expense-paid year at the University, where they may take courses in any department or school without scholastic pressure. Those interested in law are advised to take only one course at the Law School, and to supplement it with the less technically oriented undergraduate Constitutional Law course taught by Professor Paul A. Freund.

Both Mr. Jenkins and Mr. Geiselman attend Professor Yale Kamisar's section of Criminal Law. They have been fascinated by his "no holds barred" adversary style of teaching. "It's like a courtroom without a judge," Mr. Jenkins said.

The Ghost of Frankfurter

Mr. Geiselman, a liberal interested in civil rights and civil liberties reporting, was disappointed in what he viewed as the predominantly conservative viewpoint of students here. "They aren't nearly as liberal as the undergraduates, and much less aware of the 'human condition.' I guess," he added, "it's the ghost of Frankfurter and judicial restraint hovering over the School."

Mr. Geiselman is a two-time winner of the Heywood Broun Award for outstanding reporting. Explaining the change he has seen in first-year students during the year, he remarked, "It's like the intelligent person

who goes to the South knowing better, but after hearing from everyone that segregation is right, finally gives in and agrees."

"The reasons given in class for punishing criminals — retribution, deterrence — aren't valid in practice and we all know it, yet these bright people sit there and discuss them abstractly," he went on. "Maybe we have to live with the system, but at least the professors could discuss it with tongue in cheek. No wonder so many of the students avoid a direct moral conflict and go into corporation law."

Mr. Jenkins, a Southerner on a "moderate" newspaper that alone in Alabama opposed Governor Wallace last fall, disagreed. "The first-year students discussed everything in moral terms at first, but now they tend to think in legal terms because they have learned the language." The students, he said, now want to challenge everything their professors say, merely for the sake of opposition.

The present need for reporters with legal training is especially acute in the South, Mr. Jenkins said. "Much of the hostility to Federal court decisions there is due to the shoddy newspaper coverage of their scope

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Prof. Chayes to Return

Abram Chayes, recently Legal Adviser to the U. S. Department of State, will rejoin the Faculty of the Harvard Law School on July 1.

During the academic year 1965-66, he will be on leave in England. Under a Reflective Year Grant from the Carnegie Corporation, he will be writing in the field of international law.

After five and a half years on the Harvard faculty, he was appointed by President Kennedy as Legal Adviser to the State Department in 1961 and served until the summer of 1964. Earlier, he had been legal adviser to Governor Chester Bowles of Connecticut, and Associate General Counsel of the President's Materials Policy Commission. In 1951, he was law clerk to Justice Frankfurter.

Aid Criticized

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of living ("ten years behind," claimed one) and the "head-in-the-sand" policy of looking only to the expenses of the academic year rather than the full 12 months.

Several claimed that the information they received about financial aid led them to believe that money would be readily available for them regardless of grades during their



Dean Toepfer

second and third years. "It was on this assurance that I came here, giving up an \$800 first-year grant from one law school and \$1000 from another," wrote one student.

Another said, "I feel that the law school was deliberately generous (or fair) in order to induce me to come here rather than another school, then reversed itself, forcing me into debt, and to become an unwarranted drain on my parents, who can ill afford it."

The data was presented to the administration for comment. The following are charges made by the students and the replies of Dean Toepfer, who administers the Financial Aid Program and Dean Bruce, who heads the Loan Program:

"I am not satisfied because my parents are unable to give me any substantial aid."

"I think the financial aids program concentrates too much on parental ability to pay your way. Suppose your parents refuse to underwrite another three years."

"They did not take into account compulsory retirement of working parent in two years plus younger sisters and brothers educational expenses in near future."

Dean Toepfer: "We are committed to the system that parents should make a reasonable contribution to the cost of their children's education, including his professional training. We don't ask parents to deplete assets, but to make a contribution from their income. In my judgment we are not as hard on parents as we could be.

"It is no argument to say that we are causing parents to use funds upon which they are depending for retirement. First, the parent level we are talking about does not have the problem of having enough assets for retirement. Many who ask for aid have parents whose incomes range from \$9000 to \$25,000 a year. We rarely refuse aid to a student whose parents earn much less. Second, we believe it is a reasonable expectation that the student will be financially successful because of his education here. It does not seem too much to expect the child to repay his parents for their contribution to his education."

Savings

"If you have any assets at all, you are expected to use them up at once. Your situation in the following years as the result of such action is not examined until these years roll around. Pro-ration of savings over the three years of law school seems unknown. Apparently one has to be resourceless before he

is considered for aid."

Dean Toepfer: "Students should commit all their resources to going to the Law School. Other schools have policies of permitting students to prorate their savings over three years. But under our system, any student who finds himself in need can find the funds here to finance his last two years. I don't know of any student who has left this school because of lack of funds. There have been students who left because they were unhappy with the living conditions. Loans are more readily available than grants for helping students over the minimum."

Debt Burden

"I am deeply in debt and may have to borrow more to get through the year."

"The policy is to make a nominal grant-in-aid award, the amount of which is determined by some formula which I can't figure out and then to allow students to borrow themselves into bankruptcy."

Dean Toepfer: "It is hard to say how much is a reasonable debt burden. It depends on the individual. Most students who get grants have a debt load upon graduation of about \$1500. Debt loads do not affect careers substantially. Marriage affects the career choice more than the financial aid program."

Automobiles

"A car is and should automatically be considered a necessity for a student 21 years old or older and he should not be penalized in financial aid consideration for having one."

"The School's position on ownership of cars is stupid, at least as far as married students are concerned. 'A car is an asset available for meeting tuition costs' is Alice-in-wonderland-ish as policy."

"A friend of mine was refused renewal of a loan because he has a car at school. This is discrimination without any justification—only the rich HLS student can have a car at school."

(Continued on following page)

Dean Bruce Doubts Existence of Aid Abuses

(Continued from preceding page) any more."

Dean Bruce: "As far as the loan program is concerned a car is permitted for married students. A single student is permitted to have a car under some circumstances, to get to reserve officer's meetings, etc. But in general a car represents capital. It is a matter of converting capital from one form to another."

Dean Toepfer: "We have finally accepted the fact that under some circumstances it is necessary for a married couple to have the use of a car. If the car is a modest one, we usually consider it as a reasonable expense. But if the student is single and lives in the dorm, we advise that he not bring a car to school because it is more trouble than it is worth. If a student turns up with a 1964 MG, we will very definitely consider this as an asset that could be used to pay for his education."

Housing

"I would like to see the university build some low rent housing for married students; this is properly part of the financial aid picture."

Dean Toepfer: "In the first place, where would we get the funds for building housing projects? In the second place, if we had money for building, we would first try to get the faculty out of the basement of Langdell. And finally, from the experience of Peabody Terrace, it appears that we cannot build low-cost projects

Abuses

"Try to weed out those who obtained aid by fraudulent application."

"There should be more stringent documentary proof of need. Have students and parents submit copies of recent federal income tax returns."

"An analogy between misuse of foreign aid and misuse of scholarship funds can be drawn. From my experience with law school roommates and friends on scholarship, I think it fair to say that many abuse the system terribly. I know of one scholarship student whose father made a great deal of money but who simply lied about it. I think the scholarship people ought to be more careful."

"I have heard of some students who borrow money at 2% and invest it to get a return of 6% on the stock market."

"End la dolce vita of some scholarship recipients."

Dean Bruce: "These criticisms are generally uninformed. I doubt that any student lies about his financial status. It would not be appropriate to investigate unless there is good reason. People involved here are of generally good character. I don't know if someone has invested in stocks with loan or grant money; I can't say for sure that it has never happened. But I would be surprised if there were

any material abuses in the administration of financial aid."

Scholarships

"Scholastic merit should be more decisive than mere need. Outstanding students should not have to present such a pressing need picture as the least outstanding ones."

"The administration should clarify its policy with respect to so-called prize scholarships. Who gets them? For what? How much?"

Dean Toepfer: "We have abolished the merit system entirely. There are no more prize scholarships except those specifically listed in the catalogue such as the Sears Prizes."

The Law School Catalogue for 1964-'65 states that the Sears Prizes are "to be awarded annually to students in the School who shall have done the most brilliant work in their class during the year." Four prizes of \$900 each are awarded.

The Financial Aid bulletin sets forth the reasons for abandoning the "pure reward" approach by "insisting that students who seek financial assistance show need for it." The program is said to assure students "who feel that Harvard's expenses may be too great for them that every effort will be made to help them come to the Law School and to make sure that, once they have begun their studies, they will

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RESPONSES TO FINANCIAL AID SURVEY

	Total Received	Applied For Aid	Did Not Apply	No Response	Given Aid	Not Given Aid	Were Satisfied	Were Not Satisfied	Had to Borrow Elsewhere
1L	44	24	12	8	18	6	12	6	2
2L	39	19	16	4	16	3	10	6	6
3L	41	15	17	9	15	0	7	8	6
Totals	124	58	45	21	49	9	29	20	14

Need Has Become Criterion for Student Aid

"Flexibility" and "need" are the key features of the new Financial Aid Program. This year has been the first in a bold undertaking to assure that all needy students can meet the minimum costs of going to the Law School.

"Under this program, all students, regardless of their grade record, are eligible for such financial aid as they need, on a half grant, half loan basis," Dean Griswold announced in his 1963-'64 Report.

Vice Dean Louis A. Toepfer, who has the major burden of administering the program, put the problem this way: "What is the best way to help the 'needy' students in today's 'affluent society'?" In the *Harvard Law School Bulletin* for April 1959, Dean Toepfer suggested that the School drop the needs test altogether. A "study now, pay later" plan was offered, supplemented by scholarships to be awarded on a merit basis without reference to need.

Today, six years later, the merit test has been abandoned (outside of the few endowed scholarships) and the needs test has become the cornerstone of the new program.

According to Dean Toepfer, the problem is less one of money than of time. "For a single individual whose costs of going to the Law School amount to \$10,000 for three years, the financial burden may be an impossible one to face.

Spread the Burden

"The Financial Aid Program tries to take hold of a three-year problem and stretch it out over a period of several years. What we have to do is see to it that people have enough time to meet these payments."

Under the new program, the School will for the first time undertake to give financial aid to first-year, as well as second- and third-year students.

"Under the present system," Dean Toepfer explained, "there are no more prize scholarships, except those few listed in the catalogue. And we have abolished the

D cut-off for financial aid."

According to the *Financial Aids Bulletin*, "Most first year students whose applications indicate that the resources available to them will not meet a minimum Law School budget will be assisted with a Financial Aid award. These awards usually consist of a direct grant and a matching long-term loan. Such awards may, in appropriate cases, be supplemented

SOURCES OF FUNDS For 1964-'65	
Alumni Scholarships	
Grants	\$ 98,350
Matching Loans	73,650
National Scholarships	
Grants	15,000
Matching Loans	7,250
Faculty Scholarships	
Grants	35,610
Matching Loans	34,710
Law School Endowment Income	
Grants	167,120
Matching Loans	145,940
General University Funds	
Grants	50,625
Matching Loans	8,500
Special Gifts	
Grants	13,200
Matching Loans	600
Total	
Grants	379,905
Matching Loans	270,650
Total Financial Aid Awards	\$650,555

with additional loans."

There are about 50 "Entering Scholarships," awarded by the School on the basis of need and promise. "Harvard University Scholarships" are also available to students who meet special preferences. These awards usually cover the amount of tuition, supplemented by long-term loans if needed.

The needs system does risk losing good men to other schools, Dean Toepfer admitted. A student graduating *summa cum laude* from a top school with an aptitude score of over 780 may be refused financial aid if his application fails to demonstrate financial need.

"I am reasonably sure that these same candidates would receive financial aid if they applied in other fields of graduate study. But I

think the policy is right, because there are just as many needy and well qualified students who are now able to come to the Law School with our aid.

"Any other method amounts to buying students. Some schools offer awards based on merit alone. But Harvard, Penn., Columbia and Yale do not. We exchange financial aid information to keep in step with each other."

The School does make one concession to the past, Dean Toepfer confided. "Included in the financial aids for entering students there are still 50 old-fashioned scholarships (direct grants). In my opinion it is likely that these will disappear as well.

"Such 'scholarships' help for selling purposes, because many students graduating from colleges just don't understand any other approach. In fact our 'scholarships' are based on need, not merit."

More Funds Required

What are the needs of the Law School for sustaining the comprehensive financial Aids Program in the future? The School is accepting more and more people who show need. It is clear, Dean Toepfer said, that more funds will be required. The program has more than doubled in the amounts given to students in the past 10 years. "At present we have about \$1.5 million in our own loan funds. In order to keep in balance the amounts loaned out with the amounts repaid, the total loan-fund balance ought to be about \$3 million."

The grant-in-aid program requires even more money. Presently about \$135,000 a year can be expected from gifts for current use from the Harvard Law School Fund, but under the expanded program, about \$500,000 will be needed. "Another source of grants which must be expanded is the endowment fund. About \$3 million will be needed to take care of our obligations," Dean Toepfer said.

Student Expenses

(Continued from page 1)

budget.

The most significant discrepancy lay in the figures for housing expenses. In all classes students chose to spend more on their living accommodations than is recommended as a minimum amount.

Among married students, even the frugal 1L's spent \$351 more yearly than the basic budget, which includes \$900 per year for rent and utilities.

Few single students managed to stay within the Bulletin estimate, calculated on the basis of dorm occupancy. Their rent and utilities totals were at least \$13 per month more.

Food costs are below the minimum estimate, since for single students the estimate is calculated on the basis of Harkness contract rates. The average was depressed by those apartment dwellers who cook for themselves for less than the \$16.95 weekly Harkness rate. Married students also spend less than the suggested amount.

Although there is no comparable item in the Bulletin budget, the data obtained on expenses for movies and partying indicates that in both the single and married

STUDENT, HLS MINIMUM BUDGETS COMPARED			
SINGLE		MARRIED	
Total Expenses	Number of Students Reporting	Expenses Total	Reporting Students Number of
2800-3000	6	0-4600	3
3000-3200	10		
3200-3400	16	4600-4800	4
3400-3600	7	4800-5000	4
3600-3800	11	5000-5200	6
3800-4000	11	5200-5400	3
4000-4200	8	5400-5600	2
4200-4400	4	5600-5800	0
4400-4800	2	5800-6000	5
4800-5500	2	6000-6500	2
5500+	3	6500-7000	4
		7000+	4
Total	80	Total	37

Double line indicates HLS minimum budget.

groups, expenses rise steadily throughout the three-year stay. Married students, after their first year, spend as much or more on entertainment as do single students.

Of the 124 students who reported, of a random sample of 347, only 13 spend less than the minimum budget. Ten of these are single.

Forty-nine questionnaires were received from students who had received some form of financial aid. Of these less than half (22) had total expenses greater than average for their particular categories of year and marital status.

In spite of the administration's discouragement of automobile

ownership in Cambridge, 47.5 percent of the sample have a car at law school.

One hundred twenty-four of the three-page forms were completed, more than a third of those distributed. The sample represents 8.3 percent of the total Law School enrollment. The responses were divided almost equally among the three classes. Married students comprised 29 percent of the sample. Thirty percent of all Law School students are married.

Most of the figures given are averages—the total amount of money reported divided by the number of students reporting.

LAW SCHOOL EXPENSES — PROJECTION AND PRACTICE

		Replies	Average Expenses This Year	Median Expenses This Year	Average Expenses Last Year	Rent (monthly)	Utilities (monthly)	Food (monthly)	Entertainment (monthly)
SINGLE	1L	35	3473	3790		51	6	68	27
	2L	29	3592	3660	3373	56	10	61	27
	3L	20	3830	3627	3709	61	11	55	32
	HLS Estimated Minimum Budget 3132					44		73	
MARRIED	1L	10	5084	5008		116	23	98	21
	2L	8	5736	5459	5624	146	26	97	29
	3L	19	5906	5526	5214	128	18	88	35
	HLS Estimated Minimum Budget 4112 (no children) 4448 (one child)					100 100		100 111	

Making a Good Program Better

A number of significant points were raised by the responses to the RECORD financial survey.

Several complaints were made by students who were either uninformed or misinformed. Although financial aid officials are making an effort to bridge the communication gap, more can be done by presenting a composite picture of the total program in one publication. Students today must find their way through a maze of catalogues and bulletins, none of which tell the whole story.

The cornerstone of the current program is properly need rather than merit. In a school where admission is determined by ability and promise, all students are presumably qualified for scholarship aid based on merit. Moreover, a needs test is probably fairer and creates less student tension.

One of the more difficult questions in administering a needs test is what resources should be taken into account in giving aid. With respect to outright grants the administration is correct that parents' income should be considered. The weight, of course, is a matter for case-by-case determination.

On the other hand, financial ability of parents should not be a major factor in extending loans. Loans should be granted on the basis of the student's future ability to repay and the showing of some reasonable use to which the money will be put. Easy access to loan money will not necessarily induce heavy borrowing; the desire to avoid heavy debt will be a limiting factor.

There are two items which need immediate attention. First, the administration's minimum budget is dangerously deceptive. The college senior who carefully plans the financing of his legal education may rely on these figures as a reasonable guide. He may think that if he goes a little over on one item, he can make it up elsewhere. But as the budget stands, there is little excess to be pared. The student who arrives in Cambridge with a closely calculated budget may find that he does not have enough to meet the high cost of even moderate living.

Second, the rent figure in the minimum budget for married students needs serious reconsideration. There are apartments in the vicinity of Harvard for \$100 per month, but they are few. While our data came from a small sample, and thus may not be truly representative, the fact that married students reported spending a full 50 percent more than the minimum amount for rent and utilities strongly indicates that upward revision is needed.

In these days of heightened interest in graduate education, increasing amounts of financial aid in some fields have been made available by businesses and the Federal government. Little of this aid, unfortunately, has gone to further legal education. While grants for advanced study in a scientific field are often readily available, law students can hope for little beyond a matching loan and grant.

Since there are no giant corporations to support the nation's law schools, the burden falls upon their alumni. The alumni of the Harvard Law School have given generously. But the cost of a legal education has advanced past \$9,000 even for the most frugal single student. Married students may have to spend in excess of \$15,000. Continued and enhanced alumni support is necessary even to maintain the present program. As one student respondent remarked, "There is never enough money; this is a general truth."

Finally, Dean Toepfer's plan to eliminate all outright gifts and extend to all students a line of credit, is intriguing as reducing the lack of funds problem. But it is hoped that the Law School will never lack sufficient funds to finance some free grants, since a number of well-qualified students, who exhibit need and plan to enter non-remunerative fields of service, may be lost to the School.

TONGUE 'N CHEEK

By Fenno

I was happily practicing chip shots at the world tree when I noticed a friend on his way to the library lugging two attache cases.

"Happy Spring," I shouted, letting fly a perfect nine iron.

"Ugh," he replied.

"Cheer up," I said. "This is the season of rebirth."

"And review," he muttered.

"How can you be so morose when it is the time for people to be shouting about bases loaded, three strikes, you're out, and kill the umpire?"

"Please, that just reminds me of tax, labor law and crimes against the person," he said, kicking some sod in my direction.

"Doesn't spring mean anything to you? The flowers in bloom, the warm sun beating down on the dormitory roof, the laughter of friends joined in mutual endeavor."

"You obviously haven't met my study group," he grumbled.

"I take it they are a somber lot," I responded.

"Somber? Why the last time anyone of them smiled was when he heard about a classmate who deposited a course outline in a mailbox by mistake."

"Writing out all those exam questions can depress you," I said.

"Just reading them saddens me," he sighed. "I keep finding 'cepts' when I'm looking for issues. And when I confuse venue and jurisdiction the guys make a Federal case of it."

"Listen friend," I counseled, "exams are a long way off. You've got over a month before the panic should set in."

"Time flies when you loathe the task at hand," he said, abstracting my scorecard.

"Just remember that preparing for and taking exams is part of a great educational experience," I said with enthusiasm.

"So is staring at the ceiling for long periods, I suppose," he answered. "I've got to go to work now. Anyway it looks like rain," he said, glancing at the brooding omnipresence in the sky.

Letters to the Editor

RECORD Said to Incite Chaos, Violence, Distrust

To the Editor:

Hopefully there are many here at Harvard who don't believe the Constitution is some type of folk song to be sung by Joan Baez, with 1000 Berkeley students strumming guitars in the wings, and with poetic license given to Pete Seeger in association with Mark Howe to change the lyrics every time the current tune changes.

Some of last weeks letters to your paper and your editorials seem to express the position that those who believe in "civil rights" have some sort of permit to be above the law. When the march starts singing We Shall Overcome reason seems to dissolve away and the assaults with broken beer bottles, the violation of Federal court orders restraining a civil rights march, and at the local level, the political misuse of funds set up for social reasons all become legitimate and heroic. All those who think we ought to read the Voting Rights Bill before we pass it or who attempt to consider its

relation to the 15th Amendment are branded as legalistic racists.

I would like to compliment the Dorm Council for, in the main, defending their fiduciary obligations against the emotionalism of the types of people mentioned above. As long as most of us reasonably consider the legal aspects of problems that a few permit dogma and feeling to swallow up we will probably continue to progress in race relations. The path of the RECORD editors and some of their letter writers would lead us to more chaos, violence, and race distrust. Let us not repeat the mistakes of the Radical Reconstructionists. Harvard should stand for progress through law.

Michael J. Cronin, 2L

Omission of Race Rumors Called 'Presumptuous'

To the Editor:

I am mildly surprised at the RECORD's handling of the Judge Leighton controversy in the March 25th issue, and particularly by the ill-tempered and less than judicial editorial on page 8.

You say in that editorial, "The inexcusable omissions in their stories [the prosecution and press] give no basis on which to form an intelligent opinion of the matter." You then proceed to give a thoroughgoing ["intelligent"?] opinion on the matter, in which you are equally guilty of omission. I suggest that the RECORD's omissions have served only to becloud the issue further, since I find in the RECORD no mention of what seem to me to be the most significant aspects of the matter.

When his acquittal of the defendants exploded into a minor *cause celebre* which the Judge obviously did not anticipate, he is reported to have made two very revealing comments (ah, yes, this is "hearsay", to be sure; but so are your facts) in attempting to explain, if not justify, his actions (and to the best of my knowledge these remarks have never been denied).

In explaining away his apparent astigmatism re damaging testimony given by the police officers, the Judge, for many years one of Chicago's busier criminal lawyers, expounded his philosophy, in substance, as follows: "I don't have to accept the testimony of police officers, even if it is not controverted." So much for judicial impartiality on that score.

During the same testimony one of the police officers stated that the neighborhood in which the incident occurred was, again in substance, "a bad one, filled with Mexicans, Puerto Ricans, Negroes, and a few Caucasians." In commenting on this testimony (of simple fact, incidentally) the Judge, a Negro,

(Continued on page 14)

Harvard Law Record

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A Fine Collection of Faculty Photographs

By Thomas E. Woodhouse

In the best tradition of distilling wisdom from experience, the staff of the 1965 Yearbook has expanded the best and eliminated the worst from the uneven material which less than graced last year's production. Outstanding in the Yearbook of 1964 were the 15 pages of

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faculty portraits photographed by Beardsley Ruml II. This year's staff has very commendably tripled the number of pages displaying the Associate Editor's art, reprinting the best of the previous portraits and introducing many new ones. The student picture pages forthrightly fulfill their proper function of programming a person's life into a four-line label next to an identifiable likeness of his face.

The format continues unchanged, although the order of faculty pictures, devilishly unalphabetical, defies logic. A traditional format is probably desirable; we feel comfortable sliding through faculty eulogies to the more alluring pictures of ourselves beyond. Within the framework of format, we can ask for tasteful little embellishments and artful presentation. The faculty signatures beneath their portraits is a praiseworthy example of the former, while the somewhat hackneyed comment on Professor Freund is not a good example of the latter. Exception might be taken to the broken sentences, usually trite, which serve to string together unrelated candid photos in scores of college yearbooks, but perhaps the technique serves a worthy purpose.

A search through a Law School yearbook for errors which should have been caught in the proof-reading always proves productive. Unfortunately, the harvest is as bountiful this year as ever. To point to a few: the reference to "Professoh" Sutherland on p. 33; "THID ROW" under the Southern Club on 208; an address on South Wheling for Mrs. Anderson Bartlett immediately under the same address on South Wheeling for Mr. Anderson Bartlett at 83; "Harvy" on p. 210; an unidentified personage in the Griswold Club picture; a man named "Ttownsend" in the Haar Club picture; and in violation of the rule established in

other pictures, no "Professor" before M. Howe in the Pow Wow picture. Who can account for the transformation of the Republican Club into "Republic" Club on p. 207? The Yearbook strikes closer to the Bartletts than their address, for in making reference to "Miss Stephanie Bartlett" on p. 210 it seems to snicker that it recognizes their marriage as *de facto* only. Other errors await other sleuths.

The criticism is of details; the praise is for the whole production. It is good that the Yearbook is dedicated to Roscoe Pound. It is good that the editors have shown restraint in avoiding the lure of the momentarily witty phrases which clutter up many undergraduate annuals. This Yearbook is a collection of fine photographs, and no doubt will be adequate to tickle our nostalgia at some older time.

Organizations Elect

The Legal Aid Bureau has elected the following to office: President, Alan B. Morrison; Vice President, Russell M. Coombs; Secretary, Lester G. Fant III; Treasurer, Thomas E. Vollmer; Senior Director, Anthony C. Kahn; Junior Director I, Thomas W. Morriss; and Junior Director II, Harry V. Carlson.

The Dorm Council has elected new officials. They are Frank E. Morris, 2L, President; Robert A. Shelton, 2L, Vice President; Anita L. Glasco, 1L, Secretary; and David S. Hope, 1L, Treasurer.

The International Law Club has elected the following officers: William M. Eichbaum, 2L, President; Robert M. Thomas Jr., 2L, Vice President; Robert H. Diaz, 2L, Secretary; and Jud H. Abraham, 2L, Treasurer.

Events of Note at the Law School

The International Law Club meeting featuring Thomas Farmer has been cancelled, but the Club will meet today 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, tonight 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.

* * * *

The Ad Hoc Committee to Bring Vicki Albright to Harvard has announced its schedule for the weekend. Miss Albright will arrive



Vicki Albright

in Boston late Thursday evening, accompanied by her mother.

11 a.m., Friday. A welcoming committee will meet Miss Albright at the Harvard Square MTA station for a mock reception.

12 noon. Official welcome to the Law School by UCLA alumni, in the Wheeler Room, Holmes Hall, followed by a tour of Langdell. Co-chairmen of the committee are Michael C. Agran, 2L, and Peter P. Gamer, 2L.

1:15 p.m. Blackstone Club luncheon at Lincoln's Inn. Miss Albright will speak on "Recent

Developments in the California UCC." The remainder of the afternoon will be spent at MIT and at various meetings and receptions.

7:30 p.m. Presentation of the Blackstone Club's "Woman of the Year" award in the Wheeler Room, followed by a reception for members of the Ad Hoc Committee. Any student may join by leaving a contribution at the door.

Miss Albright's escort for Friday evening will be chosen from a list of students. "This is not a lottery," emphasized Committee Chairman Herbert J. Rodgers, 2L.

Fund-raising Chairman Stephen M. Raphael has resigned his position to devote full attention to research for a possible violation of the Mann Act.

* * * *

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.

* * * *

Marvin Kratter, President and Chairman of the Board of the Kratter Corporation, will address the Bull and Bear Club on Wednesday, Apr. 21 at 1:45 p.m. in the Harkness Meeting Room. Head of one of the largest publicly-owned real estate corporations in the country, he is expected to discuss the use of condominiums in the real estate field.

* * * *

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.

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U.S. Role in Europe Declining

Stanley H. Hoffman told the International Law Club that the notion of an Atlantic Community under the tutelage of the United States has now become "obsolete."

"The time has come," the Harvard professor of government said, "when superpowers can no longer dictate policy to what they regard as their European satellites and dependencies."

According to Prof. Hoffman, the State Department favors the organization of an Atlantic Community, or at least of a pro-American West European Federation, so that Europe can speak with "one voice" and for the suppression of "parochial" outlooks. United States officials inevitably define the latter as any anti-American sentiments, Prof. Hoffman maintained.

But American hegemony in Western Europe is on the decline, he went on. The emergence of many nations into the international system and the East-West *detente* has decreased the importance of the great military powers. The tendency now is toward equality among nations.

Although European countries have much in common with the United States, Prof. Hoffman indicated that conflict between the two areas is inevitable. The speaker's prediction was that Europe will form either as a Monet-type of gradual integration, or will resort to separate nationalisms.

Prof. Hoffman rejected the advisability of the Rapatski Plan for a de-nuclearized central Europe. Such a scheme, he said, would be negotiated by the major nuclear powers and imposed upon Europeans. Europe would be a "stake," the subject of an "experiment," rather than a participant in the formation of its own future.

Prof. Hoffman derogated American moves to woo West Germany into a multilateral nuclear force. He concluded that giving the Germans the impression that they were "masters in a balancing game" has never been good for Germany or for the world.

The speaker commented that the favorable reaction of Britain's Labor Party to our Vietnam policy was in line with that country's "trusted ally" response. But despite these outward signs, most of Europe is troubled by our position.

United States Scolded for Lunar Homicide

Along the side walls, 13 English Chief Justices in scarlet and ermine peered down through ornate gold picture frames at the proceedings. Roscoe Pound, in a plain black suit and green eyeshades, looked quizzically at the scene from the far wall of the Langdell room named for him.

"The moon is not made of green cheese," counsel for the United Kingdom was arguing. The Court agreed without hesitation.

The dialogue ended in victory for Britain against the defendant United States in the case of "Murder on the Moon," heard by the International Law Club's World Court.

The case arose from an incident on the first lunar expedition, a joint venture of the litigants. Sir Roland Magdalen, a British scientist, planted a Union Jack in the moon dust, an act of chauvinism which so outraged his co-traveler, American scientist Ace Armstrong, that he attacked and killed Sir Roland in full view of millions of inter-celestial television watchers.

Armstrong returned to earth and landed his spaceship in Canadian waters, from which he was rescued by American military aircraft. The scientist received a hero's welcome in the United States. British demands for extradition were ignored by her former colony and Her Majesty's government brought its case to the World Court.

Prefacing its decision with Chief Judge Louis L. Jaffe's rather stark admission that "we don't feel particularly knowledgeable about the matter," the Court held for the

United Kingdom on most of the issues of law.

Barry S. Augenbraun, 3L, and Carlos Sanchez-Mejorada y Velasco, a graduate student on leave from the Mexican foreign service, were counsel for the United States. They argued that there are no courts of competent jurisdiction in any of the states which have venue in the case. But the Court reasoned that this country's failure to provide a forum for prosecution of the murder would not relieve it from an obligation to "make good" to Sir Roland's family. It further held that the United States must release Dr. Armstrong for trial in Britain.

The United States argued that the scientist was acting beyond the scope of his government's employment when, in a fit of rage, the assailant ripped the British moon flag to shreds. The court had "some difficulty" with the problem, but decided that "even if the individual were not the agent and, by his act, did not make his government liable, the least that can be asked is that it reprimand Dr. Armstrong."

The court announced that the best brief was filed by the United States team. The winning oralist was David M. J. Bennett of Australia, who with Mr. Frederick Mpanga represented Great Britain.

Mr. Mpanga, whose "green cheese" argument was left un rebutted by court and opposition, is the Solicitor General of Buganda, a province of the African federation of Uganda.

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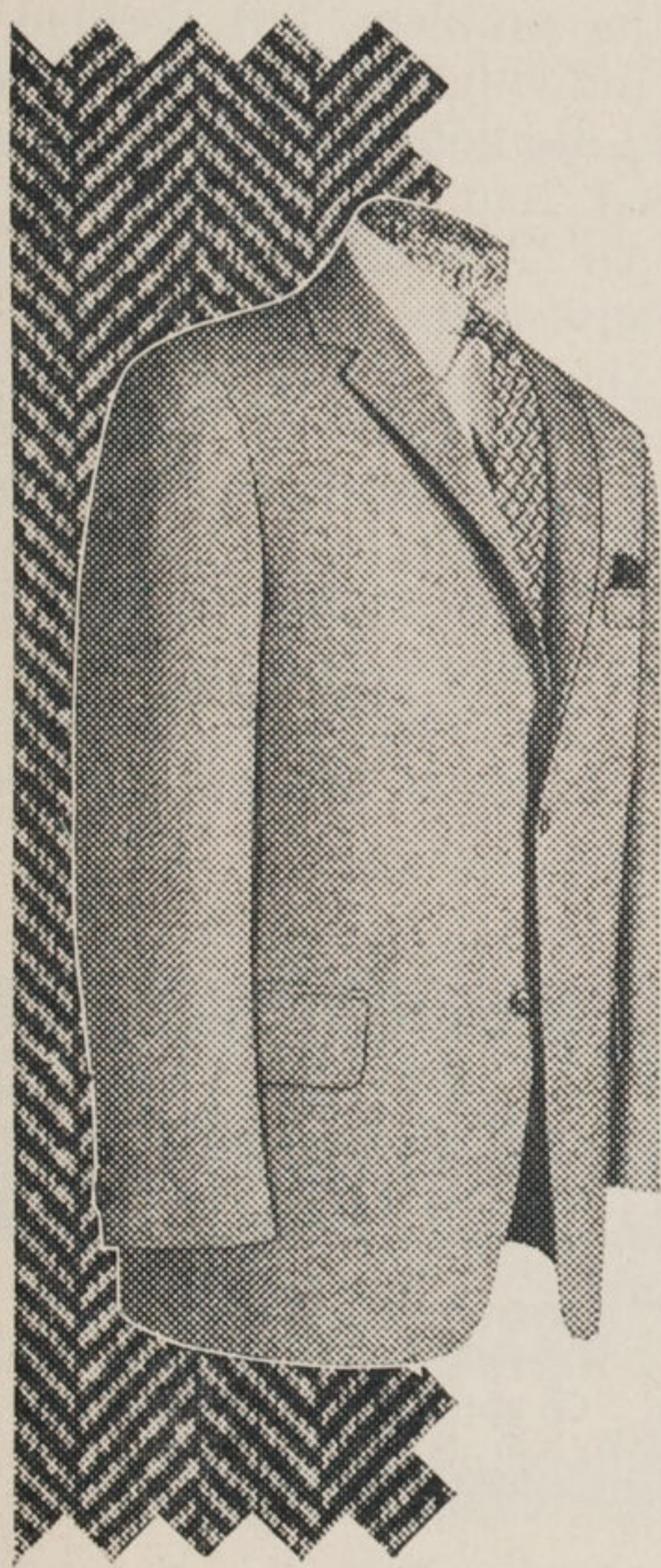
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LETTERS

(Continued from page 9)

later said "I didn't like that statement." So much for judicial sensibilities on this score.

You say "Judge Leighton's decision is a close one . . ." That may or may not be true, but isn't it possible that the two wholly personal (and, I submit, improper) considerations suggested above may have swung the balance in favor of the defendants and against the legitimate interests of the community as a whole? And until you know the answer to this question, isn't your editorial a little presumptuous?

By the way, I am known to my friends as a staunch advocate of civil rights—but that doesn't mean that I approve of discrimination in reverse.

Jeffrey Shedd, LL.B. '29
Chicago, Illinois

Bar's Duty to Inform

To the Editor:

Re the overpublicized decision of Cook County Circuit Judge George N. Leighton, '43, the Judge's generous comment that the "rules of evidence of the press room are far more lenient than those of the court room" may somewhat excuse the press and the lay public; I am not so sure that it excuses the Bar. We seem to be quick enough to criticize judicial decisions which we consider indefensible; isn't there a concomitant duty to explain and defend decisions which are misunderstood in the forum of public opinion—and to defend that otherwise most defenseless of creatures, enmeshed in the restrictions of the Canons of Ethics, the sitting judge? A judicial career can be broken by ill-informed public pressure upon the political process and, aside from the particular jurist involved, the judicial process is destroyed, pro tanto. Or is public debate too demeaning and politics too dirty?

Barry Golomb, LL.B. '51
New York City, N.Y.

Scholarships De-emphasized in New Program

(Continued from page 5)

complete them."

The policy is justified on the grounds that a legal education is a good investment with generous future returns from which students will be able to repay any loans or aids received; that it is impossible to make financial awards on merit alone, since funds would be exhausted before all deserving students could be accommodated. Almost every student admitted having high qualifications, any distinctions without reference to need could not be applied but arbitrarily; and that the policy of assistance according to need is sound and fair. "As a result of endowed funds and current gifts, tuition is considerably less than the cost of the student's education."

The Bulletin continues that "Because basic living requirements vary from individual to individual, applying a financial needs test is

always difficult. It is often argued that only the individual applicant can accurately know his own needs. Nevertheless, the Law School, for obvious reasons, must ultimately decide. It does so on the basis of information supplied by the applicant, his family, and, if he is married, his wife."

In 1964-65 the School made grants under the Scholarship and Financial Aid program to 484 students—167 to 1L's, 181 to 2L's and 136 to 3L's. Sixty-nine students, mostly first year, received grants only. The remainder received grants and matching loans, or straight loans.

The average award made under the program has risen over the past five years from \$623.99 in 1960-61 to \$784.92 this year.

Other students commented that:

"My only complaints are psychological. As long as HLS is going to loan the money anyway, I don't

feel one should have to prostrate himself. After begging, one feels guilty and fills the air with humble justifications every time he asks for an installment."

"I got the feeling they felt they were doing me a great favor to give me a loan of \$400, which is the wrong attitude. HLS students are good credit risks, and if we ask for a loan, it should be granted with little or no questions, unless the request is outrageous. Instead, we're forced to undergo a third degree as to all the details of our financial situation—why we need the money, etc."

"More liberal grants should be made so as to keep financial worries off students' minds and so that they will have fond memories of the Law School when they are rich and successful. Otherwise these students will very likely not feel any more generous with their funds than they remember the scholarship office was."

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Nieman Fellows

(Continued from page 3)

and meaning."

Mr. Ostrow attends Professor Louis Loss' Securities Regulation seminar and is writing a paper on the effect of SEC regulations on freedom of the press. His research has led him to believe that "regulation is needed in the public interest to prevent improper tout-ing of stock with incomplete information. However many companies are using existing regulation as a shield to withhold news the public should have."

He noted a natural enmity between many reporters and lawyers. "You call a businessman for a story and he says, 'I'd like to tell you but my lawyer says not to.' But at Harvard I've come to realize the reasons for their caution."

The Law School conducts three panel discussions during the year for all the Nieman Fellows. One of them, "Free Press and Fair Trial," most clearly evidenced the cleavage between the professions, Mr. Ostrow remarked. "I'm sure the professors would rather have titled it "Free Press or Fair Trial."

Posner Takes ASCAP Award

S. Paul Posner, LL.B. '64, has received second prize of \$500 in the national 1964 Nathan Burkan Memorial Competition, sponsored by the American Society of Composers, Authors and Publishers. Presently clerk to Justice William J. Brennan Jr., Mr. Posner wrote on "State and Federal Power in Patent and Copyright."

First prize of \$1000 went to Mrs. Marion L. Woltmann, a graduate of Columbia University School of Law, for her essay, "The Author and the State: An Analysis of Soviet Copyright Law."

At the Law School, Mr. Posner was a member of the *Harvard Law Review*.

A Correction

The RECORD erroneously implied in the issue of Apr. 1, page 7, that Dorm Council members did not pay for their own admission to three semi-private mixers. Council members paid, as did all others attending. In addition, these were not date parties, but were small mixers to which groups from Wellesley and Radcliffe were invited.

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