



Harvard Law Record

America's Oldest Law School Newspaper

VOL. 37 NO. 3

CAMBRIDGE, MASS., OCTOBER 17, 1963

FIFTEEN CENTS

Mme. Nhu Blasts Provocateurs



Photo by Edward H. Hein
Mme. Nhu

By Charles M. Hamann

Her talk punctuated by the shouts of howling demonstrators located outside Rindge Tech auditorium, Madame Ngo Dinh Nhu, famed "dragon lady" of South Vietnamese politics, told a Forum audience Monday night that she did not think "stabbing us in the back . . . a proper attitude of allies."

Reading with a machine gun rapidity which contrasted with the faltering English of her impromptu remarks, Mme. Nhu quickly outlined her thesis. She said (1) that "there is absolute religious freedom in South Vietnam," (2) that no discrimination existed against any religion, (3) that the few misguided persons who have burned themselves — Buddhist monks — were "all victims of incitement," (4) that the Communists have exploited these burnings for political purposes, and (5) that "Vietnam is winning her war against International Communism."

Madame Nhu expressed surprise to hear in remarks by moderator, Prof. Henry J. Steiner, the "modest figure" that the Buddhists were a 70% majority of the Vietnam-
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Cavers Idea:

Two Year Law School

By Walter V. McLaughlin, Jr.

Prof. David F. Cavers has suggested that law schools across the country should adopt a tri-semester, two year program to meet the projected rise in school population during the late 1960's.

Prof. Cavers' plan, which he embodied in an American Bar Association Journal article last May, would set up three trimesters in what is now a two semester school year. The summer vacation would be considerably shortened, but Christmas and spring holidays would be lengthened to provide fairly substantial breaks. Returning the teaching hour

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Rights Groups Form

By Donald W. Kramer

Efforts to coordinate law student activity in civil rights — both locally and nationally — are apparently yielding results.

Two Harvard groups are working together to divide up projects and an inter-law-school group has been established in the American Civil Liberties Union offices in New York to promote liason between students and civil rights lawyers practicing in the South.

The New York group, called the Law Stu-

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A 'Basement Law Review'

In the RECORD's time-study poll last spring, three-quarters of the second and third year students who answered the questionnaire said that more written work in the curriculum would be "valuable." When we put the idea to the two faculty members most directly responsible, there was no dissent.

The problem, said Associate Dean A. James Casner, is how to accomplish this without impinging on the "very valuable and heavily mortgaged time of the faculty."

The program being devised by Professors Herwitz, Sander and Vorenberg may suggest an answer. They are working with four third-year editors of the *Law Review* on an optional program which would allow second-year students to write "notes" and "comments" for possible publication in an intramural journal. The idea, we think, is sound and should be encouraged fully.

But we hope it will be only a pilot project for a more extensive writing program. Students who are not in the Williston competition or Ames quarterfinals should be expected to write in their second year, as everyone is expected to participate in Ames arguments first year.

Using the "basement Law Review" concept, each student could do a short analysis of a topic of his choosing, with the best papers being published in an intramural journal. High ranking third-year students could direct the program, either as an adjunct of the Board of Student Advisers or as a separate organization. We doubt that qualified editors would be hard to find if the Law School paid them — as it pays the Advisors or as a separate organization. We doubt that qualified editors

The Herwitz-Sander-Vorenberg project might help determine whether a writing program is feasible without a great expenditure of faculty time.. As we have said before, some program is definitely needed. The Law School owes it to the students and to the legal profession.

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Published on Thursdays ten times each semester by THE HARVARD LAW SCHOOL RECORD CORPORATION, 23 Everett Street, Cambridge 38, Massachusetts. Subscription price: \$2.00 per semester, \$4.00 per year mailed; student subscription, \$2.00 per year distributed at the Law School. Individual copies 15c each at the Law School, 25c each mailed. Business and editorial offices, 23 Everett Street, Cambridge 38, Massachusetts. Telephone UNIVERSITY 8-7600, extension 418.

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TONGUE 'N CHEEK

By Fenno

The Wall Street rat race isn't for me. I want criminal law. But it isn't easy to find criminal lawyers lurking around the Placement Office. One has to look elsewhere. Last week I made a phone appointment with a criminal lawyer — Perry Drinkwater, of Drinkwater, Drinkwater, Bladder and Burstein. He said he would meet me at 3:30 the next afternoon at Suffolk.

"Suffolk Superior Court?" I asked.

"No, Suffolk Downs. The Daily Double Window," he replied.

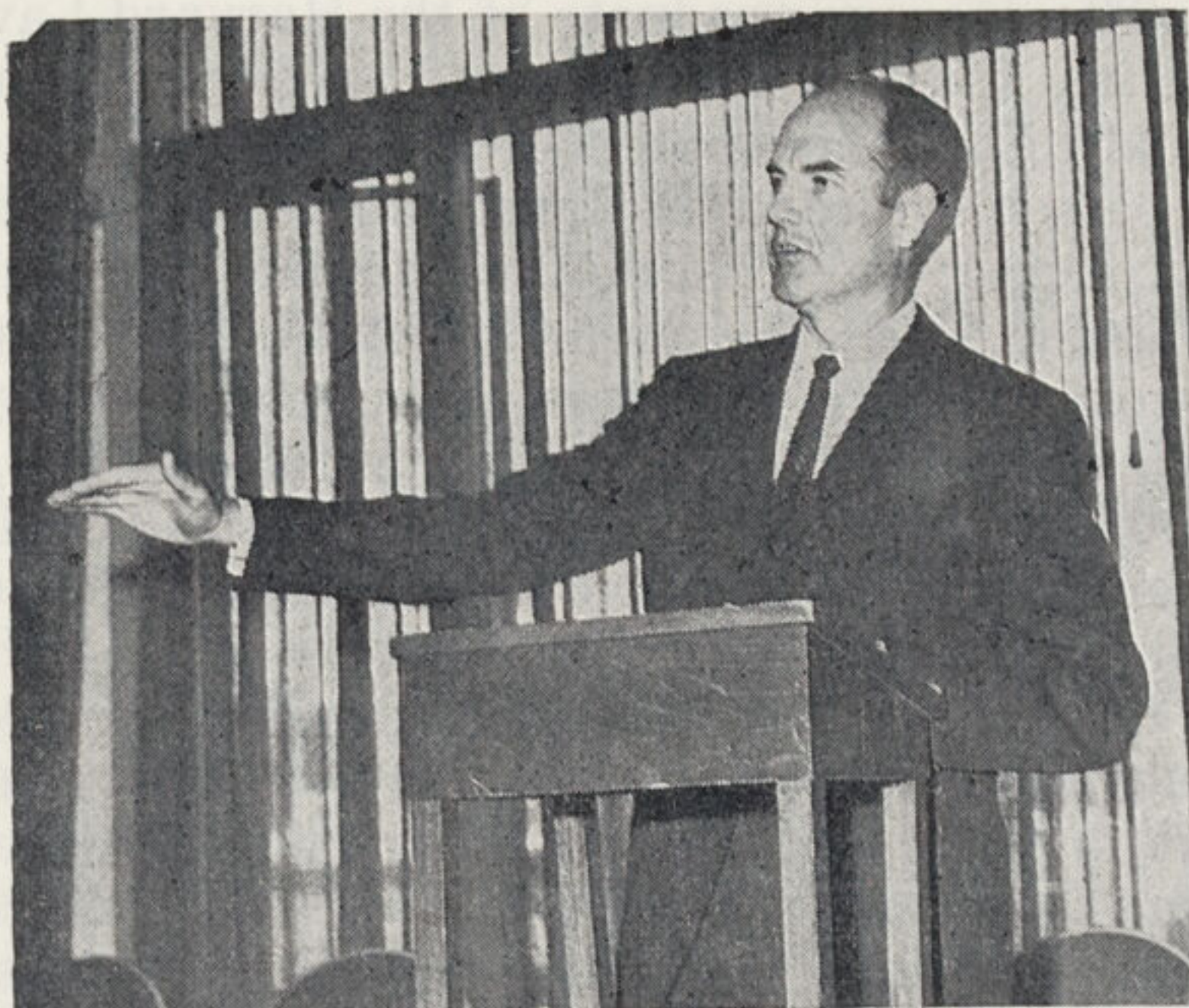
The next day I prepared myself with care, dressing properly in bow tie, race-track habit (similar to riding habit, but with more pockets), and jockey shorts. I then hoofed over to Langdell Library to check Martingale-Hobble, and then to the adjoining Root Room to read the *Morning Telegraph*.

Perry Drinkwater met me at the track and took me to a seat. He said he was interested in past performance, so I began telling him about myself. I told him I had first gone to Amherst for college before coming to Harvard Law School; ("Aha, lowered in class," he mumbled.) I answered some of his questions: Yes, I worked well on rainy days. ("I'll put him on the First Degree Mudders," he muttered.) I finished by telling him why I turned down the *Law Review*.

"Popinjay," he replied. "Eh?" I snapped back. "Popinjay," he repeated. "He'll take the next race without a doubt."

The next race matched Popinjay against the field. I chose a horse named "Bubbles," in honor of my older sister. Bubbles beat Popinjay because Popinjay came out of the starting gate about twenty seconds late. I turned to Mr. Drinkwater: "Mr. Drinkwater, I won! I won!" He was furious. He even cussed. Finally, he told me the interview was over. I slunk away to collect my \$17.80. I had been only a saliva-test away from gainful employment.

Sen. McGovern Slaps Goldwaterism



A "How to Beat Goldwater" primer was offered to the Law-Graduate Democratic Club by Senator George McGovern in an address on Oct. 4. The South Dakota Democrat also backed wheat sales to the USSR and praised the success of the Food for Peace program.

Stating that "Goldwaterism is not relevant to the domestic situation and is out of step with our foreign policy," McGovern nevertheless thought the Arizona senator will be the Republican presidential nominee in 1964.

The Senator maintained that Democrats must be ready to answer Goldwater's charges of big government, high taxes, and welfare state policies. McGovern called attention to the fact that 80% of U.S. expenditures are concerned with defense-related activities. Defense, he said, is an area in which Goldwater implies increased spending is needed. McGovern commented that welfare activities are not only well justified but comprise only 7% of the national budget.

Observing that the federal government has decreased in relative size in the last few years, McGovern stated that state and local governments have shown huge increases.

In the question period, McGovern said that President Kennedy's program probably is no more popular in the Midwest now than it was in 1960, but his personal popularity has increased. He predicted that Kennedy will run better in 1964 than in 1960.

On the subject of wheat sales to the USSR, McGovern favored the program for economic reasons, pointing out that there is no strategic reason to oppose the sale. He suggested

that it would not be a bad thing if the Russians became dependent on the West for food.

Turning to the Food for Peace program, of which he was director, Senator McGovern had praise for its success in getting aid to people at the bottom of the economic scale. He commented that the program aids school attendance through the school lunch program, which is now feeding 40 million children in 80 countries daily, and also enables countries to use food as capital in economic development.

Legal Writing Program Planned

An optional writing program for second-year students has been devised in an effort to fill the void in legal writing now present in the second year curriculum.

Sponsored by Prof. David R. Herwitz, Frank E. A. Sander, and James Vorenberg, the six-week program, which will be administered this year by four third-year *Law Review* editors, will begin one week after the mid-year examinations. The timing of the program is designed to avoid conflict as much as possible with the second-year Ames competition.

As presently planned, the participants will write three preliminary notes and one longer comment, which will be edited in a manner comparable to *Law Review* notes and comments.

Successfully completed articles will be published over the student's name in a proposed intramural *Law Journal*, to be distributed to interested students and faculty members.

Prof. Vorenberg said last week that details of the program and application procedures will be announced later in the fall.

ILC Talk Tonight: Malaysia

Prof. Zelman Cowen, Visiting Professor and Dean of the Law School of the University of Melbourne, will speak to the International Law Club, at 8:00 p.m. tonight in the Roscoe Pound Room. Prof. Cowen's speech, on the political and legal problems of Malaysia, will be followed by elections for the Club's Executive Committee.

Wallace Fund Nets \$550

The drive to raise funds for the defense of Fred Wallace, Negro Law School student facing felony charges in Prince Edward County, Virginia, collected over \$550 last week. Richard Klein, 3L, head of the committee of Law School students working on the project, said that "the response was extremely gratifying. Many people not only contributed but actively pitched in and worked on the solicitation." Klein further suggested that anyone still desiring to contribute could mail the donation to him at Hastings 38, Cambridge, Mass. Checks should be made out to Fred Wallace Fund, he said.

In a letter of appreciation to the School sent to the RECORD, Wallace said, "I would like to thank everyone who has contributed to my legal defense fund. I am particularly grateful to the Committee and its workers who gave so much of their time in my behalf. It is gratifying to learn that one has so many friends when he is in trouble."

The money will be used to defray Wallace's travel expenses for the five separate trials presently docketed. Possible lawyers' fees, court and associated printing costs, etc. will also come out of the fund.

Wallace's Felony trial is scheduled for next Wednesday.

Harkness Gets Piano, Hi-fi Set

Let there be music!

The sounds in Harkness Commons are improved this year. The estate of Alice M. Muhlenfels has made a gift of cash to the Law School, and her attorney suggested that this money be used to provide a new piano and musical system in Harkness.

The new piano has already been purchased and may be seen beneath the ramp leading to the food counters.

A top-notch F-M radio has been installed in Harkness's south end. Vice-Dean Louis A. Toepfer explained that such a radio is a much better investment than a hifi set in which parts like the tone-arm are constantly being broken.

Dean Toepfer said that the school sent the grand piano out during the summer for musical repairs and that it is now in good musical condition, after an expenditure of several hundred dollars.

'58ers Making Big Money

By Elaine M. Kalenevitch

The average graduate of the Harvard Law School Class of 1958 reports an average annual income from all sources of \$15,150 and a personal income of approximately \$12,300, according to a survey compiled for the Class's Fifth Reunion in Cambridge last weekend. The average income expected by the reporting members of the Class is \$20,500 ten years after graduation, \$27,600 fifteen years after graduation, and \$40,000 thirty years after graduation.

Of the 300 members who responded to the questionnaire out of a class of 500, the great majority are practicing as members of law firms. Approximately 31% of these have been with the same firm since graduation, 31% have changed firms only once, and 50% indicated an intention of remaining indefinitely with their present firms. Five members of the class are practicing alone, 41 are employed by government agencies, and 22 are affiliated with business enterprises. Twenty-nine members of the Class are not presently practicing law.

The survey also indicated that the members of the Class of 1958 subscribe to 4 1/2 magazines and read approximately 19 non-legal books a year. Less than 1/3 of those reporting attend religious services regularly although more than one-half intend to send their children to Sunday School. Two-thirds of those responding said they had voted for President Kennedy and 125 indicated they would do so again in 1964. Twenty-six indicated a preference for Rockefeller, 31 for Goldwater, 14 for Romney, and 3 for Scranton. One die-hard pledged his vote to Dean Griswold.

One hundred and twenty-nine graduates attended the reunion, making it the largest Fifth Class Reunion on record.

Williams' Forum Postponed

Pressing commitments as Under-Secretary of State for African Affairs have forced G. Mennen Williams to postpone his Forum appearance previously slated for tomorrow evening. His speech, "An Anatomy of Apartheid," is now set for Friday, Nov. 22.

S. Rhodesia Looks to U. S. Law

By Daniel J. Kucera

Brown, vested suit . . . dark, striped tie . . . graying, scholarly mustache . . . he looked just like the classic Harvard graduate returning to the ivy halls for his thirtieth class reunion.

The Honorable Sir Thomas Hugh Williams Beadle, however, is no local Cantabrigian. He is the distinguished Chief Justice of Southern Rhodesia. Born in Salisbury, he was educated at the University of Capetown and Oxford.

Nevertheless, the jovial jurist had warm and reflective praise for the Law School when he visited it recently. "The Harvard Law School has a fine reputation far out of the bounds of the United States and the United Kingdom," he said. "It is recognized as one of the foremost law schools in the world. The *Law Review* is regularly read in my library — I often refer to it to get inspiration for deciding cases properly."

Impact of U. S. Cases

Speaking to Professor Loss's Securities Regulation class, Mr. Beadle discussed the impact of American court decisions upon current Southern Rhodesian law.

"Law in Southern Rhodesia is based upon Roman-Dutch law," he began. "Our country is the only place where Roman-Dutch law still survives."

There are some substantive differences between the English Common Law and the Roman-Dutch law, the former Minister of Justice explained. "For example, in the law of contracts, we have no doctrine of consideration. Any promise seriously made is a binding contract. We make no distinction between libel and slander; or between felony and misdemeanor — there are only crimes.

"But the important difference is in spirit, not substance. The spirit of Roman-Dutch law is similar to that of United States law, but very different from the spirit of English law.

"The English spirit of law is based upon precedent," Mr. Beadle continued. "The House of Lords says that it is bound by its own decisions. It could never give a *Brown v. Board of Education* decision, because it is bound by its past decisions for all time.

Roman-Dutch law, however, is based more upon principle, than precedent.

"In England, for example, a statute cannot be judicially repealed by obsolescence. Once passed, it remains the law until repealed by another statute." This procedure can be embarrassing, the Chief Justice chuckled. "An ancient statute provided that one prosecuted for a crime was entitled to trial by battle. As recently as 1860, an accused dusted off this old statute and demanded his right to be tried by battle. The headnote of this case reads: *The prosecutor was not prepared to face this hazardous method of litigation and the prisoner was accordingly discharged.* The end result was that Parliament had to pass an act to repeal the old one."

That could not happen under Roman-Dutch law, Mr. Beadle explained. If a statute is unenforced for a considerable length of time, the courts will hold it to be repealed.

"For example, an old statute said that adultery could be a basis for criminal as well as civil liability. Thus, one could be criminally punished for adultery. The law had been long forgotten until it cropped up in a case early in this century. Our courts held that since there had been no recorded case within the last 40 years and since it was obvious that there had been many violations of the law over the years, yet no prosecutions — the public was entitled to assume that the old law was now abrogated. Thus, our courts held the statute to be not in force."

Justice, Not Law

All systems are founded on the rule of law, the congenial jurist stated. "They try to administer justice according to law. In England, however, the emphasis is on law, not justice. In Roman-Dutch law, the emphasis is on justice, not law. Law and justice do not always go hand in hand.

"American decisions, however, have had a great impact on current law in Southern Rhodesia," Chief Justice Beadle explained. "We have a small European population and a large African one. We have the same problems that exist in your South."

He gave an illustration. "In a 1961 case

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Trimester Law Schools Pondered

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to its full 60 minutes, however, would guarantee almost as many minutes of instruction in a trimester as in a present semester. Each trimester would be devoted to the work now ordinarily taught in a semester.

Since there would only be two classes in attendance at any point, the demands on faculty and resources would be greatly eased. These released resources, Prof. Cavers maintains, would allow law schools to admit, on an average, one quarter to one third more students to each class. This means the schools could handle more students more quickly to meet the expected rise in applications.

Financially the plan would aid both the student and the school. The school would be able to get fuller use out of its resources for more total tuition money. The tuition would be the same for a trimester as is presently charged for a semester. The student would pay the same tuition fees, but save the living costs of the third year.

In the field of scholarship, the faculty would have more chance for research. Each professor would probably work only two of the trimesters, leaving him considerably more time for this work than he has now. Prof. Cavers feels it will also aid the student by mitigating the factors causing second and third year student apathy. He asserts that these are symptoms of educational satiety. The students want to stop learning and begin earning.

Since the article appeared, the Professor has received several inquiries from law schools and lawyers around the country. Only one law student has written, but his comment was enthusiastic in its approval.

Prof. Cavers said this week that "the development of the plan seems to be moving more rapidly than I assumed it would when I wrote the article. The likelihood that the University of California will adopt a trimester system in a year or two greatly reinforces the pioneering done by the University of Florida and the University of Michigan whose modified plans I noted in my article."

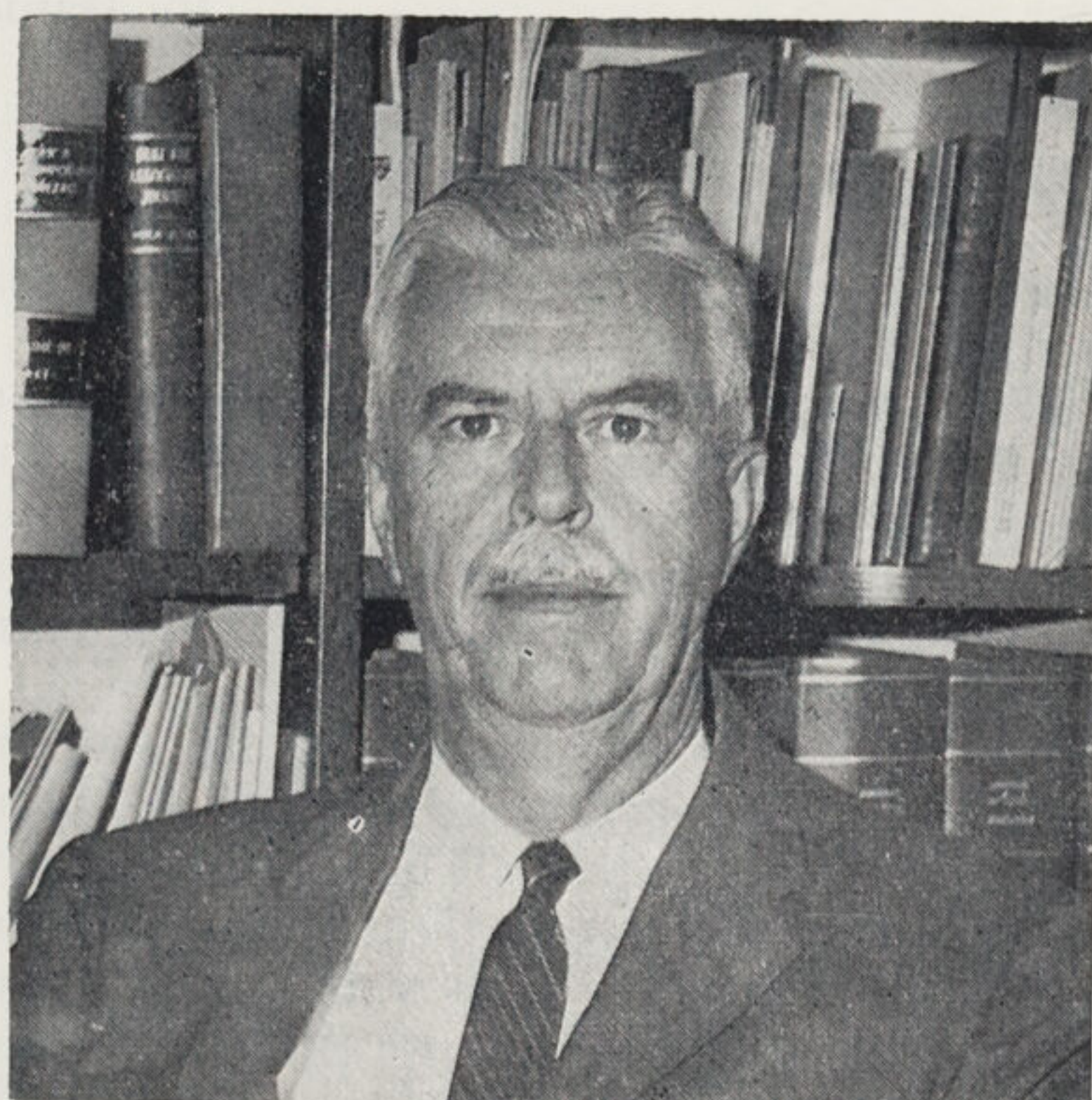


Photo by Richard S. Toder
Professor Cavers

NYC Firms' Popularity Down

The large New York law firms are "not drawing the crowds" of third year students that they have in the past, Placement Director Eleanor R. Appel confirmed this week.

The class seems to be more interested in other cities this year, she said. The New York firms are still filling their interview schedules, but the Placement Office has not had to turn away the large number of candidates who have been refused in previous years. "By and large, people are getting the appointments they want," she stated.

Miss Appel would only guess at the reasons for the change in attitudes. She suggested that the more permanent summer clerkship program may have enabled many students to make their decisions without so many interviews.

But she also attributed the change to more basic factors, such as population shifts, the general prosperity, and more good opportunities in other areas.

There is also a larger contingent from California in this year's class, and they are not looking toward New York, Miss Appel said.

Among the cities which are attracting more than normal interest, she cited Los Angeles, Minneapolis, Atlanta and Boston.

Lawyers Face Dilemma on Rights

By Donald W. Kramer

Six members of the Class of 1958 questioned the lawyer's role in civil rights at their reunion symposium here Saturday.

They spoke from different perspectives, as whites and Negroes, as activists and conciliators. They described the "Kafkaesque" world of Mississippi and the somewhat brighter situation in South Carolina. They disagreed over the definition of "rights" and questioned the place of the "moral man in an immoral world."

A moderate Southern white position was voiced by David W. Robinson, of Columbia, S. C., who represents a statewide committee of top political leaders which has been opposing integration of parks, hospitals and other public places. He said the committee is performing a valuable function by channelling the problems into the courts and out of politics.

He said it was important to "buy time." "We will never solve these problems until we can change the attitude of the man in the street."

Richard L. Banks, a Negro attorney with the NAACP in Boston, challenged Robinson's "notion that somehow the granting of basic rights has to wait on the least common denominator of Southern whites." He warned that "to the extent that we bind ourselves to this idea, we will face many, many more demonstrations."

Banks also noted that the problems of the North are different and less dramatic in nature than those in the South. He said the work is more frustrating, demanding arduous negotiations and the formulation and reformulation of statements.

William L. Higgs, who has a long history of aiding Negroes in Mississippi and who spent last summer working on the civil rights bills in Washington, opened his talk by noting that he left Harvard and went back to Jackson "as a segregationist really." But after a year

of working with Negro clients, he said it became "clear that they were not being treated with human dignity, that they were being treated as sub-human." He said the system was "designed to perpetuate this."

He cited incidents in which lawyers who defended Negroes in rape cases had been disbarred and a case in which a local judge threatened him when he decided to defend a Negro. "Lawyers have got to be concerned with situations like this," he said. "One million people in Mississippi, in effect, can't get legal representation. And they can't get justice in the state or federal courts, except maybe the Federal Court of Appeals. This gives you an idea why Negroes have to resort to street demonstrations."

Frank Schwelb, a trial lawyer with the civil rights division of the Justice Department, discussed the constitutional interpretation test used in voter registration in Mississippi. He showed copies of scrawls made by a white man who could barely copy an interpretation of the constitutional section which states there shall be no imprisonment for debt. Then he showed the form of a Negro college graduate who had perfectly interpreted the provisions regarding consanguinity and affinity of judges presiding over cases. The white man passed. The Negro flunked.

He said the Justice Department's

Five HLS Grads Join Birmingham Plea

Five Harvard Law School graduates were among the 53 Birmingham, Ala., lawyers who called for an end to violence and obedience to Supreme Court decisions in a public statement Sept. 28.

They were Marvin Cherner, '51, Jerome A. Cooper, Jr., '36, Irving H. Levy, '54, Robert H. Loeb, '41, and J. Vernon Patrick, Jr., '55.

pending attempt to have the constitutional interpretation test declared invalid was "one of the most important cases in the history of American jurisprudence."

He went on to describe the difficulty in finding witnesses willing to testify for the government. "Things have a habit of happening to their jobs," he said. "Or their houses burn down and they are arrested for arson."

In answer, Robinson said that he would condemn such practices if the reports were true. But he claimed that Negroes have no trouble registering in South Carolina. He agreed that "public rights should be afforded." He disagreed, however, over the "right" to public service.

"Why does a Negro have a basic right to go into a store where the proprietor doesn't want him?" he asked. "I don't think he does."

Banks replied that the nation had been founded on civil rights, not property rights. He referred to the idea of "vertical mobility, with each one able to advance as far as his individual capabilities." "What we ask," he said, "is the right to take part in the American dream."

Theodore R. Newman, Jr., a Negro born in Tuskegee, Ala., but practicing in Washington, echoed Banks' idea. "It is a misnomer to say the Negro wants equal rights," he stated. "We want equal opportunity. All I want is to start at the starting gate with the normal 136 pounds on my back, not an extra weight of 20 pounds of lead in the saddle bags. You have to be almost superhuman to win that race."

Newman urged bar associations to take a careful look at the judicial system. He cited one civil rights case that has been pending for three years on the pleadings because the judge "has back trouble" when the government tries to bring it to trial. This is the same judge who, according to Schwelb, took 13 months to decide whether

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Dean Cautious on Future of Commission

By Michael Hampden

Civil Rights Commissioner Erwin N. Griswold voiced guarded optimism this week on the Commission's future role in view of its recent report, the stopgap vote in Congress extending it for a year's term, and developments within the Commission itself.

By law the Commission had sixty days after the publication of its report on September 30 to terminate its business. A one-year extension to keep the panel alive until the President's Civil Rights Bill comes to a vote was passed by better than four-to-one majorities in both Houses. Dean Griswold said that these strong votes and the fact that the report was unanimous are reasons to believe there will be "substantial support" in Congress for an enlargement of the Commission's powers provided for in the pending Rights Bill, "whenever Congress faces the problem."

Some observers, though impressed by the thirteen Southern "aye" votes in the House, felt that opposition forces were postponing a fight until the Administration's

bill actually comes before them.

The one-year extension in itself is of little value to the Commission, Dean Griswold explained, since little could be accomplished in that time. The "hand-to-mouth" existence of the board is less awkward for the Commissioners themselves, for whom the Commission is not a full-time job, than for the staff members, for whom it is. Several of the staff, including Director Berl I. Bernhard, have resigned in the face of this difficulty. The Dean remarked that the Kennedy bill would strengthen the Commission, but in his view, not enough. He said it should be empowered to act as a clearinghouse to expedite, for example, local school boards both in the South and North in their efforts to desegregate, and to serve as mediator between school officials and local Negro leaders; in short, to help in the application of its proposals.

The report is unique in several respects. First, it is more comprehensive than the 1961 report, which covered the areas of voting, education, employment, housing, and the

administration of justice. This year, recommendations in the fields of health services, urban problems, and conditions in the Armed Forces have been added. Second, and more specifically, to deal with states refusing to enfranchise their Negro populations, it proposes (as a last resort) the fourteenth amendment sanction of proportionately reducing their representation in the House of Representatives, a measure of far-reaching political consequences.

Third, the 1963 report is unique for its unanimity. The two Southern Commissioners concurred in the report's recommendations in the area of voting for the first time since their appointments. Their past dissents were to means, not ends, they said; but seeing little hope now of making a "reality" of every qualified citizen's right to vote without "disturbing, even temporarily, our longstanding Federal-State relationships" they agree that the situation is "sufficiently urgent today to warrant . . . consideration" of the use of section two of the fourteenth amendment.

It is understandable that the legislators closely associate the Civil Rights Bill before them and the issue of the Commission's very existence. The following are a few of the measures proposed in the 1961 report which have been adopted directly or in a modified form by the Bill: a sixth grade education as satisfactory proof of qualification to vote in literacy-test states; a system of temporary federal registrars for localities with records of voting discrimination; authorization for the Attorney General to institute school-desegregation suits; the withholding of federal financial help to segregated school programs; financial aid to school systems deprived of local and state funds as a result of their attempts to desegregate; and a vocational training and education program for youths, aimed at easing unemployment among racial minorities.

Rights Dilemma Discussed

(Continued from page 7)

Attorney General Kennedy's name could be substituted for Attorney General Rogers' when the Administration changed in 1961.

Thomas L. Clark, a native of North Carolina who now practices in Delaware, said he had great gratitude for the martyr role played by men like Higgs. "But there are many other lawyers who play a significant role which we don't recognize," he said.

"Conciliation can be fostered by intelligent lawyers who maintain the confidence of the business community. I realize that compromise is a nasty, cowardly work. But

isn't a man making a significant contribution in this way? Is it any good to alienate himself from society so that he cannot effectively represent his clients?

"This is the dilemma of the moral man in an immoral world," he continued. "What is the Bill Higgs role in a situation that is totally immoral?"

Newman answered that "the Tom Clarks are the salvation of the South." But "people keep referring to time," he went on. "Time is neutral. Time itself never healed anything. It is up to the lawyers to make the proper use of time."

Law Student Activities

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dents Civil Rights Research Council, has affiliated organizations at Yale, Columbia, New York University, Georgetown, George Washington and Howard Law Schools.

Its sponsors include Yale Dean Eugene V. Rostow, attorneys Harrison Tweed and Benard G. Segal of the Lawyers Committee on Civil Rights, Harvard professor Mark Howe, Yale Professor Louis Pollack, and Howard Dean Clarence C. Ferguson.

The Council will try to coordinate projects at the schools and will act as a clearing house for requests from national civil rights organizations and practicing lawyers in the South.

At Harvard, a Law Students Civil Rights Auxiliary Group, headed by Joel F. Henning, 3L, and the Civil Liberties Research Bureau have agreed to cooperate on projects. Henning's group will handle primarily short term and emergency jobs from several organizations, including the New York Council and local Boston groups. The Civil Liberties Bureau will handle some longer projects as part of its regular program.

Henning said his group is getting three or four projects a week from New York, and will have to expand its membership from its present 15 to 20 to keep up with the demand. A public meeting will be held tomorrow.

"We have all been a little bit taken aback by the tremendous and immediate need for this type of organization," Henning said. "Law students can do on short notice things that civil rights lawyers just don't have the time to do on their own."

The Civil Liberties Bureau has more than doubled its personnel and projects this year according to its president Elliott C. Lichtman, 3L. More than 60 students will work on the 11 projects already designated.

On the civil rights side, the Bureau will work on defacto school segregation in Boston; Danville, Va., statutes making it criminal to incite Negroes against whites; a compilation of miscegenation statutes and their current status; possible actions before the FCC on claims of biased presentation of news; the right to picket; and an attack on "peace warrants" used in Americus, Ga. to break up rights demonstrations. It will also do at least five civil liberties projects.

Mme. Nhu Speaks

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ese population. She said that actually Buddhists number only one million out of 14 million and that of 40 pagodas only two were involved in anti-government demonstrations.

She denied categorically that the Vietnamese government is not democratic and lacks popular support. She questioned, "If the Vietnamese government lacks popular support, how does it dare to arm its own people?" and added that "for all the witnesses against the regime, there are many more prominent people who support it." Most of "a very noisy opposition" she dismissed as "French citizens."

She debunked supposed rumors that "American aid arrives in big bags and that the President (Dien) gives his brother some of them each day." — "This is false," she said. "The U. S. keeps complete control over its aid."

In answer to charges that the United States was spending too much money in Vietnam in spending at the rate of \$1.5 million a day, the chicly-dressed soidisant "first lady" of Vietnam complained that "we have constantly asked that the American personnel be reduced. They cannot live as austere as us and this is a great expense." She also denied that the American government had ever asked for a change in the heads of Vietnam's regime — "Officially, never."

Three panelists interrupted Mme. Nhu's delivery to analyze her arguments. Prof. Roger Fisher compared her personality to the story of "The Lady or the Tiger?" — "When you finish the story, you don't know which it is." He said, "We are told everyone else is deceived or misled," adding "no one here is more biased than Mme. Nhu, who is battling for her political life."

Mrs. Suzanne Rudolph, Harvard lecturer of government, suggested that the desire of North Vietnam for more trade with the South — particularly for food — might open the way to a possible "detente." Harvard Professor, Stanley Hoffman, said, "I came here to find the issues and found that there are no issues." He said that there was one part of Mme. Nhu's presentation with which he could agree and quoted her statement — "To err is human, to persevere is diabolical."

Letter to the Editor

To the Editor:

Now that my nausea has subsided from reading publication No. 1, Vol. 37, Harvard Law Record, I would like to inquire regarding the purpose of the publication of the Record. The first portion of the editorial on page two sets out exactly the emphasis of the publication and it seems to me that you have gone far afield in this publication. Only last night I read Dean Griswold's report and I failed to find the first emphasis therein as your article on page one sets out.

Your report of the march appears to be in the nature of a

society editor's report on individuals taking part in a demonstration which certainly no law school professor should have any part in.

The article on page five [concerning the indictment of Fred L. Wallace, 3L] can certainly contribute no more to the law than Justice Brennan's opinion in the case of NAACP v. Button when he glossed over the activities of that organization in the State of Virginia by characterizing their activities as in no way similar to oppressive, malicious, or avaricious use of legal process for purely private gain. In the minds of many lawyers of known ability the activities of this organization in the State of Virginia and elsewhere constitute the most flagrant cases of chameperty in modern times. Obviously, your staff was scratching around for something to publish at the beginning of the school year and we

certainly hope that you will show improvement in subsequent publications. There are some small references to the Law School in your first publication but many of us do not agree with your approach that the subjects covered are of interest to either students or graduates of the Law School. To continually harken back to the days of Chessman and Sacco and Vanzetti shows a lack of understanding of modern problems, which should be the purpose of your publication rather than to fall in line with the general hysteria created by the Kennedy administration. Your article with reference to Prof. Boris S. Niki-forov recedes into the background in view of the other articles and the only saving grace in your publication is the advertisement on page fifteen of Harvard Provision Company, Inc., where one may for a price obtain quick and specific relief from your articles.

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Mathews Stresses Lawyer's Responsibilities

By Peter F. Knopp

Lawyer, professor of law, and public administrator, Visiting Professor Robert E. Mathews has undertaken professional responsibilities beyond those immediately associated with the practice of law. These broader responsibilities of a lawyer — his responsibilities to the community — receive special attention from Professor Mathews in his classes.

"It is part of the lawyer's responsibility to the community to vitalize the fundamental concepts on which democracy is based," and this can be done, suggests Professor Mathews, "by providing leadership in areas of social obligation: participating in forums, discussion groups, and taking public positions on issues where the values of the democratic process are at stake."

Professor Mathews cited the boldness of Birmingham lawyers who publicly stated that regardless of their personal views it was their responsibility as lawyers to encourage the observance of the Supreme Court's interpretation of the law and not to flout it.

Turning to the public responsibility of the academic law teacher, Professor Mathews believes a law teacher should stress not only the lawyer's obligation to the community but also the ethical problems faced by a lawyer.

Addressing a conference of law teachers from Great Britain, Canada, and the United States at New York University in 1960, Professor Mathews said, "We are not faced with the inculcating of values never before perceived or, much less, with the displacement of those already held. Our function is more the strengthening, and the sharpening of a perception of, the values which these students already espouse; it is more the development of an ability to test them in new environments, the giving to them of new and increased significance, and the stimulation of courage and determination to adhere to them firmly."

Professor Mathews commented on the controversy touched off by attorney Louis Nizer at last year's Forum on the issue of a lawyer's right to be selective in his choice of clients.

"A lawyer is free to be selective if he feels that because of the subject matter of litiga-



Professor Mathews

tion he cannot give an adequate defense," said Professor Mathews. "Otherwise, when a lawyer is representing a defendant in a civil or a criminal case it is not essential that he believe in anything beyond his client's right to a fair trial."

"It is a lawyer's responsibility," said Professor Mathews, "to see that unpopular clients and causes have adequate representation and history shows that many members of the bar, whether distinguished or little known, have recognized this responsibility even at great personal inconvenience and even loss."

Professor Mathews, a graduate of the University of Chicago Law School, has taught at the Ohio State University Law School since 1924 and at various times has taught at Montana, Columbia, Rutgers, Chicago, Michigan, and Colorado. During World War II he served as a member of the General Counsel's Office of the Board of Economic Administration and in that capacity was sent as an American representative on a joint labor mission to Bolivia in 1943. He was later Associate General Counsel for the National War Labor Board and public member and co-chairman of the Board's Appeals Committee. From 1952-60 he was a member of the Council of the American Bar Association Section of Legal Education and during 1961-62 was Visiting Professor at the Indian Law Institute at New Delhi. This year at Harvard he is teaching two seminars in Labor Law, courses in Collective Bargaining, and Legal Profession.

Recent Book

Historian Reviews American Law

By Walter V. McLaughlin, Jr.

THE LEGAL MIND IN AMERICA: From Independence to the Civil War. Edited with an Introduction and Notes by Perry Miller. New York: Anchor Books. 1962. 312 pp. \$1.45.

Perry Miller's *The Legal Mind in America* is not a history of American law or even of its legal theories. It is instead an impressionistic outline of some of the major social forces which helped shape that law before the 1850's.

The first, basic need was to re-establish the prestige of the law. The royal judges had been hated, and there were elements which sincerely hoped never to see their like again. Others, more numerous, voiced a fear of legal practitioners, if not of the law itself. Lawyers, to such men as P. W. Grayson, were parasites on society, creating more causes than they settled.

The profession's answer to such men amounted to a public relations campaign. They extolled, in speeches and in the press, the high

qualities demanded of the lawyer, his high place in society, and the vital role he played there. Story and Kent, two of the greatest figures of the age, were especially adept at invoking the great names of the law's past: Puffendorf, Barbeyrac, Bynkershoek, Burlemaqui, Wolfius, Vattel, Heineccius, Montesquieu. They fashioned them into a litany with which to impress upon the masses a sense of their own ignorance, and to prove that the lawyer was a superior sort of fellow.

This in turn leads into the other great theme of the period that Miller stresses: the struggle between codification and the Common Law. American nationalism was not long in asserting that American law should be as independent of English influence as the political power was, and this translated itself into a struggle over the retention or rejection of the English Common Law system.

Thomas Smith Grimke and others wrote sanguinely of the fruits of a proposed code which would embody natural reason, and do away with

the need for lawyers. Since everyone would be able to understand such a simple and clear document, lawyers would become social anachronisms.

The great body of lawyers, on the other hand, were committed to the Common Law. It had been adopted with the Constitution for want of a readily available alternative, and they felt that to abandon it would open the flood gates to the very people who would do away with law altogether. Perhaps they also did not want to admit that state legislators could really sweep away the "natural reason" of accumulated centuries.

Out of these struggles one can see emerging many of the characteristics of the profession which exist today. The high emphasis on professional qualification is obvious, one of its byproducts being the rise of law schools, including Harvard in 1817. To the emphasis on the Common Law we undoubtedly owe our continuing reliance on precedent and perhaps the case method, which is prefigured by such Common Law advocates as James Madison Porter.

Like almost any book of selections this one lacks some continuity, and leaves unanswered questions which any history of the period should answer. It is an excellent book, however, for the casual professional reader who realizes that the problems of law are somewhat more complex than the author portrays. It gives him not only interesting background material, but a fair sampling of the literature of the law as well.

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Tokoyama Talks on U.S. - Japan Trade

By Richard A. Hannaway

"Relations between Japan and the United States have never been better or closer than they are today," Jiro Tokoyama, Director of Public Affairs in New York city of the Japanese External Trade Organization, told the International Law Club last Wednesday.

Mr. Tokoyama, said that this new feeling of friendship, trust and confidence sprang from Japanese recognition of the practical advantages of democracy and the American type of economy which had come about as a result of extensive reciprocal trade.

"American influence" he said, "is strong in Japan and this influence is to a large extent responsible for the Japanese economic boom." Not restricted to the business field, the influence is increasingly making itself felt in the Japanese culture through movies and television. "The Japanese way of life," he said, "is coming to resemble the American much more than any of you may realize."

Japan Must Prosper

But in spite of the much greater mutual appreciation, he believed that there were some areas where more was needed. "Japan," he said, "regularly buys about \$650 million dollars more from the United States than it sells to it. This export business creates 190,000 jobs in America. In the textile industry, Japan buys 1.5 million bales of cotton from the United States annually and sells back only 100,000 bales of finished goods, a small fraction."

In his estimate these facts were not sufficiently known to Americans who had heard only the complaints of some American textile manufacturers about Japanese competition.

Mr. Tokoyama noted that since 1956 when Japan voluntarily limited its exports of textiles, the Japanese percentage of the total U. S. textile imports had fallen from 75% to only 23%.

There were reasons of self interest, he explained, why the United States should want to see Japan prosper. She was the only country which could function as a counter-balance for China in Asia. Also her prosperity, accomplished with free enterprise, was a model for developing nations in the Far East. And finally, Japan, which spends only 2% of its gross national product on military forces is a visible refutation of the Marxist axiom that a capitalistic country can achieve prosperity only by a massive production of arms. "Japan," he said, "needs the moral and physical support of America to achieve her goal of helping the developing nations and humanity through technical progress." He compared the Japanese economy to a man who had nearly climbed to the top of a mountain. "We will need five or six more years to reach the peak, to attain political and social stability to match our economic gains. But if some interference with our international trade should block Japan, the economy might well falter and fall back amid political and social chaos."

Dorm Rooms Available

Eight spaces are still available in the Law School dormitories, the Dorm Office reported Monday.

Four of these spaces are in double rooms and the other four are singles.

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Southern Rhodesia

(Continued from page 5)

(*S. N. Mehta v. City of Salisbury*), a municipality ordered, by resolution, that a certain swimming pool be open to Europeans only, not to Negroes. There were other pools with equal facilities for the Negroes. The issue was whether a municipality could segregate the pools.

"The municipality felt secure that under South African law they could do this," the former Minister of Internal Affairs continued. "It was just another application of the 'separate but equal' doctrine of *Plessy v. Ferguson*."

The leading South African case was very similar to *Plessy v. Ferguson*, Mr. Beadle explained. "It upheld the use of segregated — separate but equal — railroad ticket offices. Thus, we had clear precedent. Under the English system of law, this precedent would be binding on us.

"The question we faced was whether to rely on established precedent or to swing to the recent United States decisions. It was not an easy decision to make. Political feelings ran high. Although many Europeans

were fairly liberal, others had the same approach as American Southerners."

The court, however, looked to United States cases such as *Brown v. Board of Education*, *Dawson v. Baltimore City*, and *Holmes v. Atlanta*, and refused to follow the South African decision. "We held that the pools were open to all races. This decision caused a bit of 'hoo-ha!'

"If it had not been for *Brown v. Board of Education*, it might have been tougher to break from precedent," the Chief Justice reflected. "Of course, under the English system of law, we would not have done it.

"But for us, the important factor is principle, not precedent. To prohibit Africans from the pool was humiliating to them — it infringed their common law right of *dignitas*. While in a physical sense the facilities were separate but equal, they actually were not equal. The African's dignity was injured, but the European's was not. Thus there are two types of discrimination — tangible and intangible. This is like the *Brown* case, where educational facilities were the 'same', but the Negro's dignity was injured."

With a warm smile, Chief Justice Beadle concluded, "We will follow more and more the decisions of United States courts."

LAW SCHOOL SHOW

The Harvard Law School has added a new tradition, and it is basically devoted to making a mockery of all the old traditions. We're speaking about the, now annual, LAW SCHOOL SHOW.

Now, this is not meant to necessarily talk you into buying a ticket. It's rather meant to ask you if you would like to contribute in any way to the show — an entirely original and exclusive product of the people at the Law School.

We think you'll find working with the show a delightful change of pace from studying, and the time you spend on it can be minimal. The show this year will be incorporating both male and female members of the school in addition to again using the talents of the faculty. Hence, not only can you satisfy the old show biz urge, but you can also benefit from the social contacts that will accompany your work with the show.

If you think you have something to offer and would like to have a little fun, you should certainly consider working with us. The show is still in loose form and it can be molded to suit your particular talents. If you are interested why not just call us.

We look forward to hearing from you.

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Gov. Wallace Declines to Debate Howe

Prof. Mark DeWolfe Howe said this week that he was not dismayed by the refusal of Alabama Gov. George Wallace to debate with him. Efforts to arrange the debate were made by the Democratic Club of Harvard College. In refusing the offer, Gov. Wallace declared that a Harvard Law School professor lacked "sufficient stature" to debate with him.

Asked for his views on Wallace's

refusal, Prof. Howe said, "I do not think it was at all irrational for him to refuse, saying that he was on a speaking tour, not a debating tour." He also thought that "it was wrong to make the Governor's appearance here a debate, since he is not like a high school debater." He said there seemed to be little point in the Governor's coming unless it was for a discussion rather than a debate or a simple speech, since Wallace's views were already fairly well known. Prof. Howe summed up: "I don't think we really lost anything when he refused."

The Governor will probably address the Harvard-Radcliffe International Relations Council.

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Accountants To Meet

Professor David R. Herwitz will have lunch with The Harvard Law School Student Accounting Society, on Wednesday, Oct. 23, at 1 p. m., in the Guest Dining Room, Harkness Commons.

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Placement Opportunities

Further information is available at the Placement Office, 23 Everett Street. Not all opportunities are listed here. Interviews are listed in the following order: city, name of firm, interviewer, date of interview. Deadline for application for interview, noon, one week before date of interview.

THIRD YEAR INTERVIEWS

Boston: Russell, Chittick & Pfund. Robert B. Russell, Esq. Thursday, October 24. Patent Law.

Cambridge: Arthur D. Little, Inc. David E. Clinkenbeard, Esq. and Richard T. Murphy, Esq. Thursday, October 24.

Chicago: The Atchison, Topeka and Santa Fe Railway System. C. George Niebank, Jr., Esq. Thursday, October 24.

Chicago: Isham, Lincoln & Beale. Justin A. Stanley, Esq. Friday, October 25.

Cleveland: Henderson, Quail, Schneider & Peirce. Louis S. Peirce, Esq. Friday, October 25.

Cleveland: Spieth, Bell & McCurdy. Sterling Newell, Jr., Esq. Thursday, October 24.

Newark, New Jersey: Carpenter, Bennett & Morrissey. Elmer J. Bennett, Esq. Saturday, October 26.

New York: Bressler & Meislin. Bernard J. Meislin, Esq. Friday, October 25.

New York: Chas. Pfizer & Co., Inc. E. A. Agostini, Esq. and R. C. Allen, Esq. Thursday, October 24.

New York: Sage, Gray, Todd & Sims. Ralph K. Smith, Jr., Esq. Thursday and Friday, October 24 and 25.

Providence: Tillinghast, Collins & Tanner. Richard F. Staples, Esq. Thursday, October 24.

SECOND AND THIRD YEAR INTERVIEWS

Buffalo: Phillips, Mahoney, Lytle, Yorkey & Letchworth. John H. Hollands, Esq. Thursday, October 24.

Chicago: Mayer, Friedlich, Spiess, Tierney, Brown & Platt. John T. Lorch, Esq. Friday, October 25.

Chicago: Vedder, Price, Kaufman & Kammholz. Charles R. Kaufman, Esq. Thursday and Friday, October 24 and 25.

Cleveland: Baker, Hostetler & Patterson. James P. Garner, Esq. Thursday, October 24.

Detroit: Miller, Canfield, Paddock and Stone. Peter P. Thurber,

Esq. Friday, October 25.

Minneapolis: Erickson, Popham, Haik & Schnobrich. William J. Erickson, Esq. Friday, October 25.

Pittsburgh: Buchanan, Ingersoll, Rodewald, Kyle & Buerger. Elmer E. Myers, Esq. and Glenn B. Reed, Esq. Friday, October 25.

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