

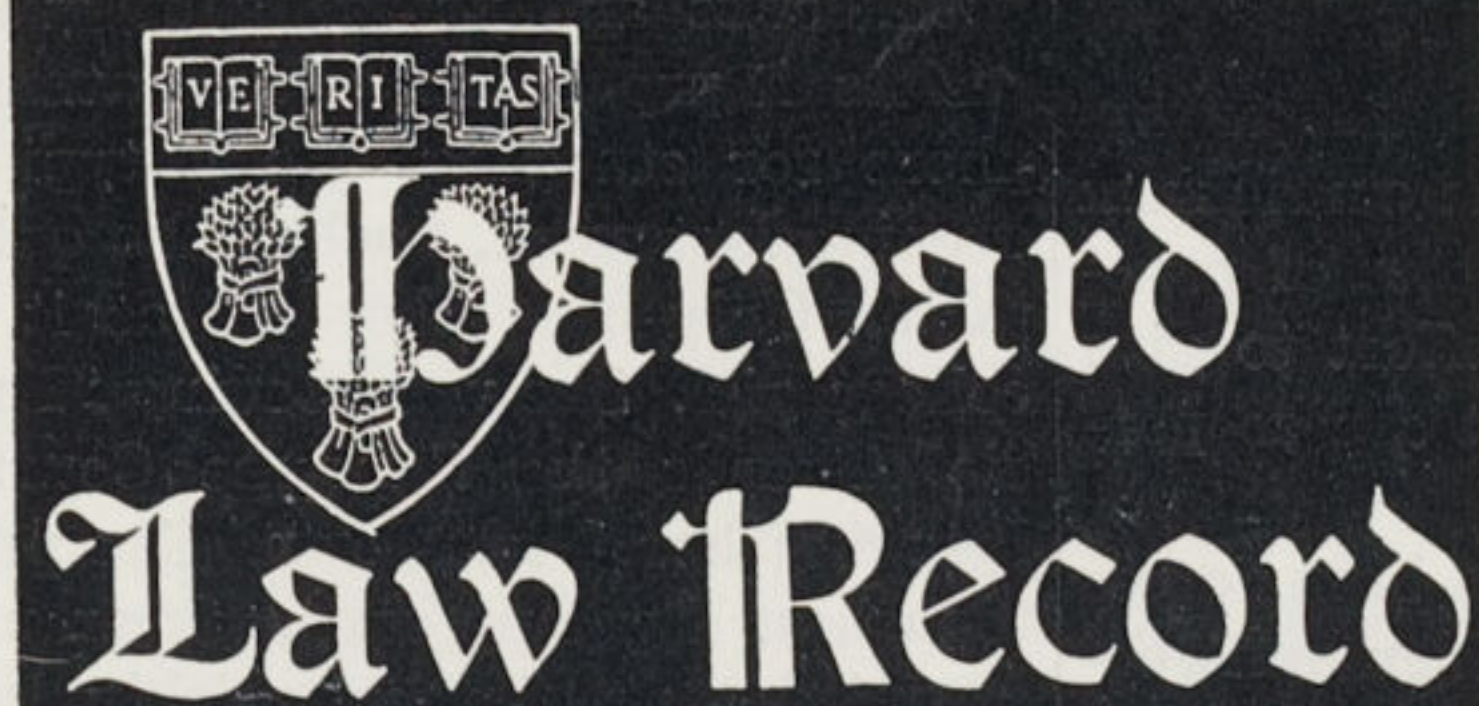
Legal Aid Offers Client Contact

By Charles M. Hamann

The Legal Aid Bureau will offer a limited number of third-year students an opportunity to gain some experience in the area of client interviewing during the spring semester, Bureau spokesmen announced this week.

The project, which could provide the basis for an expanded program next year, will involve a maximum of 20 members of Prof. Frank E. A. Sander's course in Family Law. It is one of the first efforts at the Law School to incorporate work with actual clients into the regular curriculum.

The pilot group will be concerned exclu-
(Continued on page 4)



America's Oldest Law School Newspaper

VOL. 37 NO. 6
CAMBRIDGE, MASS.

FIFTEEN CENTS
NOV. 14, 1963

At Rights Conference

More Action Urged

By Myer J. Sankary

"The system of checks and balances has not worked in the field of civil rights," declared Judge J. Skelly Wright before the conference of the Law Students Civil Rights Research Council at Columbia Law School last weekend.

Judge Wright, presently of the U. S. Court of Appeals, Washington D. C., who was the Federal District judge to integrate the buses, schools, and colleges of New Orleans, claimed that the modern Southern politician has betrayed his great tradition of respect for the law. He cited as the best of Southern leadership, Andrew Jackson, who declared, "Obedience of the law is the first duty of a citizen." He praised the Supreme Court for their leadership in civil rights, especially for integration of the schools, and for their decision that Negroes must have the right to vote. He suggested that it is now up to Congress to pass adequate laws and up to the people to respect them in order to make civil rights a reality.

The conference was the first major effort of the newly organized Research Council to acquaint law students with recent legal developments in civil rights and to promote greater participation in the civil rights movement. Major proponents in the legal

(Continued on page 10)



Justice Goldberg and Prof. Freund

Human Rights Court?

By Richard A. Hannaway

Supreme Court Justice Arthur J. Goldberg told a Harvard audience last week that the United States should take the lead in establishing an international system for the protection of basic human rights against arbitrary action by national states.

"This country," he said, "above all others is peculiarly fitted by its traditions and experience to champion the cause of international protection of individual human rights."

The two steps, he said, which the United States should take immediately, were: first, to repeal the Connally Amendment and subscribe to the jurisdiction of the International

(Continued on page 11)

Human Relations in the Curriculum

The Law School is moving in the right direction. Last month we were able to report the beginnings of an experimental writing program for second-year students. Today the Legal Aid Bureau announces its program for giving third year students practical experience in client interviewing during their course in family law.

Today's announcement, we think, is significant in two major respects. First, the program will formally incorporate into the curriculum some practical experience with the technical and legal aspects of practice. But more important, it will be the first substantial effort to give students an insight into the human relations problems that are so pervasive in the lawyer's work.

The need for practical experience in the curriculum has been forcefully expounded many times. At the Legal Aid Bureau's golden anniversary banquet last February, Associate Justice William J. Brennan, Jr., noted that no medical school "would think of sending out into practice, or even into internship, a young physician who had never taken down a case history or recorded a person's pulse or temperature." Yet three out of four law school graduates, he said, enter practice without confronting a single person in immediate need of legal advice. For too long the problem has been neglected in law schools. This program may provide at least one means of providing the controlled experience that is so valuable to education.

The human relations aspects of the plan offer even more hope and potentiality. Rules of law, theoretically, are made logically and dispassionately. But the average lawyer does not make rules of law. He spends his time working with people — planning, negotiating, or compromising. His success depends not only on his legal knowledge, but on his understanding of people and his ability to work with them. Time and again troubles are created because a lawyer does not understand the feelings hidden behind the words of the parties. Yet nowhere in the Law School do we really talk about people.

We are not sure that human sensitivity can be taught. But students could be alerted to the problems. We hope the faculty will develop other ways in which human relations can be added to the curriculum.

Harvard Law Record

Donald W. Kramer	President
Daniel J. Kucera	Vice President
Charles M. Hamann	Managing Editor
Bruce Abel	Special Projects Editor
Roger P. Bernhardt	Business Manager
Stewart D. Davis	News Editor
Thomas E. Woodhouse	Features Editor
Richard A. Hannaway	Assistant Managing Editor
Walter V. McLaughlin, Jr.	Assistant News Editor
Peter F. Knopp	Assistant Features Editor
Robert A. Grayson	Photography Editor

Associate Staff

Michael D. Hampden, Edward H. Hein, Neal W. Johnston, Elaine M. Kalenevitch, Myer J. Sankary, Caroline M. Simon, Richard S. Toder.

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.

Permission is given for reproduction of any part of an article appearing herein provided that credit is given to both the RECORD and the author of the article. Second class postage paid at Boston, Massachusetts.

TONGUE 'N CHEEK

By Fenno

Langdell Library is majestic and austere. Lined from end to end with books and portraits of great jurists, it provides a solemn atmosphere for studying. On a typical evening last week, I selected a quiet table. Only one other sat at it, a college girl. She was reading "Lassie Attends the Supreme Court." Ignoring her, I sat down. She protested, so I got up and took an unoccupied seat. I then quickly lost myself in rumination.

Soon I heard an ominous rumbling. I looked up to see three white-coated men trundling a large coffee urn past me on a dolly cart. This group was followed by sixteen women in aprons with more carts, bringing cakes and punch bowls. The procession meant one thing: a party in the Root Room.

Ladies arrived. The first was beautiful and dressed in black. She chose to make her way slowly from the northern door of the library all the way to the southern end, pausing to do an occasional pirouette. This left eddies of perfumed air. Many swooned. The second lady was escorted by a Whippet, who trotted resolutely in front, pausing to clear the aisle of protruding legs and briefcases.

Next came a group of professors, and finally the Dean: saluted by the banging of feet coming down from the *Law Review* table.

That was not the end of it. With rare exception, those who go into the Root Room come out again. For those who had missed the first performance, there was an encore in reverse, climaxed by the appearance of the Grand Correographer himself, the caterer. He puffed a big cigar and nonchalantly carried a candelabra and large basket nose-gay. He left eddies of perfumed air as he calmly exited through the elevator shaft (in the elevator).

Next week I'm going to study at the Greyhound bus terminal. I really miss those loud speakers.

Cavers' Plan Gets Mixed Reaction

By Walter V. McLaughlin, Jr.

Prof. David F. Cavers' plan for a two-year, trimester law school curriculum has met with varied reaction among the faculty of the Law School.

On the administrative side, Russell H. Peck, Secretary of the Law School, said that it was "an inspired idea as far as the use of the capital plant is concerned."

Vice Dean Louis A. Toepfer more cautiously commented that "there are great administrative advantages but also great administrative problems relating to the faculty, programs and time." He went on to say "It whets my administrative instincts. I would like to try it; but I wouldn't recommend it for Harvard."

Both men pointed out that such an arrangement would leave very little time for major physical plant reconditioning. The renovation of the Langdell classrooms this last summer, for instance, would have been impossible.

Prof. Mark DeWolfe Howe joined in this objection, and added that it would also make it harder to coordinate with other faculties in the University. It might make it impossible to allow law students to take courses in those other faculties as is the present policy.

Professor Donald F. Turner was intrigued by the proposal and felt it deserved serious consideration. The problems that he saw were minor, such as adjusting the Law Review selection process to the new program.

"Religion and the Constitution"

"Religion and the U. S. Constitution" is the topic under discussion at tomorrow evening's Forum at 8:30 in the auditorium of the Cambridge High and Latin School.

The opposing counsel in the *Shempp* case, dealing with prayer in Pennsylvania schools, will speak. The two men, who argued the case before the Supreme Court last summer, are Philip H. Ward III and Henry W. Sawyer III.

Panelists are Constitutional Law Profs. Mark DeWolfe Howe and Paul Freund. Moderator is Prof. Paul M. Bator.

Against this he saw advantages in a much longer research period and financial benefits.

Visiting Prof. Vern Countryman was definitely in favor of the idea. "We tried to sell it to Yale ten years ago, and I still think it's a good idea." He did not feel that a growing population made such a development inevitable but he thought that the alternative was the proliferation of poor law schools to take up the slack.

He cautioned that it was not feasible for all law schools, however. At the University of New Mexico Law School, he pointed out, very few of the students would be able to handle such a steady program since they must work in the summers to earn tuition for the next year.

Prof. Louis L. Jaffe said that he saw the third year as one of diminishing returns. As to the plan itself, he had no essential objections, but felt that many technical details remained to be worked out.

A number of professors declined to comment specifically because they had not had time to study the plan. Several felt that the "fatigue factor" might be a problem. The compression of the workload might have an adverse effect on some students, putting too much pressure on them.

Again, some felt that the absorption rate, the ability of the student to learn and retain material and method, was higher when education was spread out over a longer period.

85 in ILS Program

Currently 85 students representing 36 countries are enrolled in Harvard's International Legal Studies Program, Secretary Joseph E. Leininger reported recently.

Of these, four are working for LL.B.s, four are completing research for S.J.D.s, 21 are in the international program in taxation, 53 are in the regular graduate program, and three are in a special program.

Courses and seminars particularly popular with students from abroad are, in descending order: international transactions and relations; introduction to American law; corporations; legal process; economic regulation; and taxation.

Legal Aid

(Continued from page 1)

sively with cases involving divorce. John G. S. Flym, 3L, a Bureau member, said that the participants, who will not actually try the cases because of time limitations, will handle all matters related to their cases on the assumption that the cases will go to court. They may have responsibility for filing the libel papers necessary in a divorce suit and for arranging service of process.

The purpose of the program, Flym said, is to give participants practical experience in handling a law suit from the earliest investigative stages and also to give them some insight into the social problems which a lawyer faces when he deals with indigent clients.

Prof. Sander said that the program should help prepare law students for the unusual kind of clients and the frequent non-legal problems which are encountered in the area of family law. "We have for several years now done something to give students in the Family Law course some insights in dealing with clients with serious emotional problems. This program should further help broaden these insights." He cited trips to a probate court as an instance of study aids used in the past in the Family Law course.

Participants in the pilot program will receive better preliminary training in investigative techniques than is currently available to Bureau members. Before they receive their assignment, they will read materials on interviewing and witness a mock interview conducted first by a class member and then by a Boston attorney.

They will also listen to a social worker describe her work with one or two typical family cases. The object of this talk will be to suggest ideas to the participants as to how lawyers and social workers can beneficially work together as well as to give them some insight into the skills which social workers bring into this area.

After the preliminary training, participants will be divided into four groups, each with a member of the Bureau as supervisor. The supervisor will conduct a preliminary screening of applicants to determine financial eligibility for Bureau services. If an applicant is eligible, he will be referred to one of the participants, who will conduct an interview to determine the sufficiency of his

grounds for divorce and otherwise decide whether to proceed with the case.

While each individual in the program will have only one client, he may have to interview several persons before accepting a case for actual processing. After he has selected his client, he will visit a social agency in order to get advice as to the handling of his client's problem. Before proceeding to actual filing of the libel for divorce, the participant will, in the usual case, interview his client for a second time (possibly at the client's home) and visit the social worker assigned to the case.

Compensating for the absence of any trial work in the program (according to Flym, a minor part of the Legal Aid experience) will be an opportunity for each group in the program to observe a member of the Bureau handle a divorce case in court. Arranged by the group supervisors, the trips to court will be prefaced by a study of the case file.

The time requirements of the program are minimal. Over a period of approximately three months participants will probably need to devote little more than 20 hours of their time.

Dean Bruce Wins Squeaker

In a "real cliff-hanger" Assistant Dean William L. Bruce was elected a Newton alderman in last Tuesday's election.

One of five men running for two posts, Dean Bruce trailed the incumbent and narrowly edged his next closest opponent by 301 votes — approximately 9,100 to 8,800.

Aiding the candidate by manning the polls from 6 to 8 p. m. on election Tuesday were some six law school secretaries, two law school students, and two persons from the school mailroom. "Their help may have made the difference," Dean Bruce said gratefully.

Recounting the harrowing experience of waiting while votes were tabulated, he said, "I trailed by 25 or 30 as early returns came in . . . then the deficit went to several hundred . . . at 3 a. m. I was down by 700, and most of the rest of the night was spent whittling away at that . . . I went ahead by 48 on the next to the last return . . . at 4:30 I discovered I had won."

The weary victor arrived at his office Wednesday after some two hours sleep and spent a good part of the day answering congratulatory phone calls and drinking coffee.

The term of alderman runs for two years.

Actress' Hopes Dashed in Trial

By Neal W. Johnston

Erstwhile actress Erica Johanson, whose scarcely budding television career was abruptly ruined by Langdell jeweler Julius Neuhauser, received yet another jolt last Thursday evening when the Superior Court of the Commonwealth of Ames found for the defendant. Erica has thus lost both in Actors' Equity and in law.

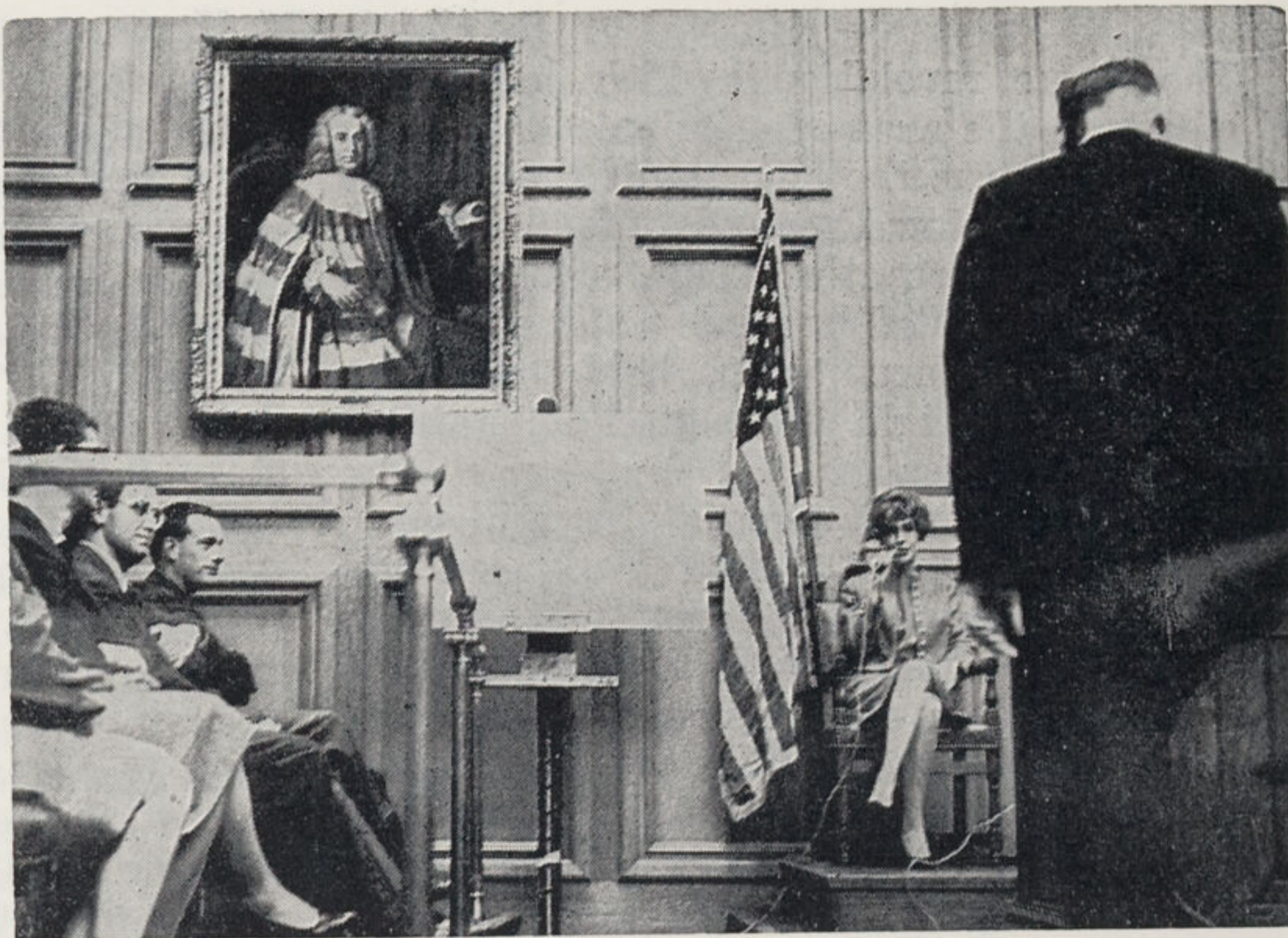
Erica, a former drama student, was in Langdell last April 27 preparing for her regular appearance on a television series called *Spring's Madness*. Wanting to buy a ring, she entered Neuhauser's jewelry store. As she was leaving, Julius noticed that a \$200 ring was missing, and believing the girl to be part of a ring of thieves plaguing local jewelers, he stopped the girl and told her she would have to remain while he investigated the disappearance.

Erica spent some time in Julius' office: she claimed against her will. At one point when she attempted to leave, Julius also moved quickly to the door, where he may have 'bumped' her, and thus committed a battery.

Erica inadvertently dropped a letter from her purse which Julius read. The letter, from her doctor, revealed that Erica had been receiving treatment for a morphine addiction innocently contracted while hospitalized for a nerve ailment. Julius, believing that the ingenue was shop-lifting to feed the habit, communicated this information to the TV director to whom Erica referred the jeweler for a character reference.

Already on edge, the actress veered toward hysteria when she learned that word of her secret ailment had leaked out.

Bringing in from Boston Jerome P. Facher of the firm of Hale and Dorr, Erica charged Julius with false imprisonment, battery, and invasion of privacy. Not to be outdone, Julius turned to the Harvard faculty for defense counsel, obtaining Professor Robert E. Keeton.



— Photo by Edward H. Hein

Erica's Last Act?

The invasion of privacy charge was dismissed on a defense motion, ostensibly for failure to state a claim, but more probably to ensure some business for the underworked Appellate court of Ames.

The presiding judge was the Honorable Cornelius J. Moynihan of the Superior Court of Massachusetts, a former professor at Boston College Law School. The dismissal of the invasion of privacy count was made before Moynihan entered the case.

However, Moynihan himself dismissed the action which plaintiff had brought against co-defendant Paul Getman, a clerk in Julius' store.

Since the heaviest damage to plaintiff was the economic loss stemming from the publicity concerning her narcotic addiction, and since evidence as to this was excluded by the elimination of the third count, the major tactical problem of plaintiff's counsel was to worm in quick references to Erica's sad situation. Defense's main concern was with keeping such evidentiary corners from being cut.

Facher won warm applause and whistles from the 500 first year

students in eight-hour long attendance everytime he managed to place before the jury another bit of information about Neuhauser's disastrous impact on the blond starlet's career.

However, the decidedly model jury apparently took the judge at his directions, and ignored plaintiff's strategic sallies. Most of the people involved in setting up the trial felt that any more typical jury would have managed to find something for Erica. "\$12,500 in Suffolk County," muttered Facher.

Early this winter, there will be an appeal in this case, presumably concentrating on the elimination of the invasion of privacy cause of action.

There were certain irregularities in the proceedings which will probably not be the subject of any appellate litigation. Among these was the juror who, arriving a minute or two too late, spent the entire trial sitting in the front row of the auditorium exchanging comments on what was going on with this writer, who remained in the dark as to her true identity until the end of the trial when she left through the jury box to join the eleven other good and true men and women.

Defenders Consider Indigents' Plight

By Charles M. Hamann

The "true revolution" which has swept thinking in the area of criminal defense for the indigent was the keynote of the opening session of the New England Defender's Conference here recently. The revolutionary spark was provided by U. S. Supreme Court decisions last March which held that every accused has a right to counsel in state as well as federal cases.

Holding the galley proofs of a still unreported decision by the New York Court of Appeals before the Thursday morning assemblage, Prof. Arthur E. Sutherland said that the four to three decision, holding that a confession obtained while the police held counsel away from the accused is inadmissible evidence, was an indication of the revolution in the administration of criminal justice.

"The New York Court of Appeals has always been a 'tough' court, consistently harsher with criminal defendants than the Supreme Court of the United States," he said and added that the case represents a "significant change in tone."

Speaking on the scope of the legal obligation to provide counsel, Prof. Sutherland first traced the development of the attitude in the Supreme Court which led to the March decisions. He said that during the past 20 years there have been "two great changes" in that attitude: (1) an increasing concern that the federal administration of justice be decent and fair to the accused and (2) a growing insistence that the state courts

under the 14th Amendment comply with the same standards as the federal courts.

In 1942 the Court held in *Betts v. Brady*, now overruled, that a "fundamental fairness" standard, satisfied with or without counsel, was all that indigent defenders were entitled to. "Immediately thereafter the Supreme Court began to express contrition," Prof. Sutherland said. "The men who came before it were not quite as 'tough' as the defendants in *Betts v. Brady*. Some were young, some were stupid, and others were used to oppression". The final result was *Gideon v. Wainwright*, which established the right to counsel of every accused.

Prof. Sutherland also explored some of the possible ramifications of the March decisions — the right to counsel on appeal, equal justice for rich and poor, the right to counsel at preliminary stages of proceedings against the accused, and the defendants covered by the decisions.

He asked whether any alternative exists to "trial in volume" of petty offenders and noted that at present the problem of the "40 men brought out of the 'bullpen' on Monday morning remains unsolved."

The second speaker of the morning, Whitney North Seymour, former President of the American Bar Association, said that "counsel must be provided down the line as far as possible, but if we tried to assign counsel to

(Continued on page 8)

R.F.K. Discusses Federal Counsel Plans

By Michael Hampden

Attorney General Robert F. Kennedy outlined the Administration's efforts to provide counsel for indigents accused of crime in the federal courts in a Boston address, November 1. They included the Criminal Justice Act now before the Congress and co-sponsorship of the National Conference on Bail and Criminal Justice in the spring.

The Attorney General addressed over 250 members of the New England Law Institute at a Parker House dinner ending the Institute's

two-day Defenders' Conference.

Several questions raised at the Conference in light of the Supreme Court's decision last March in *Gideon v. Wainwright* were partially answered by the Attorney General in his discussion of the pending litigation. It includes a "local option provision" which confers on federal judges broad discretion in providing counsel to defendants without means. As drafted, a judge may call on a Public Defenders group, the local Bar or Legal Aid association, a private attorney, or a combi-

nation of these three, depending on the character of the specific case.

The Senate has passed the bill substantially as drawn, the Attorney General stated. In the House version, the Public Defenders option is eliminated.

The Act guarantees counsel at every stage of the proceeding, beginning with the arrest. The federal practice has been that counsel enter the case at the time of arraignment. A provision limits assistance to the "financially unable"

(Continued on page 12)

How Apply *Gideon* in New England

By Stewart D. Davis

Both the practical application and the logical extension of *Gideon v. Wainwright* were on the minds of those attending the New England Defenders' conference as they gathered with moderator James Vorenberg Friday afternoon to hash over what they had discussed and decided.

When does right to counsel attach?

A recent Supreme Court case put forward a "critical stage" theory. The conferees discussed the interest of the police in convictions compared with the need for cases built prior to arrest. After arguing over the definitions of "arrest" and "arraignment", they concluded through Prof. Vorenberg that counsel should attend the defendant at his first appearance, before judicial authority, and that there should be strict rules as to the speed with which this appearance should follow arrest.

For what types of crimes is representation required?

In *Gideon* the defendant was found guilty of a felony carrying a five-year sentence, and the "serious" offenses rule was born. The present rules requiring counsel in the New England states differ somewhat. Rhode Island requires counsel in cases involving a possible sentence of one year or a \$500 fine; Maine in all felony cases and in misdemeanors at the discretion of district court judges; Connecticut when "the interests of justice so require."

Wilbur G. Hollingsworth of the Massachusetts Defenders suggested that the legislature pass laws requiring counsel in all cases where the penalty may be a year or more, saying this test would both take in nearly all cases and still appeal to legislators who would reject an "all cases" test. It was generally agreed that possible punishment was a good test except for a few dead letter laws, such as possible five years in jail for speeding.

Judge Edward T. Gignoux, of the Federal District Court of Maine, said that the conference must realize it was talking of practical application of *Gideon*, which if carried through would apply to *all cases*, wherever the defendant's liberty is jeopardized. Prof. Charles Fried noted that he feels the Su-

preme Court is doing what the best states are doing, and when a good faith effort to provide counsel is made, the Court will consider that enough.

How is indigency determined?

The consensus was that as thorough an investigation as possible should be made before taking the case. Some of the states (Mass., N. H., Conn.) require affidavits of indigency; some (Mass. and Me.) allow the defendant to repay what he is able into the state treasury; some (Me. and N. H.) want much of this left to the judge's discretion.

Should there be an organized Public Defenders system or assigned counsel?

Rev. Robert F. Drinan, Dean of Boston College Law School stated that *Gideon* shows the state's obligation to indigent counsel, not simply the bar's. The accusing state, he said, must counter-balance its weight with counsel for *all* defendants at the "critical time."

Father Drinan said there is a specialization problem in dealing with criminal law — that counsel must know such cases as *Mapp v. Ohio* and what state courts have said about it to adequately protect the accused's rights.

This speaker was urging what had earlier in the conference been termed "legicare" — governmental guarantee of equal justice, "giving the poor man the right not to have to talk to the police."

A Vermont spokesman said that in that state an assigned counsel system works well, "maybe because there are so few felonies."

Judge Gignoux suggested the system similar to that used effectively in Hartford, Conn.'s federal court — an experienced trial lawyer on duty for a month with four or five of his own friends serving as a panel to assist him with specialized knowledge.

In Connecticut the upper courts utilize public defenders and the lower courts have "special public defenders", which are attorneys for each case. The speaker said that a public defender system in all Connecticut courts would provide better and less expensive counsel for all.

Father Drinan's insistence on specialized knowledge led to a debate about whether a non-Public Defender might not be as competent, and more enthusiastic. Prof. Voren-

(Continued on page 8)

On Applying *Gideon*

(Continued from page 7)

berg said he thought firms should make young men available for helping the indigent, that this opportunity to fulfill the young graduates' idealism would make the practice of law more popular in their early years.

The Rhode Island contingent attacked this idea. One said that only professors think students are so interested in criminal law, and that it is often a field found by accident. The state has a strong Public Defender system, and desires to continue the paid, experienced type of counsel.

The Rhode Islanders spoke for keeping the general bar out of sampling criminal law at defendants' expense, and for keeping law students from practicing on poor defendants. In an earlier seminar this position was rebutted by saying under *Gideon* we may have to go beyond public defenders and get help from both law schools and the general Bar, who may have to learn by trial and error.

It was suggested that a public defenders group could be supplemented by a panel of competent men chosen by the Bar but controlled by the defenders. The Rhode Islanders, speaking about training, said inexperienced men should go on an investigatory board, but not into court. Herman I. Pollock of Philadelphia said in that city young men are put by their firms, and paid by their firms, into helping the defenders there. Lee Silverstein said Chicago had a similar program with private attorneys and young lawyers assisting the defenders.

It was asked, though, how to keep men interested in criminal law outside of the defender organizations, when criminal law pays so poorly, and to get ahead one needs great luck, or maybe even the sale of his soul.

How will legislative support for implementing Gideon be obtained?

Frank R. Kenison, Chief Judge of the N. H. Supreme Court, said he feels judges should take an active part in stumping for reform in this area, talking to governors and state legislators.

"We'll soon be asking, 'Why didn't it happen before?' " he said. His hope was for courts to take a firm lead in getting the problem before lawyers, police, and the public.

Prof. Joseph LaPlante of the University of Connecticut Law School said he does not feel

lower court judges today have the proper frame of mind in protecting defendants' rights, and in criticising police for abusive activities.

Prof. Vorenberg suggested legislatures might be asked to give equal funds to DA's and public defenders, or a constant ratio. Suffolk County DA Garrett H. Byrne disagreed with this idea, saying funds should be based on needs.

Indigents' Plight

(Continued from page 6)

every misdemeanor, the whole system would break down under the strain."

In answer to critics of the Supreme Court decisions who argue that the decisions will impede the administration of criminal justice, Mr. Seymour said that "adequate representation will lead to greater efficiency rather than less."

He said that two things were necessary to insure a successful defender system — "modest" compensation for participating lawyers and funds for investigation. "The public must carry the burden and it must understand why it has to carry it — not merely to support lawyers but to provide an adequate defense to indigents."

Mr. Seymour expressed confidence that with adequate "financial support" a public defender or legal aid system will work well. He also praised the alternative use of assigned counsel. He said that if counsel were to be assigned, the panel from which they were drawn should include all segments of the Bar rather than a particular group such as younger lawyers.

The final speaker at the morning session, Arnold S. Trebach, Esq. of the National Legal Aid and Defender Association, was less sanguine about the use of assigned counsel. He said that in New England Legal Aid and Defender experts have found over the years that assigned counsel systems were "miserable failures," or, at best, "inadequate." He said that every lawyer is not equally qualified to handle criminal cases — an assumption on which the assigned counsel system operates.

Mr. Trebach urged further extensions of defender services without the goad of Supreme Court decisions. He suggested that the legal profession has the resources to accomplish such an extension.

Soviet Criminal Law Explained

By Barkley Clark

Dr. Boris Nikiforov, a leading Soviet authority on criminal law, is giving a series of lectures to Prof. Harold J. Berman's Comparison of Soviet and American Law course. Dr. Nikiforov is lecturing the class on the Soviet law of crime and punishment. He intends to deliver three public lectures in early December.

Dr. Nikiforov is himself one of the principal drafters of new penal codes which serve as the foundation of criminal law in his country. He helped draft the new criminal codes of several union republics. As the head of the criminal law department of the Institute for the Study of Causes and Prevention of Crime, he is presently involved in a thorough investigation of the social utility of various methods of punishment.

In his initial lectures, Dr. Nikiforov emphasized the dramatic changes taking place in Soviet criminal law. Describing the 1954-60 period as a historical breakwater in Russian criminal law, he contrasted present judicial and legislative attitudes with those which were prevalent in the pre-1954 "cult of personality" era. As an example of an earlier practice now abandoned, he cited the "doctrine of analogy" — a means by which a judge could convict a person for committing an act which was not a statutory crime but was thought by the judge to be "socially dangerous." The judge could legislate a new crime into existence by drawing an analogy between the act of the person before him and an already recognized punishable crime. Dr. Nikiforov referred to the case of a man who ran off with his neighbor's wife (not a statutory crime), and was convicted of the "analogous" crime of "poaching", or "hunting in forbidden areas." Reforms have eliminated such practices, Dr. Nikiforov explained, and now the crimes must be expressly provided for by statute.

Number of Crimes Cut

While the number of recognized crimes in most areas is smaller now than a decade ago, measures against "social parasitism" are widening in scope. Dr. Nikiforov explained that such conduct, "which challenges the whole structure of socialist morality," is



Prof. Boris Nikiforov

dealt with by special legislation outside the framework of the criminal codes.

Another area which has consumed much effort of the draftsmen, Dr. Nikiforov pointed out, is the problem of criminal omissions. As an example of the length to which Soviet criminal law has gone in this area, section 127 of the Criminal Code of the Russian Soviet Federated Socialist Republic makes punishable "the failure to render aid which is necessary and is clearly required immediately to a person in danger of death, if such aid could knowingly be rendered by the guilty person without danger to himself or to other persons . . ."

Dr. Nikiforov's present work in the Soviet Union involves a scientific investigation of punishment. Soviet attitude concerning the goals of punishment, Dr. Nikiforov stressed, has changed as dramatically in the post-1954 era as has the substantive law itself. Deprivation of freedom in labor colonies is no longer viewed as a mere social safeguard against the dangers of criminal behavior, but as a means by which the individual offender may be re-educated. Severity of punishment is geared to (1) the social danger of the act, and (2) the dangerousness of the offender's personality.

But in all cases, Dr. Nikiforov said, a new concern with reforming the offender through education and social discipline has arisen. This new attitude toward individualization of treatment, he emphasized, recognizes the important role in personality played by habit and example. Prisons have become a place

(Continued on page 13)

Rights Conference

(Continued from page 1)

aspects of civil rights spoke to more than 200 students from twelve law schools.

A number of panel discussions presented some of the major problems confronting the movement. Harvard Law Professor Mark DeWolfe Howe participated with Representative James Corman (D., Calif.), John Field, legislative assistant to Senator Hubert H. Humphrey (D., Minn.) and Timothy Jenkins, SNCC representative from Yale Law School, in a discussion of civil rights legislation. With the exception of Jenkins, the panelists agreed that the bill which passed the Committee was better in many ways than the extreme subcommittee bill, which would have

given the attorney general broad power to initiate legal action whenever there was a threatened invasion of Constitutional rights. Jenkins claimed that the bill leaves too much discretion to the Southern judges. "The men sitting in black robes," he said, "are nothing but constitutional criminals."

Another panel, moderated by Professor Louis Pollak of the Yale Law School, discussed "The Right to Protest." Members of the panel included Constance B. Motley, Counsel of the NAACP Legal Defense, Professor Norman Dorsen, of the N. Y. U. Law School, Melvin Wulf, Legal Director of the ACLU, and Harold Green of the Civil Rights Division of the Justice Department. Some of the questions from the audience directed to Mr. Green expressed discontent with the activities of the F.B.I. in the South for failing to arrest segregationists and for bringing indictments against civil rights demonstrators in Albany. Mr. Green declared that the actions of the FBI were justified in view of the present laws regulating government activities. He hoped that the need to protest would be minimized by passage of the administration's civil rights bill.

Charles Morgan, white attorney in Birmingham, Ala., spoke to the group of law students, and expressed grave concern for the failure of lawyers to participate more actively in taking civil rights cases. He believed that lawyers refuse to take these cases because they are more concerned with respectability than responsibility. "Too often, the lawyer is a victim of his commu-

nity," he said. He urged law students to be more involved in the struggle that lies ahead.

In addition to other panels and speeches, the students participated in various workshops which attempted to explain the Council's winter program of aiding lawyers and organizations involved in civil rights litigation. Also discussed was the summer program which has sent students to the South.

The purpose of the Research Council, which has its national office in the office of the ACLU in New York, is to coordinate the various activities of affiliated member units at Harvard, Yale, Columbia, New York University, Georgetown, George Washington, and Howard Law Schools. A second year student from Yale Law School, Howard Slater, has taken a year off to run the office.

About 10 representatives from the Civil Rights Auxiliary Group and the Civil Liberties Bureau from the Harvard Law School attended the conference.

BUY YOURSELF

or send your favorite
lawyer or friend

DEAR JUSTICE

by Juliet Lowell

\$1.95

Many letters written to
lawyers and judges
by the author of Dear VIP,
Dear Mr. Congressman
and Dear Doctor — all
great hits.

Indiana Club Formed

The newest entry among Law School clubs is the Indiana Club. Founders, Mark W. Murphy, 3L, and David H. Williams, 3L, have announced that the club will be primarily for the benefit of Indianans from the Law School, but that it will also be open to other Hoosiers in the University Community.

The first meeting of the new club will be Saturday Nov. 23.

SHERATON COMMANDER BARBER SHOP

\$1.25 — Students Only

16 Garden St.

8-5:30 Daily

THE MISSES LITTLEFIELD

HARVARD SQUARE

Professional
Typists

4 Brattle Street

TR 6-7495

Goldberg Speaks

(Continued from page 1)

Court without reservations; second, to work vigorously for the enforcement of the United Nation's Universal Declaration of Human Rights and toward that end, to urge the creation of an International Court of Human Rights to obtain at least the bare minimum of justice for all men.

Although the title of Justice Goldberg's address to the Harvard-Radcliffe World Federalists was "World Peace Through World Law", the real subject, he explained, was World Justice Through World Law. "I reluctantly express misgivings about the feasibility of obtaining world peace through a world government with one law at any time in the foreseeable future," he said. "This goal is not easily or readily obtainable. For any time I can foresee, I feel peace will be maintained by the ordinary means of diplomacy; and in this effort the law will not play a major part." A goal more readily attainable, though still very difficult, Justice Goldberg felt, was the securing of justice for all men through a world law administered by a court with jurisdiction to hear complaints from individuals against governments that their human rights were being violated.

The U. S. Should Lead

The United States was the logical country to promote this plan. Historically, he said, this country had always been outspoken in its defense of human rights. We had been the initiators of proposals for an international court of justice. He condemned the rule of nonintervention where rights were being flouted, labeling it a recent development springing from the spirit of isolationism which reigned in this country after the First World War. It was totally out of step with the previous tradition of the United States in international affairs, he added. "Human rights are definitely a part of international law and should be protected by some organ of international law. Except for the recent past, the United States has always recognized this."

Justice Goldberg said there were two things which should be done before this country would be in a position to lead others. First, he felt any lingering doubts about the legitimacy of the process of judicial review

should be dispelled. "I think this recurring subject should be laid to rest once and for all." He found "neither historical nor constitutional justification" for the charge that Chief Justice Marshall usurped power in declaring the right of judicial review in the famous early case of *Marbury v. Madison*. Second, he felt it must be made plain that this power, "far from being an undemocratic function, as some have alleged, is rather the essence of democracy. For if it (judicial review) is not a democratic function for us, we can hardly in good conscience promote it to the world." The self restraint of the majority, limiting their power to do what they willed is the highest embodiment of democracy, he said. The courts in enforcing these limits are enforcing democracy and making it work.

Commenting further on his specific proposals, Justice Goldberg called the Connally Amendment, "a vote of lack of confidence in the rule of law in international affairs." Its repeal would "have a great constructive effect" towards the establishment of a rule of law in international affairs.

Until recently, Justice Goldberg noted, the United States had taken the position that the Universal Declaration of Human Rights was merely a manifesto, not to be judicially enforced — a position which we shared with the Communist countries. Now the trend seems to have changed, he said. We must make up for our remissness by being most vigorous in our demands for enforcement of the Declaration. A court with the power of *Habeas corpus* and jurisdiction over complaints by a citizen against his own state is such an extraordinary concept that it will require a considerable adjustment of attitude, he admitted. But he found a precedent in the European Court of Human Rights which is in existence now and operates along similar lines.

Prof. Paul A. Freund introduced Justice Goldberg for the second Dag Hammarskjold Memorial Lecture.

Accountants Plan Meetings

The Law School Student Accounting Society will have luncheon meetings on Wednesday, Nov. 27, and Wednesday, Dec. 18, at 1 p. m. in the Harkness Commons guest dining room.

Rackets Restrung

One-Day Service
Tennis and Squash Shop
 67A Mt. Auburn St., Cambridge
 Opp. Lowell House — TR 6-5417

HARVARD SQUARE THEATRE

November 13-19

MURDER AT THE GALLOP
 with Margaret Rutherford
 at 3:30, 6:35, and 9:45

KILL OR CURE
 with Terry Thomas
 at 1:55, 5:00, and 8:10

BRATTLE THEATRE

Nov. 15:
THE CAPTAIN'S DAUGHTER
 (1959)

Nov. 16:
POEM OF THE SEA (1959)
 at 5:30, 7:30, and 9:30
 Sat. & Sun. also at 3:30

PACKAGE INSURANCE

The new concept of insurance is to combine many coverages under one simple and comprehensive policy. Your personal property and liability insurances can now be written under such a form. You will be surprised at the low rates.

W. T. PHELAN & CO.
INSURANCE
 — SINCE 1898 —

HARVARD SQUARE
AT 11 DUNSTER STREET

Offering personal service in all forms of insurance through companies of recognized financial strength and dependable nationwide protection.

Aetna Casualty & Surety Co.
Hartford Accident & Indemnity Co.
Commercial Union Insurance Co.

Affiliated with
McCloskey & Hart

representing
The Travelers Insurance Co.

We cordially invite you to visit our modern street floor offices across from new Harvard Holyoke Center.

TELEPHONE 876-0876

Women Meet Saturday

The Massachusetts Association of Women Lawyers will hold a "Probate Workshop" in the Ames Courtroom Saturday.

Speakers will include Paul B. Sargent, Boston attorney; Warren F. Fitzgerald, First Assistant Register of the Court of Probate and Insolvency for Middlesex County; and Guy T. Rizzotto, of the state Department of Corporations and Taxation.

Secondhand Law Books

LAW SCHOOL AIDS
 Bought — Sold

HARVARD BOOK STORE

1248 MASS. OPP. LAMONT
 OPEN TIL 10 P.M. TR 6-9069

GINO'S BARBER SHOP

Recently Remodeled

**Now bigger and
 better than ever**

Convenient to the Law School
 1638 Mass. Ave., Cambridge
 EL 4-9790

CRONIN'S

114 MT. AUBURN ST.

**Famous for Steaks
 Chops & Sea Food**

**Tenderloin for Two
 on Sizzling Platter**
\$7.00

Porter House Steak for Two
\$6.00

— SAMPLE DAILY SPECIALS —

Soup or Juice

Roast Rump of Beef

French Fries — Tossed Salad 99¢

Rolls & Butter — Beverage

Dessert

Tel. EL 4-1366

R.F.K. Speaks

(Continued from page 6)

rather than the "destitute," the Attorney General said. It would allow partial payments, and could become operative at any point in the prosecution.

Atty. Gen. Kennedy emphasized that existing defenders groups would not be replaced. He foresees a close liaison between federal and state operations under the Act.

The Attorney General noted that the right to counsel is almost meaningless unless defenders of the indigent are highly competent. In his introductory remarks Orison Martin of the National Legal Aid and Defenders Association pointed out that some of the best prosecuting attorneys are leading supporters of both public and private efforts to provide skilled lawyers for the criminally accused.

Commenting on the Vera Foundation studies of the bail system, the Attorney General stressed the significant effect of pre-trial freedom on the outcome of cases. Many more defendants released on their own recognizance are acquitted than are those who remain in jail because they cannot post a bail bond. Thus, often the needy are doubly handicapped: they have neither counsel, nor their freedom to adequately prepare defenses.

In answer to questions, Attorney General Kennedy was terse. Asked if, in view of the Supreme Court mandate to provide counsel, "there is much chance" that the federal government would subsidize states for this purpose, he replied, "Not much."

ILC Seminar Set

The International Law Club will hold its first seminar today in a series which will focus on current international legal problems. Meeting at 4:15 p.m. in the Pound Room, with Prof. Sohn as a guest, it will discuss neutralism in the United Nations.

Nikiforov

(Continued from page 9)

of education, where new and socially acceptable habits can be instilled into the offender. Dr. Nikiforov is particularly interested in the possibility that shorter, more rigorous prison terms may provide the maximum amount of re-education.

In describing his experience as a guest lecturer at the Law School, Dr. Nikiforov speaks of the difficulty in translating his thoughts and words from Russian into English. He claims that abstract propositions of law are much easier to express in a foreign language than are the minutiae of case fact situations.

In comparing Soviet and American law, Dr. Nikiforov admits that he is puzzled by two things: (1) American feeling that law is unscientific; (2) the limited role played by women in American law. While Soviet lawyers realize that the effectiveness of punishment is not a subject capable of exact empirical analysis, they nevertheless call the subject a "science," believing in the power of a word to shape people's attitudes toward the subject they are investigating. Dr. Nikiforov is surprised that "law" and "science" are never equated in common American parlance.

Dr. Nikiforov pointed out that 40 to 50 per cent of Moscow judges are women. Furthermore, he said, women seem often to make better judges than men, because they show greater understanding of situations and the subtleties of human behavior. Dr. Nikiforov said he was surprised that only about 5 per cent of Harvard law students are female, and that the percentage is even smaller at many institutions in this country.

Harkness Awaits Color TV

A new twenty-one inch table model color television set will be purchased to replace the black and white set presently in use in Harkness Commons. The final decision was made at the meeting of the Dormitory Council on November 4.

The purchase is being made possible by a donation of approximately \$230 from a cash gift made to the Law School by the estate of Alice M. Muhlenfels. The balance of the \$399.50 purchase price will be provided from the Council treasury.

GIVE THE MAN A CHOICE

SPORT COATS

Harris Tweed Coats 57.50

Shetland Coats 57.50

Blazers 59.50

Camel Hair Coats 65.00

Worsted Flannel

Trousers 19.95

Now, more than ever before, sport coats occupy a very important place in every wardrobe. Excellent selections in fabric are available to more than satisfy individual tastes and style demands.



Lawyers Needed in Diplomacy

Manfred Lachs, lawyer, professor and a Polish Ambassador to the United Nations, described "The Role of the Lawyer in International Diplomacy" to an International Law Club audience last week.

Prof. Lachs said that the task of the diplomat has become very much a task calling for the skill and training of a lawyer. Unlike his predecessors the lawyer working on problems of international law and diplomacy today may frequently find himself called on to make decisions in which a large part of the world's population is vitally concerned.

The rapid acceleration of social and economic change in areas around the world has created a new

demand for lawyer diplomats, he said. Not only in the United Nations but in the foreign offices of independent countries, particularly among the newly established nations, the absence of men skilled in legal drafting becomes evident as ambiguous documents cause delays and misunderstandings.

Bad drafting, he pointed out, has been a critical hindrance to the operations of the United Nations. People not properly skilled in the art of drafting legal documents have permitted ambiguities to slip into U.N. directives and resolutions. Nations desirous of impeding U.N. operations in a particular area seize on interpretations of documents alternate to the interpre-

tation intended by the majority. If the ambiguity undeniably exists, United Nations officials are faced with a legalistic road block not easily overcome.

Professor Lachs believes that lawyers, sharing a common professional background, can do much to foster international understanding by continually striving to frame international disputes in terms that can be settled by the legal process. He suggested that the lawyer in international diplomacy has the particular task of urging the acceptance of the presumption that "All conflicts are negotiable" and to initiate ways of using law to settle disputes before resort is had to military force.

KASS-CANUDO

N.Y. BAR REVIEW COURSE

HEAR 1st Taped LECTURE

FREE

TONIGHT - THURS. NOV. 14

8 P.M. GRAYROOM - HOLMES HALL

For Add'l Info.:

Arthur H. Goodman. 232-9325

ELSIE'S

Noted for the Best Sandwiches
To Eat In or Take Out
The Famous Special Roast
Beef Sandwich

KNACKWURST — BRATWURST
with Sauerkraut
OR POTATO SALAD

71 Mt. Auburn St., Cambridge, Mass.
Elsie & Henry Baumann 491-2842

SQUASH RACKETS

Tennis and Squash Shop

67A Mt. Auburn St., Cambridge
Opp. Lowell House — TR 6-5417

Coin — Operated

Dry Cleaning

\$1.75 per load

Poly Clean
Center

1685 MASS. AVE.

(between Harvard
& Porter Squares)

Letters to the Editor

Ware Story Hit

(Continued from page 16)

notes, in passing, that defendant was represented by two attorneys, with the undoubtedly able assistance of a second-year Harvard Law School student. He then discusses the physical accoutrements of the courtroom, including the facts that its galleries are segregated and its paint is peeling. He observes that the judge chews tobacco and that he reads the *Albany (Ga.) Herald*, and implies, although does not state, that His Honor indulged in both of these activities during the progress of the trial.

Mr. Hamann concludes his article by informing us that Charley Ware was convicted and that his conviction has been appealed. But he provides no clue whatsoever as to what errors of law may have occurred. We have been told, only, that there was a conflict in the evidence, which conflict was resolved against the defendant.

I have little doubt but that Charley Ware's conviction was a flagrant miscarriage of justice. However, I would much prefer that the subject had never been mentioned in the pages of the *Harvard Law Record* than for that publication, through the pen of its managing editor, to ask that its readers conclude that the courts of Baker County, Georgia, are corrupt on the basis of his own ill-substantiated assumptions.

Ernest M. Thayer, LL.B. '59
San Francisco, Calif.

Ware Story Praised

To The Editor:

Congratulations on the many items of civil rights news in your first two issues of the new year. Your coverage of the Wallace case and the Ware case were especially impressive. Recently John Howard Griffin addressed our community on the situation he discovered as a negro [sic.] in the South. One of the deficiencies which makes the racial problem so difficult is the lack of knowledge which whites have about incidents well known in the negro community. No doubt the fate of Charley Ware is common knowledge to negroes across the land, but save for your account of it, I wonder where else white citizens could learn of it?

Continue in closing the gap between our knowledge of what the negro is suffering and his own awareness of it. The RECORD has a unique role to fulfill in the area of legal injustices and its audience are the very ones who can best remedy them.

Rev. Patrick D. McAnany, S.J.
LL.B. '60.

Saint Marys, Kansas

Rights News Relevant

To The Editor:

... In condemning Mr. Hamann's informative articles on the involvement of law school students in the Civil Rights movement as being inappropriate subject matter for the

RECORD, in a letter October 17, Mr. Hodge betrays a paucity of spirit and a narrowness of outlook most unbecoming in a graduate of the Law School. Let me make clear that I take no umbrage with Mr. Hodge's personal views on civil rights—however antiquated and unrealistic those views may be—but rather with his alarming contention that the subject matter is not of genuine interest or concern to Law School students and graduates. . . .

Mr. Hodge apparently would like more "references to the Law School." Such uninteresting matters as new course descriptions, law club news and professional biographies certainly have a just claim on your space allotments, but they pale into insignificance beside the larger issues of the lawyer's role in the shaping of his society.

If any further support for the relevance of these articles is necessary, it lies in the fact that the protagonists of the articles are all present Law School students. I find some comfort in the fact that at least these individuals have come to grips—if Mr. Hodge has not—with the necessary social involvement of their profession, their school, and themselves.

Give us more such articles.

Warren K. Kaplan '59 (60)
Malden, Mass.

Won't Support Wallace

To The Editor:

I wish to place myself formally on record as a non-contributor to the Wallace defense fund.

If Mr. Wallace's organization limited itself to seeking to obtain for the negro (sic.) his constitutional rights to vote and not to be segregated by law, I would be with him.

It is clear, however, that it also seeks to wipe out the basic human right of free men to choose their customers, employees, and associates in accordance with their own judgment, however misguided that judgment may be. This I wholeheartedly oppose.

Franklin N. Cunningham,
LL.B. '48
Boston, Mass.

DIAL-A-CAR TO RENT A CAR

LESS THAN **25¢** AN HOUR ON A DAILY BASIS PLUS MILEAGE*1

CHRYSLER VALIANTS, DARTS & PLYMOUTHS

Safety Belts, Radio & Heater
Automatic Transmission

*9¢ a mile—Gas, Insurance and maintenance included



Mass & Garfield
Gulf Service Station

1725 Mass. Ave., Cambridge
EL 4-9203

Letters to the Editor

FBI's Hoover Criticizes Holtzman's Allegations

To The Editor:

The October 3, 1963 issue of your publication sets forth the results of your interview with Elizabeth Holtzman under the caption, "Albany, Ga., Called 'Police State'." You reported that Miss Holtzman, a law student who worked for an attorney in Albany, Georgia, this summer, criticized the FBI "for failure to take action" in incidents where she alleged police brutality in Albany, Georgia. In the article she also charged the FBI "with doing nothing about these cases for the past two years despite the fact that 'every one of these cases' has been verified by sworn affidavits filed with the FBI."

For your information, the FBI has previously interviewed Miss Holtzman relative to an allegation in a civil rights matter which proved to be totally unfounded.

At a press conference held at Washington, D. C., on August 12, 1963, by Miss Holtzman and an associate, she dramatically displayed three shirts which she alleged were stained with the blood of victims of police brutality in Albany, Georgia.

Interviewed by FBI Agents regarding this matter, Miss Holtzman was not even aware of the identity of these alleged victims and had absolutely no first-hand knowledge of the incident to furnish our Agents.

The FBI apologizes to no one for its activities in the field of civil rights. As a result of FBI investigations, the Department of Justice

has been able to file more than 40 suits in 5 states to end racial discrimination in voting. The FBI solved the case in which a Greyhound bus was burned in Alabama in 1961 and 6 persons have been successfully prosecuted and convicted for their part in this case. In 1962, FBI investigation led to conviction in State Court of 4 persons for burning a Negro church in Terrell County, Georgia. In addition, our Agents arrested Byron De La Beckwith, the man charged with the murder of Medgar Evers.

We have been accused from time to time by extremists on both sides and by those who are not aware of the facts of both exceeding and shirking our jurisdiction and responsibilities in the field of civil rights. Such unwarranted criticism stems from ignorance of the fact that the FBI is an investigative agency and its activities are governed by specific Federal statutes in civil rights matters as well as in other areas where we have investigative jurisdiction.

When the FBI receives information alleging police brutality, an immediate investigation is launched, unless the complaint itself raises the question of the desirability of prompt inquiry. Where false arrest or illegal search has been charged even where there is no allegation of police brutality, an immediate investigation is undertaken. In other types of civil rights matters, the facts are immediately reported to the Civil Rights Division of the Department of Justice for its decision as to further action. As a matter of

fact, the FBI made an immediate entrance into the recent church bombing in Birmingham, Alabama, in view of the viciousness of the crime, involving as it did the death of four innocent children.

The FBI is, of course, glad to explain its jurisdiction in the civil rights field at any time. Enclosed is a copy of my recent article: "The FBI's Role in the Field of Civil Rights" which appeared in the August, 1963, issue of the Yale Political magazine. Perhaps it and the foregoing data about Miss Holtzman's dramatized allegation will be of interest to your readers and you in understanding the FBI's role in these cases.

J. Edgar Hoover

Director

Federal Bureau of Investigation

Why a Story About Charley Ware?

To The Editor:

I read such articles as "*To Tell of Mocking Law*," which appeared on page 6 of your issue of October 3, with great regret. I have been active in the fight for racial integration and plan to continue to be so. It is therefore doubly painful for me to see such people as Charles M. Hamann, author of the article, fall into the very errors of bias which we both seem to oppose so strongly.

The subject of Mr. Hamann's article is the arrest and conviction, by jury, of one Charley Ware for the crimes of attempted murder and public drunkenness. Hamann outlines in detail the events leading to the defendant's arrest, as told by the defendant himself. He then devotes two paragraphs to the Sheriff's version of these events, noting that his story "differed in several material respects from Ware's."

I see no value whatsoever in discussing at length these various factual contentions. The author leaves no doubt but that he wishes his readers to infer that Ware's version is the correct one. However, he offers them no objective reasons for such a conclusion. He

(Continued on page 15)

ENTERED AS SECOND CLASS POSTAGE. BOSTON, MASSACHUSETTS.

RETURN ADDRESS:

HARVARD LAW RECORD
MAIL DEPARTMENT, LANGDELL HALL
HARVARD LAW SCHOOL
CAMBRIDGE 38, MASSACHUSETTS