

Future of HLS Is Planned; New Buildings, Courses, Faculty, Programs and Research

By Paul M. Branzburg

A plan for the development of the Law School's programs and facilities over the next two decades has been charted by the Committee on Planning and Development.

The Report of the Committee has already been approved by the University Corporation. It contains a series of proposals which will significantly alter the profile of Harvard Law School, provided the necessary funds can be raised.

Among the proposed changes are expanded programs in hitherto "underdeveloped legal studies": urban legal studies, criminal law and criminology, and foreign legal systems and comparative law. There will be greater time for faculty research activity, and a gradual increase in the faculty from about 45 to about 56 to 60 members.

The plan envisions a new classroom building and a faculty office wing to be attached to Langdell Hall. It calls for long-awaited changes in the administration of the financial aid program and the graduate training program, and a growing number of visiting scholars from related disciplines.

(Continued on page 6)



America's Oldest Law School Newspaper

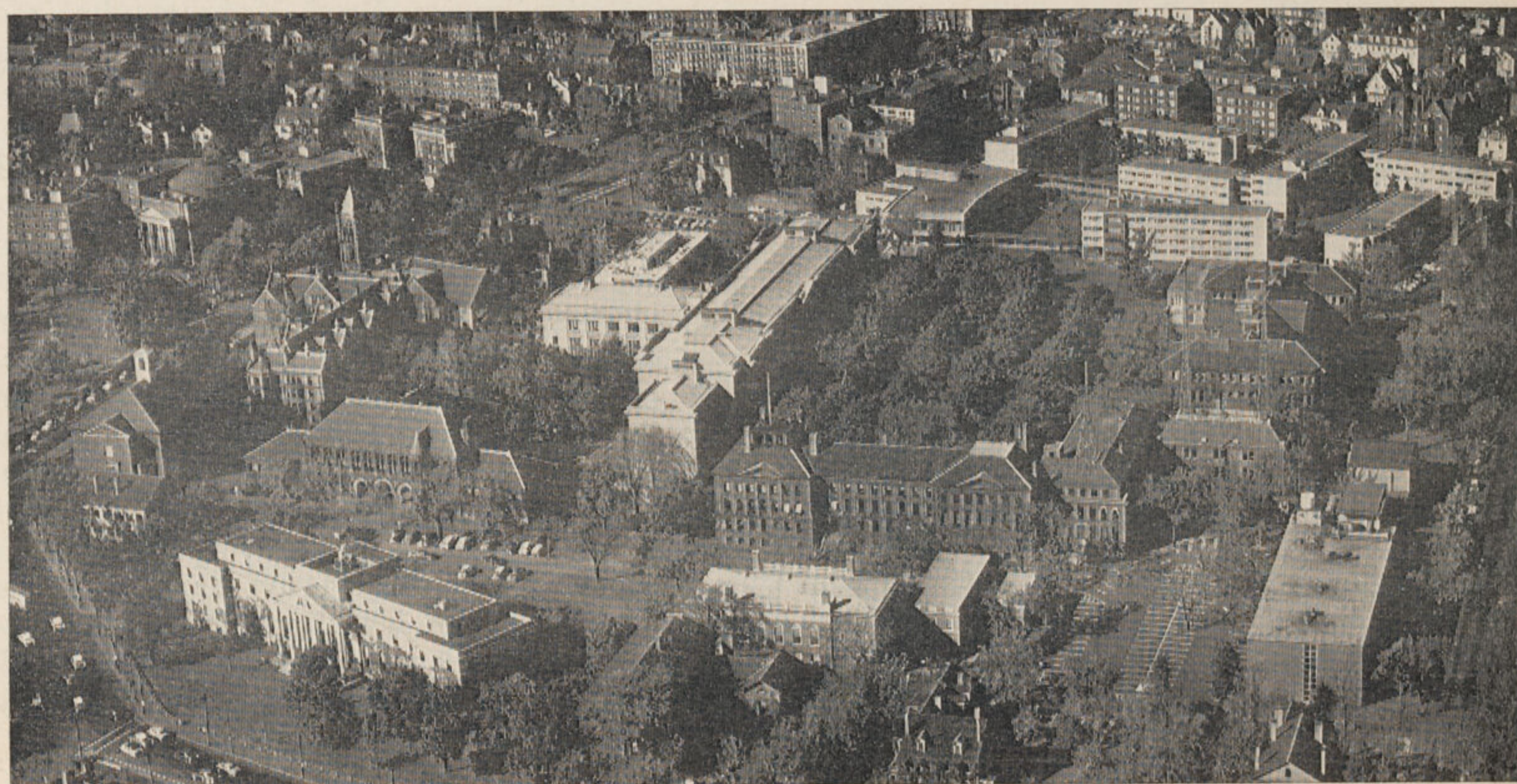
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More Law Buildings to Come

By Michael D. Hampden

The construction of a new faculty office wing to Langdell Hall, and a new classroom building between Wyeth Hall and the International Legal Studies wing, has been recommended by the Committee on Planning and Development.

Dean Erwin N. Griswold has given the
(Continued on page 4)



Precedent for Use of Gas Aired

By Keith S. Watson

A "good case" can be made for the legality of using gas in South Vietnam, according to Professor Richard R. Baxter of the Law School.

In a talk before the International Law Club last Thursday, he noted that the United States is not a signatory to any treaty prohibiting the use of gas in warfare. Moreover, it is difficult to say that a ban on the military use of gas has become a part of international law.

The speaker dismissed as "meaningless" the Administration's attempt to justify itself on the ground that nausea gas is "humane." The distinction between various types of gases is impractical in wartime conditions, and the treaties limiting the use of gas proscribe all varieties, he said.

Prof. Baxter, who teaches two courses in international law, is Vice President of the American branch of the International Law Association and a member of the Executive Council of the American Society of International Law.

The use of gases in Vietnam, he said, might be illegal if the provisions of the Geneva Protocol of 1925, in which the signatories agreed not to use gaseous weapons in warfare, were now considered a part of general international law. Precedent for this view is found in the fact that the declarations of The Hague Convention of 1899 and 1907 were held to be international law at the post-war Nuremberg Trials. The United States was not a party to either the Geneva or Hague agreements.

The Geneva provisions are part of inter-

national law, it is said, because of the history of faithful adherence to the treaty and the cries of indignation in the few instances when it has been broken. Moreover, the protocol signatories believed that they were codifying "the general opinion of the civilized world." Prof. Baxter noted however, that inasmuch as the treaty permitted the use of gas against nonsignatories and against signatories who breached the agreement, to apply the provisions today as a general proscription would be difficult.

One member of the audience argued that North Vietnam cannot maintain both that the warfare in the south is an "internal affair" and at the same time that international law is applicable. Prof. Baxter agreed that international law concerning the use of gas would not apply to domestic difficulties, such as the racial clashes in Alabama. But he said he doubted that the war in Vietnam could realistically be called "internal."

Haar Testifies for Urban Bill

By Brian Christaldi

In testimony before the Senate Subcommittee on Intergovernmental Relations on Mar. 29, Professor Charles M. Haar urged the approval of S. 561, a bill designed to establish coordination among Federal programs in metropolitan areas and to provide incentives for metropolitan planning by local governments.

In his testimony, Prof. Haar emphasized the merits of Section 401(a), establishing a coordinated urban assistance policy in an effort to eliminate the continuing problem of conflicting Federal programs. Section 401 provides that the President shall issue regulations for the formulation, evaluation and review of Federal projects "having a significant impact on the development of urban communities." Prof. Haar praised the inclusion of natural beauty and recreation as objectives which Section 401 requires Federal agencies to consider. Single-function agencies have been able to ignore these factors in the absence of organized resistance, he explained. Section 401 provides a basis for the formulation of a Federal urban development policy which would be essential to Federal programs affecting urban development,

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RECORD Elects Officers

Paul M. Branzburg, 2L, has been elected President by a unanimous vote of the Harvard Law School Record Corporation. He is a resident of New York City and received an A.B. in English literature from Cornell University in 1963. William P. Schwartz, 1L, of LaSalle, Ill., has been elected Business Manager.

The next issue of the RECORD will appear on Sept. 30.

Keeton Equity Wins Impressive Ames Victory

By Frank R. Parker

"This statute could be used as a labeling device for those who aren't able to distinguish Communist political propaganda," argued Norman D. Slonaker for the Keeton Equity Club. "But we don't believe the people of this country are stupid."

Responded Supreme Court Justice Potter Stewart dryly, "Some are, some aren't."

Wednesday evening, Apr. 14, was that kind of night at the Ames Competition Final Argument in the Ames Court Room of Austin Hall.

Hon. Robert P. Anderson of the Second Circuit, and Hon. George Edwards of the Sixth Circuit Courts of Appeals, completed the bench.

The act under attack required the Post Office Department to detain all unsealed mail determined by Customs officials to be "Communist political propaganda." A post-card notice is sent to the addressee which, if appropriately checked and returned, allows him to receive the detained mail.

Educational institutions, libraries, and subscribers are exempted from the statute, but a list was kept of those who desired to receive the Communist literature. Although the Post Office has in fact ordered this list destroyed, the case was argued as if the list still existed.

The suit was modeled after litigation commenced by Corliss Lamont, publisher of *Basic Pamphlets* and son of the benefactor of Harvard's Lamont Library. Besides the constitutional issue, the appeal, now before the Supreme Court, also involved questions of standing and mootness since Mr. Lamont's complaint had been taken as a request to receive detained mail.

Oralists for the Kaplan Club, which represented the plaintiff-appellant, were A. James Robertson and Edgar C. Howbert. Arguing for the Postmaster-General were Keeton Equity members Slonaker and Steven R. Nelson.

Robertson's presentation, the first, was emotional and a bit frantic. Of all the competitors, he seemed to believe most in his cause; perhaps this accounted for his lack of restraint.

His argument was that the list was essential to the operation of the statute, but that this kind of association with Communism might in our society operate as an "effective threat" to the exercise of First Amendment rights. These he characterized as the "freedom to

wants." "Oh no, your honor," shouted Robertson, insisting that the threat of disclosure of the list's names would deter requesting detained mail.

To Edgar Howbert, a self-declared Scranton Republican, went the job of recovering ground lost by his colleague. In an intelligent and dignified argument he conceded that foreign senders of political propaganda were not entitled to constitutional protection, but insisted that in restraining the



Keeton Equity: Seated, left to right, are oralists Steven R. Nelson and Norman D. Slonaker. Standing, left to right, are Cary P. Clark, Robert G. Tunnell Jr., Gary A. Spiess, Stephanie K. Bartlett and Anderson G. Bartlett III.

receive mail" and the "freedom to read."

Counsel was pressed by Judge Edwards and Justice Stewart to show how plaintiff has suffered sufficient injury to grant standing. "He could have avoided this whole thing by not subscribing to these periodicals," submitted the Justice.

Justice Stewart, an Eisenhower appointee to the Supreme Court, also put the view that the detention was a service to those who lived in Republican middle-class neighborhoods and who might be embarrassed by the delivery of Communist propaganda.

Judge Anderson pointed out that the person who checks and returns the post card "can read all he

receipt of mail because of the ideas expressed, the government had unconstitutionally restricted the channels of communication.

The proposition that the statute imposed "a minor restriction on a great right" was put by Judge Edwards to Slonaker, the first Keeton Equity oralist. Slonaker argued that the Supreme Court must apply a "balancing test" which should favor this minimal First Amendment restriction in light of the "clear and present danger" presented by the Communist movement. To the credit of all, this "dangers of Communism" flag was little waved.

To Judge Anderson's question
(Continued on page 16)

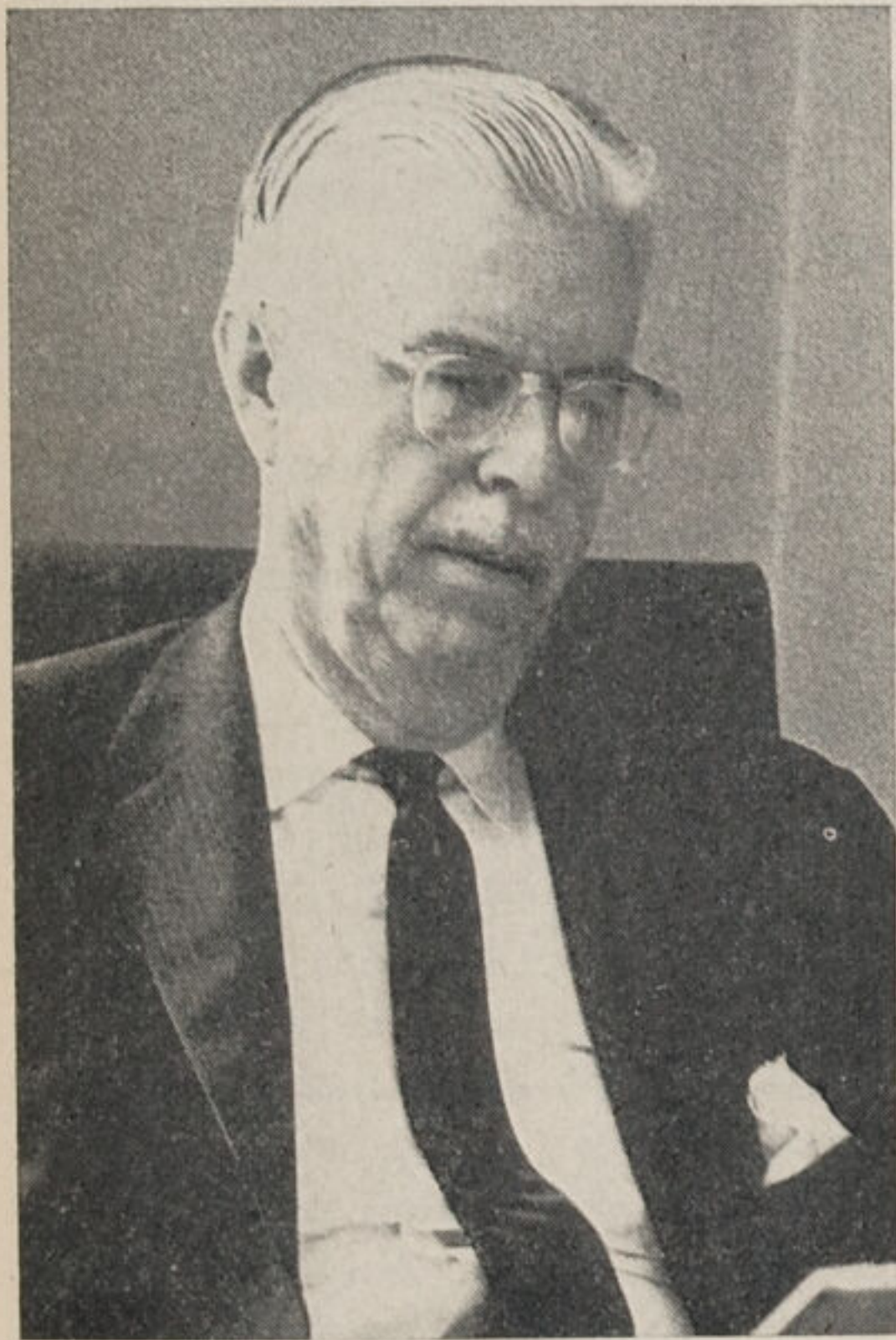
Lack of Space Said to Frustrate Scheduling

(Continued from page 1)

report of the faculty committee, headed by Professor Albert M. Sacks, "very great weight. Everything will be based on this," he said this week.

The Committee urged that first priority be given to the building of a wing extending either parallel to the West Wing from Langdell South, or perpendicular to the West Wing, corresponding to the Center for International Studies.

The cost of the wing, which would contain 24 new faculty offices, conference rooms, a faculty lounge and library, and research offices, is estimated by the Committee to be \$750,000. It rejected the possibilities of converting one of the middle Langdell classrooms into faculty office space, moving administrative offices out of the building, or converting the seminar



Professor Cavers

room in Langdell Hall into faculty space.

Its emphasis on this step, the panel reported, was based on two considerations: first, that "Productive scholarship and the attractiveness of a teaching career flourish best when there is a sense of com-

munity within the Faculty. Efforts to encourage this sense of community must be strengthened as the Faculty grows larger. A scattering of faculty offices among several buildings would tend to destroy the unified, corporate feeling of the Faculty"; and second, that every available space is being used presently for faculty offices. Another part of the Report recommends an increase of 11 to 15 professors in the next 10 to 20 years.

Planning for a new classroom building should begin now, when the Law School still has what may be its last chance to acquire prime land for such a use, the Report recommends. It concedes that because there exist only seven classrooms in the School, "unhappy distortions in many student schedules" now result from the attempt to crowd most class hours into the morning. The proliferation of course subjects compounds the problem, and even more subjects are expected to result from the curricular plans made by the development committee.

"The present classrooms have a narrow range of size," the Report goes on. "All are large with the smallest accommodating 160 students. The increased number of courses offered and the wide range of choice now open to students have resulted in a shifting of class sizes so that many courses have enrollments ranging from 30 to 100 students. Most teachers feel that the large rooms are ill-suited for classes of this size. Because of scheduling complications growing out of the limited number of rooms, some small classes must meet in the very largest rooms, thus intensifying an unhappy disproportion of students to space."

The new building would thus provide more space for classes with enrollments of whole sections in the first or second years, and additional rooms for smaller classes, which could accommodate about 75. At least two rooms of each type,

as well as seminar space, will be afforded by the new building.

The Committee estimated that the classroom building will cost \$4 million to erect and equip. It recommended that "if the Faculty approves, planning begin at once."

Recognizing that administrative office space is adequate for all the departments other than those



Professor Sacks, Chairman of Committee on Planning and Development.

housed at 23 Everett Street, it suggested that the admissions, financial aid, dormitory and placement offices be moved to the new classroom building. The frame house on Everett Street, it suggested, could be converted into a long-needed cluster of apartments to accommodate visiting scholars, temporary appointees and guests of the School.

The faculty planning group made no recommendation for additional dormitory units. It considered that other needs are more pressing and "should have priority for funds."

The Committee showed interest in a plan to set off one or two dormitory entries for foreign students and American students interested in comparative and international law.

"Various affairs important to students must be held away from the Law School because of the lack of suitable space at the School,"

(Continued on page 19)

HLS Seeks \$15,000,000 to Support Proposals

Sesquicentennial Fund Is Suggested

By Michael D. Hampden

A drive to raise \$15 million for the Law School before 1967 is expected to be announced by Dean Erwin N. Griswold sometime this spring.

The fund drive will be the initial step in carrying out the recommendations of the Final Report of the Committee on Planning and Development, released this week.

Dean Griswold, in his letter transmitting the Report to Harvard President Nathan M. Pusey, said he hopes to link the fund-raising effort to the sesquicentennial celebration of the founding of the Law School in 1817.

The \$15 million figure is only a fraction of the \$29,240,000 estimated by the faculty committee as required to implement its proposals (see table, this page). The discrepancy is explained by the fact that some of the long-term programs envisioned will overlap, so that their full allotments in isolation are overstated in the aggregate. In addition, funds such as last winter's Ford Foundation grant to the International Legal Studies Program are already available to put toward the goal.

The Committee on Planning and Development for the Law School was appointed by Dean Griswold in January, 1962. Headed by Professor Albert M. Sacks, it includes Professors Paul M. Bator, Richard R. Baxter, Derek C. Bok, David F. Cavers, Richard H. Field and Vice Dean Louis A. Toepfer.

The Committee's purpose was to consider "the objectives and the responsibilities of the School, and what steps can and should be taken to achieve these objectives, and fulfill these responsibilities."

In preparing its preliminary report, the panel consulted members of the faculty and of the Visiting Committee to the Law School. The tentative draft was submitted to

the faculty in the fall of 1963, and was intensely debated at faculty meetings from December, 1963 to May, 1964. The final report, approved by the faculty on May 26, 1964 and submitted to Dean Griswold, reflects the opposition of some professors to some of the original recommendations made.

The report has been transmitted to the Governing Boards of the University. It has the approval of

the Corporation, Harvard's highest governing body.

An advance-planning committee of faculty and alumni will be given the Report this spring to consider its implementation. It will answer among other questions how to raise the funds needed. Whether the Law School will assume the burden itself or will seek outside help is still undecided, according to the administration.

FUNDS NEEDED TO FINANCE RECOMMENDATIONS BY COMMITTEE ON PLANNING AND DEVELOPMENT

	Liquidating Funds	Capital Funds
Financial Aid to LL.B. Students		
Grants		\$3,000,000
Loans		1,000,000
Research Status		
Professorships for expanded program		3,500,000
Funds for existing program		1,000,000
Research expenses		1,000,000
Criminal Law		
Professorships		1,000,000
Special training and placement program (5 years)	\$250,000	
Urban Legal Studies		
Professorships		1,000,000
Graduate training (10 years)	500,000	
Research (10 years)	500,000	
Ancillary (10 years)	250,000	
International Legal Studies		
Foreign and Comparative Law Professorships		2,000,000
Training program (10 years)	800,000	
Other areas of ILS Professorships		1,500,000
Graduate and special training programs (10 years)	1,265,000	
Research (10 years)	1,200,000	
Ancillary (10 years)	250,000	
Domestic Graduate Training		
Fellowships (10 years)	500,000	
Ford Program (10 years)	500,000	
Visiting Scholars		
Visiting Professors (10 years)	125,000	
Liberal Arts Fellowships (10 years)	600,000	
Library		
Endowment		3,000,000
Buildings		6,000,000
Totals	\$6,740,000	\$22,500,000*
		6,740,000
		\$29,240,000**

*The total of \$22,500,000 is \$1,500,000 less than the total of the individual amounts listed because of an overlap of requirements between research status and the specified fields of study.

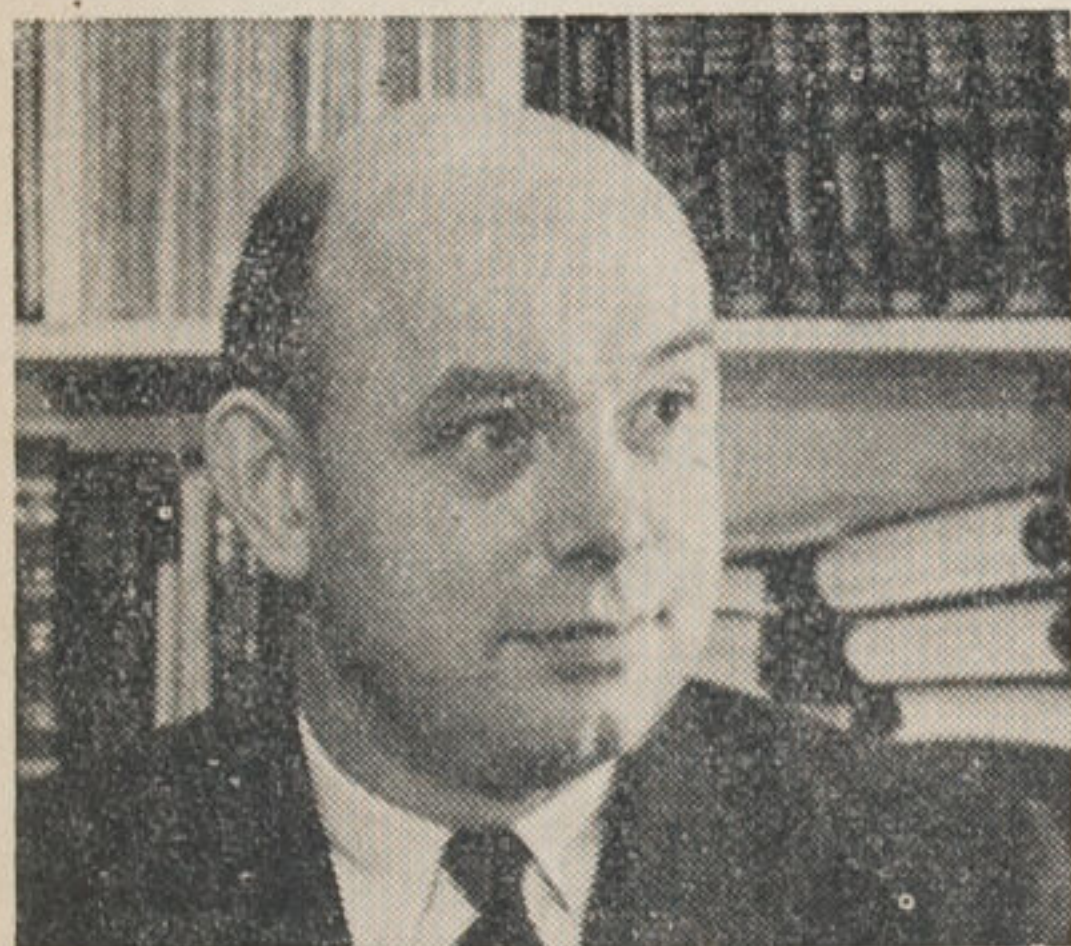
**Estimates are necessarily rough and total funds needed to finance the Committee's proposals might more accurately be put as between \$25,000,000 and \$30,000,000.

Urban, Criminal and Foreign Law...

(Continued from page 1)

Dean Erwin N. Griswold will initiate a \$15 million fund-raising drive to carry out the recommendations of the Committee.

The planning and Development Committee consists of Professors Albert M. Sacks, Chairman, Paul



Dean Toepfer

M. Bator, Richard R. Baxter, Derek C. Bok, David F. Cavers, Richard H. Field, and Louis A. Toepfer.

In his 1963-64 report to President Nathan M. Pusey, Dean Griswold noted that the Report is "a realistic appraisal of the present situation of the Harvard Law School. . . . The report is not a halting or stop-gap effort. It takes a broad view, as it should. A large amount of support will be needed to implement the report."

Urban legal studies, criminal law and criminology, and foreign legal systems and comparative law were chosen for expanded programs because they are areas in which law schools have generally failed to meet their training and research responsibilities.

The major law schools have lagged in these fields because their graduates tend to gravitate toward the big law firms demanding lawyers with interests in business law. The Committee found that Law School programs are designed to meet the needs of the students and therefore have left these areas "underdeveloped."

The Committee recognized that there are other areas in which work might well be expanded, such

as family law and the law of civil rights, civil liberties, economic planning, and social welfare legislation. In making a choice from among a host of possibilities, its criteria were: "the intrinsic importance of the field; the breadth and immediacy of the need; the extent to which law is relevant to the solution of the social problems involved; the likelihood that work will go forward in the field without a distinct program for expansion; the existence of peculiar resources at Harvard for developing the field."

Underlying all the Committee's proposals was a decision "to see faculty members assume principal responsibility for fields in which needs and opportunities for graduate training and research are clear and important even when the LL.B. teaching needs are minor and would not in themselves justify such an allocation of the School's resources."

An influx of faculty members engaged primarily in research and graduate training will constitute "a significant change in usual law school practice. Harvard should take responsibility for research activity and graduate training even if these must proceed independently of our undergraduate program," the Committee said.

Though the new program is expected to stimulate student interest in criminal law at the LL.B. level, the expanded work in foreign legal systems and comparative law will have relatively little effect on the undergraduate program.

Urban Legal Studies

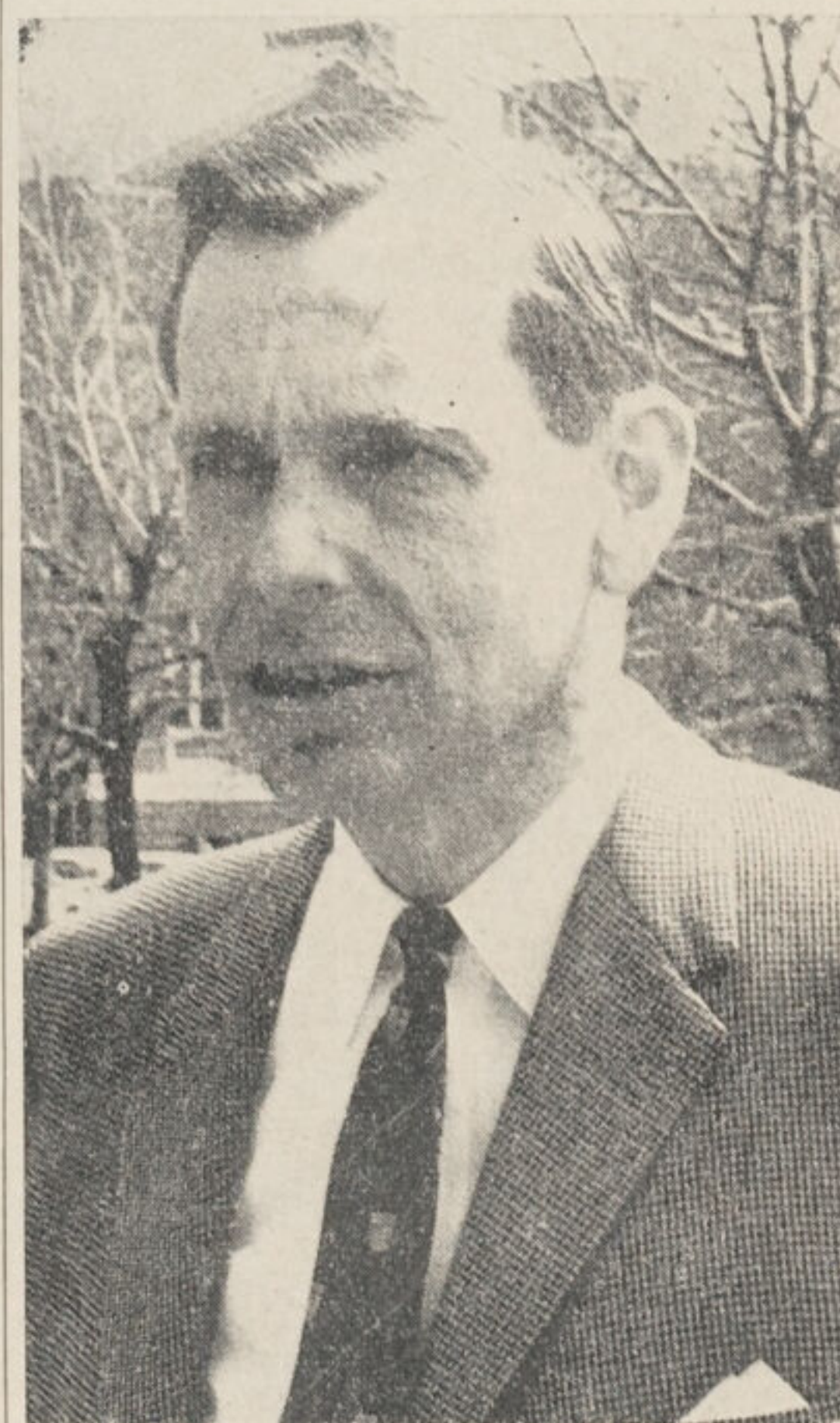
Work on the legal problems of American metropolitan areas will be expanded by means of a Program in Urban Legal Studies. It will address itself to study of urban housing, health, education, crime, delinquency, recreation, zoning, traffic and other areas.

The Committee on Planning and Development recommended that the School seek \$1 million to endow

two chairs for professors who will spend most of their time on urban legal studies.

The plan calls for graduate fellowships for eight to 10 graduate students a year in urban legal affairs. The students are expected to be "young lawyers who have been or are attracted to legal work for private developers and financiers, or for planning commissions, zoning boards, transportation authorities, municipal or legislative research bodies, federal agencies concerned with metropolitan problems, and the like." The fellowships will cost a total of \$40,000 to \$50,000 per year. \$500,000 is sought for a ten-year fellowship program.

Inasmuch as research activities in urban legal studies are likely to require non-faculty research assistance, \$25,000 per year will be



Professor Baxter

sought to recruit between two and three associates or senior research fellows per year.

Another \$25,000 a year will go to engage one or two persons from other disciplines to spend one full-
(Continued on following page)

... Are Given Strong New Programs

(Continued from preceding page) time year at the School. Administrative, library, travel and conference expenses will come to another \$25,000 per year. If all of the Committee's recommendations for urban studies can be financed, they will cost approximately \$2,250,000 over a 10-year period.

The Program will have a Director who may require a reduced teaching load.

Professor Sacks said this week that the urban studies program is "broad enough to encompass other programs which have been suggested, such as family law or civil rights law. To the extent that problems in criminal law and family law have distinctive urban components, they could be handled there."

The core of courses in metropolitan legal matters will be "Land-Use Planning and related property law, State and Local Government Law, and State and Local Taxation, plus significant aspects of state constitutional and administrative law."

The new Program will, it is hoped, strengthen LL.B. offerings in urban studies, and will offer "advanced graduate and specialized legal training to those who, in school or on the job, have developed a particular interest in urban problems."

Criminal Law

Without devising a complete program for greater work in criminal law, the Committee advised that the School commit itself to intensified work in the field.

Specifically, it recommended that two professorships be committed to criminal law, requiring \$1 million in capital funds.

In the LL.B. program and in the graduate curriculum, there will be increased regular instruction, including course and seminar work in criminal procedure, the administration of justice and interdisciplinary investigation of criminology.

The Committee has recommended

that about four graduate fellowships of a "generous amount" be awarded annually to qualified LL.M. or doctoral candidates specializing in criminal law.

To help Harvard LL.B. and graduate students find employment in the criminal field, a training program has been devised. Based on a proposal by Professor Livingston Hall, the plan is to find 10 openings a year for two-year internships in prosecution and defender offices for third-year and graduate students. A special training program for third-year students who are prospective interns, involving discussions with criminologists, psychiatrists, and parole and probation personnel, has been suggested.

\$250,000 will be sought to initiate the internship program for an experimental five years. Each intern will receive an average annual fellowship of \$1500 in addition to the salary he receives from the office or institution for which he works. Interns would not have to commit themselves to the practice of criminal law beyond the two-year period.

That there are "weaknesses" in Harvard Law School's research and training in criminal law "cannot be doubted," the Committee reported.

"Research and writing in criminal law has, with the exception of the Gluecks' work, been episodic at Harvard." Areas demanding study are "(1) institutions (court organization, allocation of functions, organization of legal profession, etc.); (2) criminal procedure; (3) post-conviction processes; and (4) the vast fields of criminology and penology."

With the exception of Professor Glueck's seminars, the School has not offered regular advanced courses or seminars in criminal law. There is no rounded course in criminal procedure, and there is not enough collaboration in the field with other departments of the University, the Committee stressed.

It is hoped that student interest in criminal law will be stimulated by the new programs. "Student enthusiasm and interest is very much a function of faculty enthusiasm and interest; a field in which the Faculty is doing distinguished and intellectually exciting work is likely to become interesting and fashionable for students (as the fields of federal jurisdiction at Harvard and Columbia attest).

Although the Committee made



Professor Bok

no further specific proposals, it considered possible avenues for development of the School's criminal law program.

In 1960 Professor Glueck proposed, and Professor Cavers' Ad Hoc Committee recommended to the faculty, that funds be sought to finance a Senior Fellowship Program in criminal law. Fellowships would be awarded to young lawyers, already doing work in criminal justice, to study for one year at the School. They would not be encouraged to study for degrees and would do much of their work in other parts of the University.

The faculty adopted the proposal
(Continued on page 8)

New Curriculum

(Continued from page 7)

of the Cavers committee, but the School was unable to raise the necessary funds. It had been hoped that such a program would advance the prestige of both the field and the Fellows. The faculty could also have benefited by the practical experience of the Senior Fellows.

The Committee expressed the opinion that "the 1960 proposal was a sound one," but that no funds should be sought for its implementation until the arrival "of fresh Faculty strength in the criminal field."

It is the opinion of Prof. Hall that the Law School will eventually need a Criminal Law Institute, "where scholars from many disciplines will conduct joint and intensive research in the fields of criminal law and criminology."

However, there is no one now at the School who will take responsibility for the creation of such an institute. The Committee prefers to let development of the idea proceed by a "common law mode of decision."

Foreign Legal Systems

The Committee proposed a minimum goal of four scholars in foreign and comparative law, to be brought to the School. They would not ordinarily be required to teach outside their specialities and their work would consist largely of research and training of graduate scholars. Two of them are now available in the persons of Professors Harold J. Berman

and Arthur T. von Mehren.

Two five-year fellowships per year will be awarded to young scholars who want to enter the field of foreign legal systems; thus eventually the School will be financing ten fellowships a year.

\$2 million will be sought for the new professorships and \$800,000 in liquidating funds over a 10-year



Professor Field

period for the fellowship program. Comparative law fellows will receive stipends of \$8000 per year over a five-year period.

For the Program in International Legal Studies, the Committee reports that three new professors are needed who are interested in international aspects of the law of corporations, commerce and taxation. A fourth professor grounded in foreign and domestic property law will probably come from the expanded program in urban legal studies.

These new professors will spend half their time with regular domestic teaching burdens. Their work in international legal studies will relieve other international law personnel under the new research status program, and allow an expansion of research activities in the international field. \$1.5 million in capital funds for the new professorships will be sought.

For the continuation of existing programs, for the training of

foreign graduate students, and for the training and research activities of the International Program in Taxation, \$2,115,000 will be needed to cover the next decade.

\$600,000 will be required over the next ten years to enable the Program in International Legal Studies to maintain an average of six research associates in any given year. The total cost of Committee recommendations for International Legal Studies is \$4,215,000, while another \$2,800,000 will go for professorships and graduate fellowships in foreign legal systems and comparative law.

Comparative study of foreign legal systems is needed to help "forestall a serious shortage in the nation's supply of scholars learned in foreign laws and skilled in comparative work." American law schools have commonly depended on "the work of emigré scholars for instruction and research in foreign law." As this group reaches retirement at a time when our country's ties with the world are rapidly expanding, American scholars must be trained, the planning committee said.

As the possessor of "the world's finest law library," Harvard is peculiarly equipped to study comparative law.

The object of the new plan is to create "a small corps of American legal scholars" expert in foreign legal systems and in the methodology of comparative study. "Under their influence, instruction and research in American law might gradually be released from the parochial bounds to which our pervasive ignorance of other legal systems has confined them."

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Forum Elects

The Harvard Law Forum has announced the election of officers. They are: President, Thomas S. Johnson, 1L; Vice President (Programming), Samuel I. Doctors, 1L; Vice President (Administrative), Edwin N. Sidman, 1L; Treasurer, Donald B. Nicholson, 2L; and Secretary, Nancy S. Scheetman, 1L.

Expanded Research and Graduate Study Set

By Paul M. Branzburg

Significant changes will be made in both the Law School's faculty research program and in domestic graduate training. Moreover, the creation of a chair for visiting professors from other disciplines is expected.

Research Status Program

The Committee on Planning and Development has recommended an expansion of the faculty research status program instituted in 1961.

The present program ranks full professors by seniority, and divides them into three groups of 11 to 15 members each. One year of research status is allocated annually to each group, unless another group has not used its entire quota.

Not all professors have taken advantage of the program, and so individual faculty members have in fact not had to wait 11 to 15 years to qualify for research status. However, waiting periods have been lengthy and unsatisfactory.

The problem is particularly acute among younger members of the faculty, who have shown greater interest in the research status program. Moreover, young professors must first achieve tenure before they are eligible for the research status program.

The Committee has recommended that "the School permit in any given academic year a maximum of 10 full 'faculty-years' of research status and sabbatical leave combined."

Under the present program, a combined total of six faculty-years of research status and sabbatical leave are available to the faculty. Thus, the Committee plans an increase of about four faculty-years over the present maximum time available.

The new program should make research status available to each faculty member more than once every eight years. It is hoped that the expansion will eliminate "the present competition" for time with-

in the three groups. It should also enable professors to "relate research status to reasonably foreseeable work plans."

Carried over from the present scheme will be the requirement that faculty members must submit proposed projects to the Committee on Research for a decision whether their project qualifies as "research." The School also retains the right to postpone research status where a professor's teaching responsibilities so demand. When two professors in the same course seek research status at the same time, selection will be made on some principle such as academic seniority.

The expanded research status program will require five to seven more faculty members. Approximately \$2.5 to \$3.5 million will be needed; maintenance of the existing program will require another \$1 million.

Although the ratio of teaching hours to faculty members has remained level over the years because of increases in the size of the faculty, the total teaching burden has increased, due to rapid changes in and creation of courses and seminars, and to the time involved in preparing and revising casebooks.

Greater demands have been made on faculty time because of the expanding scope and complexity of course subject matter. Moreover, various institutions have made urgent requests for faculty help in solving a wide range of social and legal problems.

For these reasons, the faculty has found less and less time remaining for research. "The synchronization of teaching and research so well typified by Williston and other great figures of the School is now difficult to emulate. . . . As it was put by a younger member of the Faculty, it is all one can do to write a law review article by intense work over a whole summer, and a book seems out of the question," the Committee observed.

The Committee has also recommended that the School seek \$1 million in endowment to yield \$50,000 annually for the purpose of financing small-scale research projects or for "exploratory preludes" to large-scale programs.

The total projected faculty increase is between 11 and 15. Five to seven members for the research status program, two for urban legal studies, two for criminal law, two to four for comparative law, and three for international legal studies bring the total to fourteen to eighteen. The difference is explained by the fact that new personnel in urban studies, criminal law and international legal studies will partly function in the larger research status program.

"Some may fear," the Committee predicted, "that the School by the



Professor Bator

very process of putting greater emphasis on its research functions will weaken the traditional priority given to first-rate teaching. The experience of some liberal arts faculties suggests that this danger is not imaginary. The question is one of balance, and the Committee believes that its proposals will put

(Continued on page 18)

The Planning Committee Report

The recommendations of the faculty Committee on Planning and Development will primarily deepen, rather than broaden, the work of the Harvard Law School. No increase in the student body is planned, yet the faculty will expand by more than 25 percent over the next two decades. The thrust of the Committee's report is not toward the LL.B. curriculum and the training of technicians in the law, but toward graduate studies and higher-level research, designed to produce scholars and theoreticians.

The criteria by which the Committee chose criminal law, urban studies and foreign and comparative law for special emphasis were intrinsic importance, immediacy of need, the extent to which law is relevant to the solution of social problems involved, the need for a distinct program, and Harvard's peculiar resources to deal with these areas. By these same standards, it would seem that other areas, such as the fast-emerging specialty of civil rights law, are as important as those chosen. By what process of informal discussion, formal debate and faculty in-fighting the decision was made, we may never know.

The new programs will significantly strengthen the Law School's ties to the University. The Committee has recognized that these are weaker than its ties to the legal profession. Dean Pound's discovery that law cannot be a self-contained discipline, oblivious of the work going forward in the physical and behavioral sciences, has received institutional recognition by this Report. It seems to foresee and meet the observation by Edward H. Levi of the University of Chicago, in 17 *Journal of Legal Education* 248: "One might feel a little more comfortable about the role of the law schools in directing inquiry to social problems before they erupt into crises if, for example, on such matters as reapportionment we had been more concerned with the problem of urban and rural representation prior to the recent decisions, and were not so frequently satisfied to be critics of the Court . . . This suggests that somewhere within the University structure, and probably not the mission of only one school in particular, a continuing and structured dialogue ought to be fostered on important policy issues."

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TONGUE 'N CHEEK

By Fenno

Having concluded that supplements are pound-for-pound the most profitable branch of legal writing, I was engaged in preparing a \$3 supplement to Magna Carta when a young man tripped into the office.

"Which one of you guys is Fenno?" he asked one mild-mannered reporter.

"I'm sorry," interjected an editor. "That is classified information available only to those who have withstood certain initiation rites and possess proper creditals—or upon payment by certified check of five dollars."

"What prompts your quest for knowledge?" I asked quietly. "Come you as creditor or friend?"

"I'm the clerk of my law club and we are having a stag next week and we'd like to invite Fenno to speak," our visitor explained.

"I'm sorry. Fenno would never be a party to such an affair," our Editor said with righteous indignation.

"Well you don't have to be nasty about it," he muttered, withdrawing from the room.

"You fellows never let me have any fun," I complained while inspecting my soft-drink bottle for possible tortfeasors.

"Listen, Fenno," the staff said in unison, "it's the image. People think of you as the cool law school type—you know, a sort of young Jimmy Stewart with words by Max Shulman. We can't have people finding out what you really are."

"I guess it would have a demoralizing effect on the readers," I replied. "On the other hand, I don't want to let my confreres down. They've been striving for equal rights around here for a long time."

"Let's not make an issue out of this," said the Editor, glancing at the page proofs. "We'll let you wear an 'I am Fenno' button on your dress on alternate Thursdays."

Letters to the Editor

A Point of Decorum

To the Editor:

Open letter to M. J. Cronin, 2L:

Dear Sir,

He may be "Mark" to Earl and Hugo and Erwin, but to you and me, buddy, that's Professor Howe.

Mrs. Alexandra DeG. Dawson, 2L

Dorm Council Attacked

To the Editor:

I read with interest the articles and letters concerning the Dormitory Council in the RECORD of 1 April. The controversy over the ethical standards of our elected representatives raged for weeks in Dane Third (and I imagine in other floors as well).

Your exposé entitled "Dorm Council Programs: Public and Private" performed an important service. I feel, however, that the article did not go far enough — did not mention some items that need to be mentioned. And so, at the risk that the barricades will once more be thrown up in the halls and students will again rally to the cry of "Ultra Vires!", I should like to make the following points:

(1) The cocktail parties, mixers, or whatever they were, held by the Council in Hastings were, as far as I have been able to determine, by invitation only. Our Dorm Council representative posted no notices, and made no general announcements. Most of us heard about them for the first time in the RECORD. I understand the Dorm Council took a \$75 loss on these "semi-private" parties.

(2) The Dorm Council provided free tickets to the Law School Show for representatives and their dates. Many of these Council members did nothing toward contributing to the production than to keep tickets available for sale in their rooms.

(3) Dorm Council members are reported to be given priority for dorm rooms in the year following their serving on the Council. One member mentioned to me personal-

ly that his only purpose in running for the Council was to get a room in Hastings for next year. Rank certainly hath its privileges.

(4) Your article reports that the Dorm Council expects to garner more than \$1500.00 from the laundry and vending machines this year. These machines seldom work properly. No one could count the number of quarters that steadily disappear into these push-button bandits. (One student reports that if you spit on the quarter before depositing it, the machine may work. He cautions, however, that this method is not infallible.)

Next year we are to be victimized by sandwich machines as well. Surely providing dorm residents with decent service from the vending machines is more in the province of the Dorm Council than their engagement in partisan political activity.

Most of the items above, as well as those in your article, are small things in themselves. Yet the overall impression is that our Dorm Council is a pork barrel offering too many opportunities for personal gain. It would be well for the Council to re-examine its activities in light of its principal function — providing for the welfare and morale of dormitory residents.

Frank L. Simonie, 2L

Criminal Law Academy Proposal Defended

The author of the following letter, Professor Sanford J. Fox, LL.B. '53, is on the faculty of Boston College Law School. He has drafted the tentative curriculum for the proposed Criminal Justice Academy.

To the Editor:

Several things need to be said concerning the comments of Monroe L. Inker [RECORD, Apr. 1] about the proposal to establish a federal academy of criminal justice. Mr. Inker suggests that the academy could not contribute to solution of the quantitative problem of not

enough criminal lawyers and, further, that the qualitative innovations in training that would be provided are misconceived since an acquittal at trial is the attorney's primary concern; the "ordinary" case does not require the multidisciplinary training to be provided at the academy.

It must first be noted that in the overwhelming majority of criminal cases, approaching 90 percent in some places, there is no trial at all since disposition is on a plea of guilty. Perhaps Mr. Inker is suggesting that in these cases there is no need for representation. The Supreme Court seems of a different mind, having reversed, for example, a state conviction where the accused was not provided counsel when pleading guilty (*Doughty v. Maxwell*, 376 U.S. 212 (1964)). Clearly the Court is right in emphasizing the role of counsel at sentencing. What to do with the convicted person is at once the most critical, in a crime-prevention sense, decision and the most difficult for the lawyers involved to handle intelligently precisely for the reason that they have received no training in sizing up a human personality for its good and evil potentials. The fact that the sentencing judge now reaches a decision on a bland recommendation from the prosecutor cannot mask that this "extra-legal" diagnosing is largely what sentencing is all about, and only serves to highlight the lack of relevant skills that go into the

(Continued on page 15)

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Model Laws Drafted By Research Bureau

The Harvard Student Legislative Research Bureau this year has produced draft legislation and memoranda for a wide variety of public and private clients at all levels of government, including Chief Justice Kenison of the New Hampshire Supreme Court, the Attorney General of New Mexico, the California Law Revision Commission and the American Jewish Congress.

The Bureau is completing its year with the publication of the June issue of the *Harvard Journal on Legislation*. Included in the issue will be revised versions of several of the statutes prepared during the current year.

Undertaken this year was an act to prevent prejudicial publicity of criminal proceedings. An exhaustive process of research, drafting and editing resulted in a bill now pending in the Massachusetts legislature, one of the first introduced anywhere in the nation. Its introduction sparked editorial comment by newspapers and radio stations in the Boston area.

The legislature of Connecticut is now studying the Bureau's draft of a statute to create an Ombudsman there.

The Bureau's completion of a comprehensive modern state escheat statute for Chief Justice Kenison coincided with the Supreme Court's recent decision on the interstate aspects of escheat of abandoned intangible personal property in *Texas v. New Jersey*, 379 U.S. 674 (1965). Since the decision raised significant new problems, a revised statute and memorandum was produced, making the Bureau draft the first statute to respond to the interstate problems posed by that case. *Texas v. New Jersey* held that, in most cases, the state entitled to claim intangibles is the state of the property owner's last known address as shown by the records of the debtor.

Recent Book

Criminal Treatment of Noncriminal Offenses

The Borderland of Criminal Justice. By Francis A. Allen. Chicago: University of Chicago Press, 1964. Pp. 139. \$3.75.

By Thomas E. Woodhouse

In a brief, slightly defensive foreword, the author states that he has assembled these seven previously published essays on criminal law because he senses a common theme running through them. Actually, there are several, one of the most striking being the reiterated caveat that we must not be fooled by a thing's name into thinking that the name is the thing itself.

The legislature by yoking the criminal law to the performance of social services does not thereby change the character of the acts which, for expediency's sake, are made criminal, nor is one person who is found not to be criminally responsible under the Durham rule necessarily the same as another. This common theme is a product of Professor Allen's mental acuity, for these are essays of a clear-thinking man.

Power for Political Objectives

Prof. Allen states as the proposition served by this collection of essays that "the central problem of the criminal law is and will remain political in character. It is the problem of achieving the objectives of public order through the use of power so regulated as to preserve and nourish the basic political values." Much of the trouble we have with the criminal law, he argues, is the result of inadequate emphasis upon "fundamental analysis and reform of the substantive criminal law."

We distract ourselves from that basic task by too much concentration on procedure, administration and treatment. A large part of the necessary reform would be the pruning from the criminal law of functions it should never

have been assigned, such as the performance of social services. Prof. Allen argues persuasively that when criminal law is called upon to deal with problems such as that of the unwed mother, persons are selected for penal treatment on the basis of unsatisfactory criteria such as poverty, and the assignment leads to the corruption of agencies of justice.

Energetic, wide-ranging study must be directed to the question of what functions ought properly to be given to the criminal law. Logically, concern with treatment of the offender ought to follow the determination of who he is.

Greeks Made the Argument

One particularly timely essay is entitled "Reflections and Hanging," and is a review of Arthur Koestler's book of the same title, published eight years ago. Prof. Allen introduces this chapter with a quotation from Thucydides. Diodotus speaks against putting the Mitylenians to death, and says that because men act with the expectation of success, the threat of death upon failure does not deter them. The quotation is not altogether felicitous, since the crime of the Mitylenians was revolution, and success in revolution erases the crime. Thus a successful revolution differs from a successful murder.

Diodotus goes beyond that state-

ment, and later in his argument states that "it is impossible to prevent . . . human nature doing what it has once set its mind upon, by force of law or by any other deterrent force whatsoever." It is unlikely that Prof. Allen would subscribe to that repudiation of the theory of deterrence. Nonetheless, the chapter is excellent, and demonstrates much greater sophistication than did Koestler. One is led to think that Allen, too, would declare himself in favor of the abolition of capital punishment, and his support is the more welcome for being better considered.

Prof. Allen is currently University Professor in the University of Chicago Law School. After graduating from Northwestern Law, he served as clerk for Chief Justice Vinson, and taught briefly at Harvard. He is chairman of the Attorney General's Committee on Poverty and the Administration of Federal Criminal Justice, Associate Editor of the *Journal of Criminal Law, Criminology, and Police Science*, and editorial adviser to the *British Journal of Criminology*. Other essays in this collection treat the "rehabilitative ideal," juvenile courts, the *Criminology* of Garofalo, and criminal responsibility before and after the Model Penal Code, to which the author was a consultant.

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Checks should be made payable to the Harvard Law School Forum, 23 Everett St., Cambridge. We welcome your suggestions as to next year's programs and value your continued goodwill.

THE HARVARD LAW SCHOOL FORUM

Events of Note

Mrs. E. H. Laurenz, Counselor of the Indonesian Embassy in Washington, will discuss how "A Developing Nation Looks at International Law" at an International Law Club meeting on Apr. 22 at 2 p.m. in the Pound Room.

* * * *

Rep. John Bradamas (D-Ind.) will explain the art of "Getting Into Politics and Staying In" to the Law-Graduate Democratic Club on Apr. 22, at 7:30 p.m. in Langdell North.

* * * *

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.

* * * *

The Secretary General of the Council of Europe, Mr. James Robertson, will address the ILC on "The Future of the Council of Europe" on Apr. 28 at 4 p.m. in the Pound Room.

* * * *

An officer of the United States Navy will discuss opportunities for lawyers in the Navy on Wednesday, Apr. 28 at 2 p.m. at the Placement Office.

* * * *

The Chief Justice of the Supreme Court of India, Mr. P. B. Gajendragadkar, will speak informally to the ILC on May 11 at 1 p.m. in the Guest Dining Room in Harkness Commons.

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Letters to the Editor

(Continued from page 11)

process. Even when it comes to estimating the probable effects of the offense and the sentence on the community — implementing the deterrent effect of the law — the court is making even more complex assumptions about human nature. The simple truth is that there are no "ordinary" cases or people, especially when attention is paid to 75 percent to 90 percent of the criminal cases going through the courts. It is, of course, also true that identifying the facts of individuality and their relevance to the decisions at hand is a responsibility lawyers now carry quite uncomfortably, even when the presence of this problem is perceived. One of the functions of the academy training is to inject skill and knowledge into the discharge of this responsibility.

Even when Mr. Inker's criticism is limited to the contested cases he misreads his experience. Certainly no trial of a criminal case can be competently conducted without that sensitivity to human tensions, motivations and expressions that are the professional domain of the extra-legal disciplines encompassed in the academy curriculum. The fact that Mr. Inker has been so eminently successful in his practice speaks eloquently of his intuitive abilities in these fields. One would say that he has the legal equivalent of the doctor's "therapeutic personality." A major emphasis in the academy program will be to pro-

vide this resource in trial skills on a systematic and professional level. Even those fortunate enough to enter the program with a large dose of intuitive grasp of human relations may have their abilities enhanced by such training. Few observers of the trials of criminal cases would now affirm that the general level of intuitive abilities is sufficiently high to make the training superfluous.

The impact of the academy on the manpower shortage in the criminal law field seems also to have been overlooked. One of the factors that keeps qualified attorneys out of the criminal courts is the low status of the criminal bar in the mind of the public and of the profession. It is dirty business. But the impact of federal sponsorship of an academy at a leading university will provide the much needed prestige and will set the stage for even further positive increments of status as the academy graduates demonstrate that ethics and professionalism can be the hallmark of a criminal as well as a commercial practice.

Secondly, Section 503(b) of S. 1288 requires that students "Sign a pledge to enter, upon graduation, fields relating to administration of criminal law and to practice therein for a period of time equal to the time spent at the Academy." If, upon expiration of this period, there is a shift in emphasis on the part of many to a civil practice that is all to the good. There is

every reason to desire that the bar generally exhibit a much more sophisticated and broad view of the criminal law. Among other things, this will tend to provide pressure to keep the level of criminal practice where it belongs. Given the lawyer's role of community leadership, this mobility also might well enhance the quality of legislation in this and related fields so that, for example, the stubborn child statute which Mr. Inker complains of would be subject to much more professional scrutiny than is now the case.

As to the compensation aspect, Mr. Inker's hesitation is premature. When the general level of criminal practice is raised to the required point society will provide commensurate payment for professional services. Just what form this will take is relatively unimportant. The important point is that the bar is in no position now to demand for its run-of-the-mill criminal practitioners a substantial increase in payment for services rendered.

I should add that Mr. Inker's suggestion concerning internship or practical experience for students is an excellent one which the academy curriculum ought to include. Students could do no better than to spend a portion of their time supplementing their academic training with experienced and skillful practitioners such as Mr. Inker.

Sanford J. Fox, LL.B. '53
Visiting Professor of Law
The University of Texas

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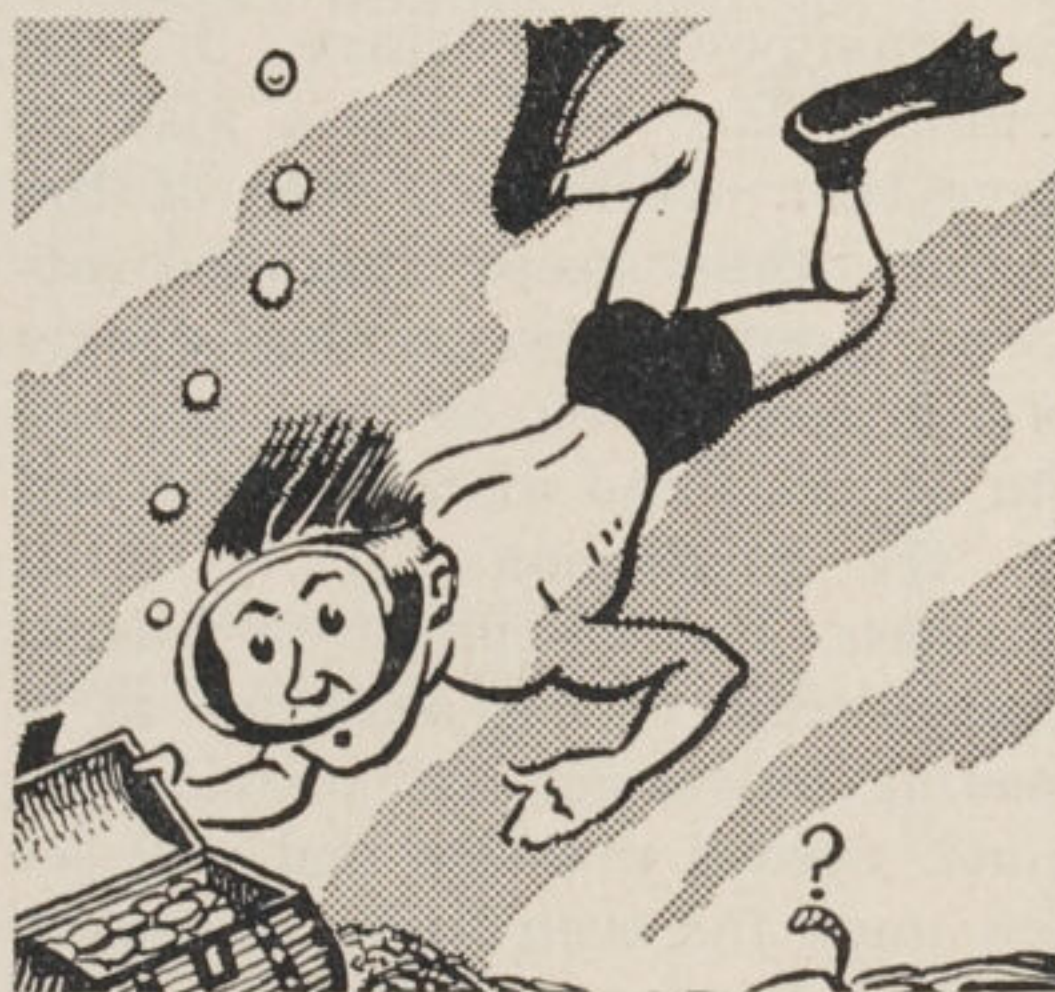
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Ames Finals

(Continued from page 3)

whether disclosure of the disputed list of names was not left to the "whim and fancy" of the Postmaster-General, Slonaker replied that a procedure assuring confidentiality has been established by the Post Office. Even if the list were released, for example, to the House Committee on Un-American Activities, Slonaker went on, no one has a right to be free from a legitimate Congressional probe.

The virtue of the Keeton Equity Club's argument was its capacity to make sensible concessions and to present the strongest rationale for points difficult to defend.

Steven R. Nelson, whose middle name commemorates John Reed, a sympathetic chronicler of the Russian Revolution, presented the final argument for the government. Discussing the means by which the onus of the act could be avoided, he noted that the Postmaster-General has given members of the American Association of University Professors privileges of receiving Communist mail without restriction. But he admitted that this discretionary grant would be suspended if all Communist mail suddenly were addressed to "professor" addressees.

The final rebuttal by Howbert for the Kaplan Club included the liveliest show of the entertaining evening. In a peppery repartee, Justice Stewart rode a horse he had trotted out earlier on the bravery of the patriots of 1776 for taking responsibility for their political views and their reluctance to take on the anonymity plaintiff was asserting. Put in Judge Edwards, "But they didn't sign some pamphlets in those days, did they?" "That was the point counsel was making," replied the Justice.

The Kaplan oralist went on to assert that anonymous membership in an association is protected by the First Amendment.

"What is the association here?" queried Justice Stewart.

Judge Edwards: "Perhaps the fraternity of the curious."

Howbert: "I'll rest on that."

California Cover Girl Left Unruffled By History's First Recorded Drink-in

By Bart S. Fisher and
Frank W. Lloyd

Vicki's side, led by Vicki, won. The anti-Vickiites, led by Robert Kafin and Martin J. Levitas, called her an "insult to Cambridge womanhood." But the pert *News-week* cover girl overwhelmed the strident minority with her absolutely mesmerizing smile.

Beginning her whirlwind tour on Friday, Apr. 16, Vicki addressed the Blackstone Club on recent developments in the UCC. The tenor of the questions was serious, in marked contrast to her raucous "news conference" held that evening for those who contributed to the Ad Hoc Committee transportation fund. An unruly mob of about 200 (no one checked whether any had contributed) broke easily through the picketers, exhausted from their extended "drink-in," to

surround the still-poised young model. Undaunted, the loyal opposition managed to poke their placards, bearing legends ranging from "Press Agents, We're Not Fooled" and "Block Creeping Murphyism" to the inexplicable "Let's Go Mets," into almost every photo attempted by newspapermen who kept shouting, "First Amendment! First Amendment!"

As she answered questions from the press, Vicki came to understand that unique legal talent for switching sides when anyone agrees. "I'm glad the boys are showing some opposition . . .," she began, but was cut off with a cry of "We're indifferent!"

Asked the difference between UCLA and Harvard students, she tried, "Harvard boys know they're at a superior school." "Don't try to make up" a picket cried.

Hoisted unceremoniously on a table, Vicki underwent a barrage of questions, parrying a few with a flashing wit and the rest with her flashing smile. Referring to an incident earlier in the day, one student asked, "Were you prepared when you were called on in Economic Regulation?" "As well as anyone else," she returned, showing an embarrassing insight into one jealously guarded Harvard myth. To the inevitable "Do you go steady?" she grinned, "Do I—Or will I?"

A ubiquitous *Boston Herald* photographer then fell off the chair



on which he was getting a better angle, to the thunderous cheers of the crowd.

Instant Pudding Chairman Herbert J. Rogers, 2L, finally cut off the questions when someone asked Vicki if she were fungible.

The presentation of the "Woman of the Year" award by Blackstone Club Treasurer Donald G. Kempf Jr. was made in the names of Dean Erwin N. Griswold, President Johnson and Justice William O. Douglas.

The Pudding goes all out for its Woman of the Year.

Committee Chosen

The third-year class officers have chosen five 3L's to serve as class committeemen and as regional representatives. They are Cary P. Clark, Boston; Richard Landfield, New York; William N. H. Smith, Washington, D.C.; William K. Reilly, Chicago; and Anthony J. Hope, California.

Elizabeth Hanford, Class Secretary, announced that the committee is working on the third-year class party to be held in May before final exams. The date will be announced later.

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Research

(Continued from page 9)

teaching and research in better relation to one another with more faculty time available for each.

"This balance is brought about only at the cost of increasing the size of the Faculty. We have all been reluctant in the past to see the Faculty become larger, and the Committee does not lightly make its recommendation of substantial additions. For reasons already given, the Committee is convinced that present faculty size will not permit the School to discharge all of its functions adequately over the next decade or two. The Committee considers that its proposals are for the development of vital activities and are moderately scaled in relation to need."

Domestic Graduate Training

The Committee recommends a new effort to attract "high-standing graduates of leading law schools who have been through an educational experience comparable to Harvard's LL.B. program."

In the past and present, the Harvard LL.M. program has attracted top graduates from "small local law schools." The program differs little from the normal LL.B. program, and might well be called a "fourth LL.B. year."

The new plan will allow graduate students to concentrate in one field, so that high-ranking LL.B.'s will not see graduate study as merely a continuation of undergraduate work. Moreover, graduate students could be encouraged to take courses in other departments of the University. They might be encouraged to do independent research in a particular subject without spending time on course and seminar work.

\$500,000 in liquidating funds are to be sought to continue for 10 years the Ford Foundation program. Instituted in 1956, it has brought law teachers and those interested in law teaching to Harvard for one year of advanced graduate study. In addition, \$500,000 of the funds to be raised has been allocated toward an extra \$50,000 per year to graduate students over the next ten years.

A "special" visiting professorship has been suggested. It will be given to five scholars for one year each. The School will seek experts in sociology, philosophy, economics, political science, history, psychology, and even mathematics. The faculty would benefit by informal interchange with the holder of the chair. The students could also attend a series of public lectures or a seminar to be given by the visitor. In some cases a "faculty seminar" or colloquium might be given.

The Committee has allocated \$125,000 for the project, and has recommended that \$600,000 be sought to continue the Liberal Arts Fellowship program which has brought scholars from other disciplines to the Law School for one-year periods.

The Committee has recommended the elimination of prize scholarships for upperclassmen. The regular financial aid program available to upperclassmen will be extended to first-year students. These changes are expected to guarantee "equal treatment in all cases of equal need."

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Space Needs

(Continued from page 4)

the Committee went on. It suggested that space be planned for such activities in the projected classroom building.

Library to Be Reorganized

To remedy deficiencies in what the Committee on Planning and Development calls "the single most important material resource of the Law School," radical changes in the library's organization will be made.

The Committee recommended that funds be sought to rearrange books into "meaningful collections organized by country, type of material and subject matter." Some of the library's foreign collections have been dealt with, but at a slow pace, since it has been accomplished by the regular staff in addition to its other duties.

The suggestion of Librarian Earl C. Borgeson, that the card catalog be replaced by a printed index of the library's titles, has been adopted by the Committee. Supplements will keep the index up to date, while its convenience and economy will save space and working time for staff and students.

Throughout the Committee proposals, the ideas of keeping the active, working library in the Langdell complex, and of distinguishing between "dead" and "live" materials, are dominant. In order to absorb the library's growth at its present rate of 23,000 volumes per year, office and stack space will have to be reorganized in the next ten years.

Dormant materials will continue to be stored in the basements of certain dormitories. The new classroom building, the Committee suggests, should be architecturally flexible enough to provide additional stack space for little-used references. The faculty office wing will contain a small faculty library, freeing the stack space used for that purpose now. Finally, the Pound Room will be converted into staff offices, with "a suitable mem-

orial area in honor of Dean Pound" projected for the new classroom building.

"During 1962," the Committee reported, "the number of items in the Harvard Law School Library reached and passed the one million mark." At its present growth rate, it said, "the library will fill roughly 800 three-foot shelves each year. In less than forty-five years, within the lifetime of younger members of the Faculty, the library will double in size if matters are simply left to take their course."

The Report suggests that the present allocation of costs to run the library are unfair. Eighty-six percent of its funds come from student tuition income, and only 14 percent from endowment. The Librarian has estimated that about half of the library's expenses can be attributed to research activities from which LL.B. candidates do not benefit. The Committee has recommended that this "subsidy" by students of library functions of which they have no part, be reduced by seeking \$3,000,000 to add to the library's present \$1,335,000 endowment. The cost of the library's operation during 1963-64 was approximately \$465,000.

Mr. Borgeson has made suggestions to the Committee which it did not incorporate in its recommendations. They include the automation of certain phases of record-keeping, bibliographical services and storage and retrieval of materials; training of law librarians; the publication of library bibliographies for its special collections; and the taking on of scholarly research projects such as compilations and digests of existing law.

The development committee urged that two techniques be intensified to reduce the space burden of new acquisitions. The library, it said, should arrange to send rarely-used court records and briefs to local bar association libraries around the country. Microfilming of appropriate periodicals and documents should also be stepped up. The library is presently studying what proportion of its collections can beneficially be put on film.

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Metropolitan Planning

(Continued from page 2)

such as the creation of a Department of Urban Affairs, recently suggested by President Johnson.

Section 404 of the bill, introduced by Senator Edmund Muskie (D-Maine), requires that applications for Federal grants or loans be accompanied by comments and recommendations from an area-wide planning body empowered to perform comprehensive planning for the metropolitan area within which the requested aid will be used.

According to its sponsor, the section is designed to strengthen metropolitan planning and better coordinate local, state and Federal development activities by stimulating the establishment of metropolitan planning agencies and assisting Federal agencies in the evaluation of project applications.

Prof. Haar commented that although S.561 is a deliberate attempt to influence the structure of local government through the administration of grants in aid, "... the end result is to strengthen rather than threaten local institutions in the United States. . . .

The bill takes the local units of government as the primary decision makers over the use of land in their jurisdiction. Its provisions for metropolitan planning offer local units not only an increased opportunity to participate in decisions affecting the region and the local community. If the process of evolving a metropolitan planning system can be achieved with national encouragement, government at the local level will emerge all the stronger."

Urges Cost-Sharing

In addition to recommending some minor revisions in the bill, Prof. Haar suggested that the Federal government share the cost of metropolitan planning agencies. Noting that a serious obstacle to local government cooperation is the disparity in the distribution of tax resources and service needs among municipalities, he speculated that the Federal government might "... establish financial arrangements for area-wide planning so that no government bears an undue burden." Alternately, the strong Federal interest in effective metropolitan planning might warrant direct Federal financial support for metropolitan planning agencies.

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