

Chancery Club Shuts Its Doors

By Robert A. Grayson

Chancery Club has given up its battle for survival. Last week, after thirty-eight years of operation, the Club announced its dissolution.

"We probably should have closed last May," said Chancellor Gerald D. Miller, 3L, "but no one likes to be a pallbearer. The odds were against us when we opened this September, but we gave it a try."

Financial burdens have plagued the club for the past four years, according to Miller. Last year, in order to realize operating capital and to pay off debts, the organization sold its house at 9 Chauncy Street and obtained

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CAMBRIDGE, MASS.

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Byse Urges New Action on Housing

By Myer J. Sankary

"The time has come for more vigorous enforcement of the fair housing laws in Massachusetts," Professor Clark Byse said this week.

Commenting upon the report of the Massachusetts Advisory Committee to the U. S. Civil Rights Commission, made public last week, Prof. Byse, who drafted the report, indicated that the recommendations of the Committee did not sufficiently emphasize the need for the Massachusetts Commission Against Discrimination to take more effective action.

Prof. Byse urged that the present policies of mediation and conciliation should be replaced by affirmative action and initiative by the MCAD, which administers the Massachusetts Fair Housing Practices Act. He noted that it is unclear how much authority the Commission has under the present law, but he suggested that the Commission has not been effective in curbing "continued widespread discriminatory housing practices." "If necessary,"

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Prof. Clark Byse

Wallace Trial in February

The Virginia trial of Fred L. Wallace, 3L, indicted for felonious assault of a police officer, has been rescheduled for February 4-5. A date for arguing preliminary motions has been scheduled for the middle of January.

Bottom Half Hired

By Stewart D. Davis

How does the bottom half live? When it comes to getting a job the person in the lower half of his class will land one, according to administration experts, but it will take him longer.

Last week's RECORD poll of private law firms showed a sharp dividing line between
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Integrating Criminal Law

It is discouraging to see so many notices on the Placement Office bulletin board in which law firms describe themselves as doing "general practice — except criminal law." And it is discouraging to hear so many interviewers tell us that they can not take criminal cases because they just do not pay.

The firms want good men in the "respectable" field of business crimes and anti-trust. But beyond that, in the messy area of street crimes, they generally do not want to get involved.

This distinct separation of civil practice and criminal law does not make much sense to us. We see no reason why a lawyer cannot combine corporate and criminal law, just as he can combine corporate law and domestic relations, or taxes and torts. We know a good number of students who would like this type of practice. But they cannot find the firm that will allow it.

Participants at the New England Defenders Conference here recently explored numerous ways of implementing the *Gideon* decision requiring representation in serious criminal cases. They talked about expanded public defender agencies, one-time assigned counsel, and means of getting young lawyers into defender work for a month during their careers. But none of the suggestions seemed to integrate criminal law into a year-round general practice.

Perhaps some of this integration could be provided by creation of a Public Defender Fund to provide reasonable compensation to lawyers who represent a minimum of two or three indigent defendants a year. This plan would meet the fear that general practitioners have no expertise in criminal law by tying compensation to a continuing criminal practice. At the same time, it would give those who are interested in criminal law an opportunity to participate without forcing their partners to subsidize the entire cost and without having to cut themselves off from private practice. And it would help raise the respectability of criminal law throughout the organized Bar.

This is not a full solution to the defender problem. But we think it would add a significant number of lawyers to the criminal law field.

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TONGUE 'N CHEEK

By Fenno

(1) *Pleasantville Register*, Dec. 19, 1963: "Social Chatter . . . Herbert Fleagle, son of Mr. and Mrs. Treacle Fleagle, is returning to Pleasantville for the holidays. Herbert is presently in his third year at the Harvard Law School. Herbie will attend the gala Country Club Ball on Dec. 28th. 'Herbo,' as he was known when he did so well for the Pleasantville High Debate Team, will spend much of his vacation reading, and eating his favorite cookies, baked by his mother. 'H.H.'s' plans for next year are 'uncertain.'"

(2) *Register*, Dec. 21, 1963: "Social Chatter . . . Among local girls returning for Christmas is Martha Mushwacke, a senior at Northwestern. Martha will join her friends at the gala Country Club Ball on Dec. 28th."

(3) *Register*, Dec. 23, 1963: "Volunteers Decline; Local Draft Board Will Call more Non-Volunteers. . . ."

(4) *Register*, Jan. 2, 1964: "Mr. and Mrs. Melvin Mushwacke announced the engagement of their daughter, Martha, to H. H. Fleagle, at the Mushwacke's Annual New Year's Eve party at Mr. Mushwacke's firm, the Mushwacke Grommet and Sprocket Co. Mr. Mushwacke, in making the announcement, told the night shift it could take the evening off in celebration."

(5) *Register*, Jan. 3, 1964: "The law firm of Fleece and Steele announced today that it is taking on H. H. Fleagle as an associate . . ."

(6) *Register*, June 20, 1964: "Pictured above are Martha and H. H. Fleagle, recently wedded in Cambridge, Mass., following 'H.H.'s' graduation from Harvard Law School. The couple will honeymoon in Minnesota, highlighting their trip with a tour through the plant of the West Publishing Co., in Minneapolis."

Dulles Defends Intelligence Work

By Peter F. Knopp

At last Friday night's Law School Forum Allan W. Dulles, former director of the Central Intelligence Agency, admitted the "tragic mistake" which he was impelled to rectify by going into intelligence work.

"In March, 1917, when I was in diplomatic service in Switzerland, a colleague said he was going to see a man who had a new theory. I said I had an important tennis game that day."

Thus did Dulles lose his only chance to meet Lenin.

"Since then I have seen all kinds of queer people, with and without beards," said Dulles. He added that "the judgement of people is one of the great keys to intelligence work."

Dulles said that he was appearing at the Forum as "an advocate" for the practice of intelligence work and he invited the panel and the audience to be "judge and jury."

To prove the need of an intelligence agency Dulles cited three disastrous failures in intelligence suffered by the western alliance before the start of World War II: our failure to understand the implications of the Communist menace, our great errors in dealing with Hitler, and our failure to properly appraise Japan's ambitions.

Professor Milton Katz, Henry L. Stimson Professor of Law and Director of International Studies at Harvard, asked Dulles how the CIA could sensitize policy makers to the facts that are available. Dulles said that it was not the role of the CIA to make policies, but only to submit information on which one hopes policies will be made.

Prof. Katz asked Mr. Dulles how "an information gathering agency" got control of the military strategy of the Bay of Pigs invasion.

"As long as an operation remains covert it is considered a function of the CIA," said

Dulles, but "suddenly it may jump from the covert to the overt." He said that the military was deeply involved and was consulted at every level of the Bay of Pigs operation.

Professor Thomas Schelling, a member of the Department of Economics and of the Faculty of Public Administration at Harvard, stressed the theme that our greatest failures result not from a failure to get the facts but from a failure to interpret them.

"Our ability to predict the Sino-Soviet split," he said, "was hampered by our predisposition not to expect or encourage people to take the contingency seriously."

He cited our analysis of NATO as solely a means of defense against a massive attack by Russia as another example of "harping on the wrong contingency."

Professor Schelling insisted on another role of intelligence — that of informing our enemies as to how we will react in certain situations.

"It is a reasonable conjecture," he said, "that had the Russians known how we would react to an attack on North Korea, they would not have attacked."

The Forum's moderator, Professor Arthur von Mehren, referred to the romance and adventure which surrounded intelligence work in "the simpler and cruder days when it was known as espionage. Has the world, here too, become more routinized?" he asked.

RECORD Elects Officers

Charles M. Hamann, 3L, of Riverside, Conn., has been elected President of the RECORD for the spring semester. Re-elected Business Manager and Secretary were Roger P. Bernhardt and Richard A. Hanaway.

Peace on Earth



Peace on earth, or else? A Revolutionary War cannon (on the right) guards the Christmas creche on the Cambridge Common.

Ames Qualifiers Announced

The Casner Law and Jaffe clubs came out of the 1963 Qualifying Round of the Ames Competition as the leading law clubs. Both scored four wins and no losses.

The six other clubs to qualify were Casner Equity, Griswold Law, Root, Keeton, Howe Equity, and Kaplan, each with scores of three wins and only one loss. Several other clubs with similar records failed to qualify. The final determination was made on the basis of point scores.

The eight clubs which qualified will be drawn by lot and matched for participation in the Quarterfinal Round next spring.

Memberships of the qualifying clubs are as follows:

Casner Equity: Barry S. Augenbraun, Tully M. Friedman, Joseph L. Gibson, Richard D. Mathias, Barry M. Smoler, Marsha E. Swiss, Robert Usadi, Henry Weiss.

Casner Law: Robert E. B. Allen, David M. Balabanian, Chesley P. W. Booth, Marjorie A. Fine, William L. Goldman, Robert H. Rogers, Jr., John T. Rosch, James A. Sharaf.

Griswold Law: Stephen P. Feldman, James K. Gardner, Hanes A. Heller, Barbara C. Kraebel, Robert A. Lukens, Walter V. McLaughlin, Jr., Robert L. Poster, Ira E. Yellin.

Howe Equity: Joseph A. Bosco, Lawrence L. Bowles, Alan P. Caplan, Conrad K. Harper, Stewart S. Hudnut, David M. Irwin, Neal M. Kurk, Jane K. Richards.

Jaffe: Gary S. Brooks, John M. Dixon, John E. Matson, David F. Polatsek, Paul W. Putney, Hayes C. Stover, Edward I. Tishelman, Ronald M. Weiskopf.

Kaplan: David H. Bradley, Richard P. Campbell, Edgar C. Howbert, Harry E. Miller, A. James Robertson, Reade H. Ryan, Jr., Peter W. Tredick, William H. Webster.

Keeton Equity: Anderson G. Bartlett, Stephanie K. Bartlett, Cary P. Clark, Steven R. Nelson, David K. Park, Norman D. Slonaker, Gary A. Speiss, Robert G. Tunnell, Jr.

Root: William R. Haddad, George H. Hetterick, Martin I. Kaminsky, Jon J. Leibowitz, Irving C. Marcus, Richard D. Rosen, Jonathan J. Seagle, Ronald E. Wernicke.

Actress Gets Second Chance

A second chance was awarded Erica Johansen last Monday night when the Supreme Court of Ames ordered a new trial for the actress suspected of shoplifting.

The decision was delivered after two hours of oral argument by Professors James Vorenberg and David F. Cavers, and forty-five minutes deliberation among the three justices composing the model court of appeal.

The model appeal was observed by nearly 400 members of the first year class.

The court, headed by Judge Peter H. Woodbury of the 1st Circuit, unanimously concluded that invasion of privacy is an actionable claim within the Commonwealth of Ames.

By a two-to-one vote, the panel rejected an instruction dealing with the privilege of a shopkeeper to detain a suspected shoplifter, which had been delivered at the model trial. The majority found that if such a privilege is to exist it must be created by the legislature and not by the courts. Judge Bergan dissented, holding that denying the shopkeeper this privilege will, as a practical matter, tend to encourage and protect shoplifting.

Dorm Council Rejects Loan Aid

The Dormitory Council narrowly defeated a motion to donate Council funds to the loan fund of the Law School at the meeting of the Council last Monday.

The proposal included a flat donation of \$500, which represents approximately 1/4 of the Council's operating budget for one year. President Jack I. Samet, 3L, voted against the motion to break a tie.

Tentative plans were also discussed for the program with the Placement Office to assist students in deciding on careers in various fields of law. The proposal receiving the greatest support was for a one day Career Conference, possibly on Columbus Day.

Dean Pound in Hospital

Dean Emeritus Roscoe Pound entered Peter Bent Brigham Hospital Sunday for treatment of intestinal disorders. The hospital described his condition as "satisfactory" Tuesday night. Assistant Dean William L. Bruce told the RECORD that the Dean hopes for an early release.

Research Group Drafts Rights Bill

By Walter V. McLaughlin, Jr.

The Student Legislative Research Bureau has completed its draft of a comprehensive civil rights act for the State of Michigan.

The act adopts as the State's public policy a positive commitment to the elimination of discrimination based on race, religion or national origin.

To effectuate its central purpose, the act creates a full-time civil rights commission of eight members, with wide power to issue regulations and orders to supplement the provisions of the act covering public accommodations, housing, employment and education. The commission can investigate violations on its own initiative and pass upon public complaints of unlawful practices.

Penalties may include criminal fines up to \$500 or imprisonment up to six months, payment of actual civil damages plus \$500, or revocation of license.

Much of the statute was written last year by Stuart C. Hall, 3L, David O. Fuller, 3L, and Donald N. Gellert, LL.B. '63. Final editing and revision, however, was done this year with the aid of Woodbury H. Andrews, 3L.

Broad Prohibitions

Within the areas which the act maps out, persons are broadly forbidden to discriminate, to say or imply in advertisements that they will do so, or to gather the necessary data on another's background on which to discriminate.

Significantly, public accommodations have been broadly defined to include "any place of business, accommodation, refreshment, entertainment or recreation, or any conveyance of every kind whatsoever," and have been coupled with an extensive list of examples. Distinctly

private organizations are not covered.

In the employment area, however, the act makes it illegal for "any labor organization to discriminate against any individual or to limit, separate or qualify its membership in any way which would deprive, or tend to deprive, the individual of employment opportunities" on grounds of race, religion or national origin. The employment section covers employment agencies and any employer of eight or more persons.

Public Contract Clause

The act also requires that every contract to which the State or any of its agencies or political subdivisions is a party contain a provision prohibiting the contractor or subcontractors from discriminating against any employee. Breach of the provision is termed a material breach of the contract.

The housing section contains elaborate machinery to reach not only the immediate seller or lessor, but the various other parties involved in a land transaction, such as realtors, banks, investment cor-

porations. It limits its application, however, to dwellings of five or more units, plots where the owner controls or has controlled at least five contiguous plots (large land developers), or publicly assisted housing. The private home owner can discriminate if he chooses as long as his house has been privately financed. If he has had an FHA or other public loan, however, he would be included within the provisions of the act.

In education, schools may discriminate on the basis of sex, geographical distribution and aptitude or achievement. There is also an exception for religious or denominational institutions which limit admission or give preference to members of their denomination.

The entire statute occupies 37 double-spaced pages and is supplemented by 32 single-spaced pages of comments.

Karl V. Hart, 3L, President of the Bureau, said that copies of the statute had already been forwarded to the client. Several requests for copies have already come in from various organizations and the Bureau anticipates more.

SLRB Journal Appears Next Month

The first edition of the *Harvard Journal on Legislation*, published by the Student Legislative Research Bureau, is scheduled to appear January 6, 1964. The *Journal*, with a preface by Dean Erwin N. Griswold, is devoted to the problems of the legislative field.

Prof. Reed Dickerson of Indiana University Law School has written on "The Diseases of Legislative Language." California State Senator James A. Cobey discusses "The New California Governmental Tort Liability Statutes." David R. Anderson, who was head of the Law School's Legal Aid Bureau last year, has suggested a new uniform act in "A Model State Wrongful Death Act."

This issue will also have selected Bureau drafts on "An Act to Authorize the Search of Vehicles" and "A Conflict-of-Interests Act."

Karl V. Hart, 3L, the Bureau's President and Editor said that subscriptions would go on sale in January. The *Journal* will be published twice a year and will sell for \$2.00 per year in the United States, \$3.00 for foreign subscriptions.

Goodhart to Teach Jurisprudence

Dr. A. L. Goodhart, former Master and Professor of Jurisprudence at Oxford, will teach a seminar here on Jurisprudence as Visiting Professor next semester.

Dr. Goodhart received his L.L.D. degree from Harvard in 1957. Though an American citizen, he has taught extensively in England, first at Cambridge, as a Fellow of Corpus Christi College, and later at Oxford.

Dr. Goodhart is the author of many books and articles and has, for many years, been the Editor of the Law Quarterly Review.

In addition to teaching a seminar in Jurisprudence, Dr. Goodhart will deliver several lectures.

Students Cop Quiz Bowl



Students and faculty matched wits in a Casner Club-sponsored College Quiz Bowl game, complete with half-time, and toss-up and bonus questions. The students, Michael A. Glass, 3L, David M. Balabanian, 2L, James W. Spindler, 3L, and Henry W. Weiss, 2L (center left to right) scored a convincing victory over their faculty opponents, Profs. Colin Howard, W. Barton Leach, Ernest J. Brown, and David Westfall (from left).

Student speed at recognizing the answers to the questions was a source of faculty dismay. Trailing at half-time, the faculty sought unilaterally to change the rules in order to neutralize this factor, but their plaint was rejected by a howl of protest.

Sample of the level of sportsmanship demonstrated by the faculty were these comments: Prof. Howard—"How many unfair practices are you going to let into this game?"; Prof. Leach—"Why do you give all the push-overs to the students?"

Stung by defeat, Prof. Leach concluded the program by questioning Casner Club President and quizmaster, Thomas Boodell, 3L as to the source of Casner Clubs' success in the Ames competition (7-1 in the Qualifying Round.) "Does the distinguished scholar whose name your club bears read your briefs or counsel your oralists?" Receiving a negative response from Boodell, Prof. Leach said, "That explains it." Associate Dean A. James Casner, absent from the function, had no opportunity to offer a rejoinder.

Charities Drive Delayed

Departing from past precedent, the Law School Committee of Phillips Brooks House, sponsor of the Law School Charities Drive, has decided to delay this year's drive until late in January, Chairman Raymond G. McGuire, 3L, announced this week.

In past years the Drive has been held in December prior to Christmas vacation at the same time as the Harvard University Charities Drive.

McGuire said that one major reason for the change was that no one had very much money to spend on charity during the pre-Christmas season. He said that the Drive had previously been run in December to take advantage of the publicity generated by the Harvard Charities Drive, but that the Committee had decided that this advantage was "not an important factor."

The method of solicitation has not yet been decided, McGuire said. In other years this question has been a source of controversy between advocates of high-pressure and low-pressure campaigns.

McGuire has requested that anyone interested in helping with the January drive should contact him. Second-year volunteers are particularly wanted.

Vacation Library Hours

Saturday	Dec. 21	8:30-5:00	
Sunday	Dec. 22	CLOSED	
Monday	23	9:00-5:00	
Tuesday	24	9:00-12:30	
Wednesday	25	CLOSED	
Thursday	26	9:00-5:00	
Friday	27	9:00-5:00	
Saturday	28	CLOSED	ILS Reading
Sunday	29	CLOSED	Room*
Monday	30	9:00-5:00	5:00-11:00
Tuesday	31	9:00-5:00	5:00-11:00
Wednesday	Jan. 1	CLOSED	
Thursday	2	9:00-5:00	5:00-11:00
Friday	3	9:00-5:00	5:00-11:00
Saturday	4	CLOSED	9:00- 5:00
Sunday	5	CLOSED	2:00-10:00
Monday	6	Resume Regular Hours	

*Enter Library through front entrance to ILS Wing. Students with Cubicle or Room assignments will be admitted to those spaces during these hours.

Chancery Folds

(Continued from page 1)

an agreement from the purchaser that allowed the club to use the facilities. But a lack of interest resulted in a small membership and therefore an unprofitable operation.

During the school year of 1925-26, a group of law students met daily at the Harvard Union. They incorporated on June 5, 1926 as the Chancery Club.

Shortly before incorporation the group discovered that as a result of the opening of new Business School facilities, the Staplers Club, a Business School Society, was vacating their building and their lease. Quick to seize the advantage, the group used their recently acquired knowledge and became assignees of the Staplers Club lease of the building at 44 Follen Street, the present home of Lincoln's Inn Society.

In these first years on Follen Street the Club's membership ranged between 80 and 100, including two members of the present faculty, Professors Field and Hart.

During the early thirties, the Club leased from the University, the "Charles Addams' House" at 1557 Massachusetts Avenue. The change afforded a more convenient location and facilities and began what is perhaps the most distinctive era in the Club's history. Sporting and recreational activities were available in the upper floors of the house, including cards, ping-pong, and billiards.

World War II marked the premature termination of the era, as the Law School enrollment withered to 50 persons. Louis A. Toepfer, now Vice Dean, has the distinction of being Chancellor for the shortest term in the Club's history. Only a few days after his election in 1942, he left school to serve in the Navy. The membership soon dissolved and Professor Warren A. Seavey acted as receiver of what there was left to receive.

After the War, a nucleus of old members reopened the Club with new goals and sound financial policies. During that reorganization, the Club had to await the running of a lease to Boston University on its house, and used the Continental Hotel for dining and meetings. When the Club re-entered "Charles Addams' House", new policies called for a conversion of the game rooms into living quarters and a considerable increase in membership.

Anticipating the construction of the International Legal Studies building, which necessitated the razing of its house, the Club established a sizable building fund with the help of an Alumni Advisory Committee. In May, 1957, with plans for ILS well formulated and the Club's lease from the University coming to a close, negotiations began for the purchase of the present facility, 9 Chauncy Street.

In the fall of the year, the Club moved into the "showplace" of the neighborhood, as this late nineteenth century 16-room house was jealously regarded by the surrounding residents. The cancellation of a plan for a parking lot which was to replace the arbor and rose garden adjoining the house and some judicious consideration for the interests of near-by residents resulted in a workable relationship with the initially apprehensive neighbors.

Membership soon grew to well over 200, and members enjoyed two formal dances a year, bands for dancing two or three weekends a month, mixers with groups from near-by women's colleges, and both intramural and intraclub athletics.

Enthusiasm began to wane, however, after a tragic accident following a Club affair several years ago. Membership fell sharply, and the group never was able to regain its former position.

As the roster of members dwindled, so did the Club's liquidity, and although some working capital was obtained from the sale of the house, it was not enough to maintain the facilities the club needed to serve its members.

After surviving Prohibition, the Depression, and World War II, Chancery joins King's Bench, a group similar in purpose to Chancery, which disbanded in 1956 after nine years of operation. King's Bench folded because of lack of interest also.

"The need for this type of organization is not as great as in the past," stated Charles N. Steele, 3L, President of Lincoln's Inn. When Harkness was built, both the Inn and Chancery expected to fold.

Lincoln's Inn, with 253 members, has no membership problem, but financial problems are inherent in this type of operation. Steele pointed out that management must be very precise and efficient. Notwithstanding the careful administration, Lincoln's Inn had to raise dues last year and food prices this year.

Byse Blasts Bias

(Continued from page 1)

Prof. Byse stated, "the statute should be amended to provide for effective enforcement."

Prof. Byse said that the Advisory Committee relied for information about the power of the Commission upon the brief written by Prof. Albert M. Sacks in the case of *M. C. A. D. v. Colangelo*, 182 N. E. 2d 595 (Mass. 1962), which upheld the Commission's order directing the respondent to offer same or similar accommodations to the complainant. But the Court did not decide whether the Commission had the authority to enforce conciliation agreements or to issue remedial orders.

Under the present amended Act, discrimination because of race, creed, color, or national origin is unlawful in the sale, rental, or lease of housing accommodations that are made generally available to the public. The Committee report disclosed that although the law has helped some Negroes to obtain integrated housing, "its procedures have not been widely invoked by those whom it is intended to benefit" — only 243 housing complaints have been filed in five years. The report declared that the law is difficult to administer due to confusing language and time consuming procedures, and it is open to abuse by delaying tactics which discourage Negro applicants.

The report described the existence of an area composed of Roxbury, North Dorchester, and South End, described as a "black boomerang," where 70 percent of the city's Negro population is located. There is segregation in the 25 Boston public housing projects as well: four of the projects are more than 90 percent Negro, whereas seventeen projects have less than 5 percent Negro families.

Admitting *de facto* segregation exists, the Boston Housing Authority claimed that the situation did not develop from any intended policy on its part. The Authority took the position that the causes and cures are problems for the "total community," and announced a three year trial period to initiate a program, having as its objective the relation of all tenants into an integrated community.

The report also disclosed that Boston Negroes occupy a disproportionate amount of inferior housing than do whites, and that

the injustice is compounded by the fact that "Negroes pay substantially higher rents for substantially worse housing." Furthermore, "since Negro incomes tend to be lower than those of whites, the Negro in Boston pays a higher percentage of his income for less satisfactory accommodation," the Committee found.

The result of such segregation, the report explained, means that "the neighborhoods of overpriced, substandard dwellings tend to have the common attributes of present-day ghettos: higher rates of infant mortality and tuberculosis, poorer educational and recreational facilities, more noise, more filth, more traffic congestion, and more delinquency. Many Negro children in Boston are thus exposed to the kind of segregated neighborhood environment that is productive of feelings of inferiority and of indifference to the broader opportunities that are becoming available to trained, educated Negroes."

Elimination of these ghettos is impeded by discriminatory practices of real estate brokers, developers, landlords, and homeowners, the Committee reported.

To alleviate present substandard conditions in Negro housing, the Committee recommended legislation to enforce housing codes similar to that adopted in New York, which authorizes the courts, at the expiration of a given period of noncompliance, to designate the city as receiver of rents. "Such legislation," the Committee said, "appears to provide to the owners of substandard apartments the greatest incentive for complying with housing codes."

The Advisory committee also recommended that a uniform Civil Rights Act should be drafted to aid the states in enacting clear, comprehensive, and effective civil rights legislation.

Assisting Prof. Byse in preparing the advisory report were two Harvard law students, Fenton J. Burke, LL.B. '63 and Edwin Alley, 3L.

Next RECORD January 30

Less faithful than the postman, the RECORD editors will take their annual break for Christmas vacation and mid-year exams. The first issue of the spring semester will appear on Thursday, Jan. 30.

On Reforming the State Constitution

By Stewart D. Davis

Changing the Massachusetts Constitution and limiting the power of the Governor's Council take both time and effort, Prof. Albert M. Sacks, an advisor to Gov. Endicott Peabody on the Governor's program for Constitutional reform, told the RECORD this week.

The most controversial of the Governor's proposals, one for abolition of the Governor's Council, has been defeated by the legislature. Still, Prof. Sacks has been working with a number of Massachusetts civic groups which recently sponsored an initiative petition to reduce the council's statutory power.

Prof. Sacks said that the petition has apparently received sufficient signatures so that it will reach the legislature next session. If it is defeated there, he added, an additional 11,000 signatures could get it before people.

Another of Gov. Peabody's proposals, that the governor serve a four-year term rather than the present two years, is far along on the road to acceptance. An amendment which goes via the legislative route must be approved by two successive legislatures and then by a popular referendum. This particular measure has been given the requisite legislative approval and will be put to the people next year.

Three other proposals have passed the first legislative test and will come before another legislature in 1965-66. They are the joint election of the governor and the lieutenant governor; the grant of home rule to cities and towns (Prof. Sacks was the chief draftsman of this proposal); and the grant to the governor of the power to promulgate, subject to legislature veto, plans for executive reorganization.

Referring to the Governor's Council, Prof. Sacks noted that the group has broad powers to block action in such fields as appointments and purchases and condemnations of land. "What is basically wrong is that the group exercises only negative power," Prof. Sacks said. "It is very difficult to hold that group accountable to the public for its actions; therefore narrowly political considerations are likely to play a very large role in their deliberations and decisions."

Prof. Sacks pointed out that among the Council's constitutional powers is the power

to approve judicial appointments. Since another constitutional provision states that initiative may not be used to affect judicial appointments, Prof. Sacks said that it has been argued that an initiative petition to abolish the council would not be effective. Moreover, an effort to get such a petition was made in 1962 and failed for lack of sufficient signatures.

Interested in many methods of bringing about constitutional reform, Prof. Sacks has been cooperating with several civic groups in an effort to bring about a limited constitutional convention which could make changes in the structure of the Massachusetts state government. Prof. Sacks said some of the groups are pushing for a convention to take place as soon as feasibly possible, while others are willing to wait until the legislature acts on the currently pending reform proposals. Massachusetts had its last such convention in 1917-18, when such progressive proposals as initiative were adopted.

GOP Club Elects Officers

Robert C. Kirkwood, 2L, will lead the Harvard Law and Graduate Republican Club as President during the next year. Kirkwood, a Californian, was elected by acclamation at the Club's annual elections held Tuesday, December 10.

Also elected by acclamation were Douglas F. Burns, 2L, a resident of Indiana, Vice-President; Richard F. Tozer, an Ohioan studying in the Graduate School of Arts & Sciences, Treasurer; and Katharine Tapers, 2L, from Florida, Secretary.

Victors in a five-way race for three positions as member-at-large were Daniel M. Armstrong, III, 1L, Emil H. Frankel, 2L; and John E. Milem, 1L.

Accountants Plan Party

The Harvard Law School Student Accounting Society will hold a post-exam Cocktail Party on Sunday, Jan. 19, 1964, at 6 p. m., in the Associated Harvard Clubs Room, Holmes Hall.

Members are encouraged to bring dates, and non-members are encouraged to join, according to society President Charles R. Hesser.

Bottom Half Gets Jobs

(Continued from page 1)

upper halfers and lower halfers with those in the lower third getting the poll's lowest rating.

But Vice Dean Louis A. Toepfer, Placement Director Eleanor R. Appel, and Assistant Dean William L. Bruce are agreed that securing a job depends on three factors — grades, personality, and connections.

They agree that the man who has a good combination of these qualities — and that may include low grades — will have no trouble getting a job. Dean Toepfer says that the candidate with the lower average will simply have to work longer at getting hired — and will have to be realistic about not going to work for a few of the “glamor” firms. Miss Appel too feels that the “C” fellow would need a good personality and “quite a lot of contacts” to land a job with a prestigious firm.

Marks Are Sparks

What do marks mean then? Miss Appel feels they are the factor which sparks the interviewing firm's interest originally, but she states that they ultimately do not get the student the job. She feels that as the student's average goes downward he has to exert more charm, energy, self-confidence, and imagination, or maybe neatness in appearance, in essence something that sets him apart from his higher-ranking counterpart, to gain employment.

It boils down, Miss Appel said, to the presentable product from the upper half of the class being able to get a job at the Placement Office, and the lower man possibly being forced to go looking on his own. Dean Bruce noted that only a tiny percentage of the country's lawyers come to the Placement Office, and these are the men who consider the grades important. He added that although those who rank lower derive less direct benefit from the Placement Office, they derive a great indirect benefit because firms which come to hire high-ranking candidates will generally see any students and are apt to hire men with C averages who make a favorable impression.

Time is the differential between top and bottom. As Dean Toepfer puts it, the lower the marks, the more refusals, the longer the

search, but eventually the same job for the man in the bottom half.

Pointing to statistics, Miss Appel noted that for the Class of '63, by June 1, some 146 men were facing service without jobs, and that some 70 were “unknown or unemployed.” She figured most of the latter had averages below 70, but also that most were set by Nov. 1.

In Search of Employment

How does the man below the median go about getting hired if the Placement Office does not avail him? Miss Appel said that over the Christmas vacation he should visit firms in the area where he desires to settle; in March he should decide which bar exam he will take. After graduation he should go prepare for the exam, keeping in touch with the Placement Office which in turn will keep in touch with Law School alumni in the area of his choice.

At this point, if still jobless, Dean Bruce feels he should put some thought and shoe leather into his personal placement program. As Miss Appel puts it, he should visit firms in his chosen area with a bright smile on his face. She conceded that summer is a slow time for lawyers and job-seekers, but went on, “by fall a big pile of work faces the lawyer and he feels he needs an associate. He is really ripe, fat and lazy from a slow summer, facing a youngster with a lean and hungry look.”

Only a Few Fail

In summary, those who want a job will have one by mid-fall, and according to Dean Toepfer they will as time goes on end up doing the same range of work and reaping the same rewards as their high-mark brethren.

The very few not placed by this time, according to Dean Bruce, have some sort of personality problem or are simply unable to make up their minds. From these persons especially, according to Dean Toepfer, comes the indictment of marks. “No man blames himself,” said Dean Toepfer. “He blames the system, the marks, the school.”

But to the average man with low marks comes this reminder from Dean Bruce. Fifty percent of the graduates now in practice stood in the bottom of their classes, and statistics show most graduates are now in good firms making good money.

In the World Court of Ames

© Daniel J. Kucera 1963

I. D. SCROOGE and WIFE
v.
S. CLAUS

Argued February 30, 1963
Decided December 26, 1963

1. Constitutional Law 🛎️ 🛎️ 🛎️ 12(25)

The Court will refuse to consider precedent or public policy when faced with a purely political question because to do so otherwise would be unprecedented and against public policy.

2. Constitutional Law 🛎️ 🛎️ 🛎️ 54(40)

In determining whether a particular clause of the Constitution violates a state law, and therefore is un-Constitutional, the court will first determine whether it is a case or controversy.

3. Jurisdiction 🛎️ 🛎️ 🛎️ 14(92)

A federal court has jurisdiction unless a state court does, but a state court has jurisdiction only when a federal court does not.

4. Method 🛎️ 🛎️ 🛎️ 500

Where a party is unable to hear the proceedings, or cannot see the witnesses, or quivers in great fear, there is prima facie evidence of the Socratic Method.

5. Headnotes 🛎️ 🛎️ 🛎️ 1

In citing cases, counsel should only refer to the headnotes because they allow him to grasp the complexities of a complex complexion when confronted by confusing conflicts which tend to emphasize equitable justifications for any standard within a relationship which must consider all the factors in such manner that the proper conclusion is presented.

6. Criminal Law 🛎️ 🛎️ 🛎️ 10

An act of Treason, whereby one conspires to set up a gaily decorated Christmas tree in the courtroom, complete with various trappings, such as candles, popcorn, and glass ornaments, shall be tried

by 12 good and strong members of the accused's fir group.

7. Evidence 🛎️ 🛎️ 🛎️ 12345678910

Before a stocking hung by a fireplace with care can be admissible, it must be fumigated.

8. Procedure 🛎️ 🛎️ 🛎️ 90(6)

Deck the halls with bows of holly, fa la la la la, la la la la.

9. Property 🛎️ 🛎️ 🛎️ 1

Seisin's Greetings.

10. Cheer 🛎️ 🛎️ 🛎️ 1963

Merry Christmas to all and to all a good night.

I. M. Cheap and Real Tightwad (of Coins, Bills & Notes) Grub City for the appellants.

Frosty T. Snowman III and Rudolph R. N. Reindeer (of Dasher, Dancer & Prancer) Ames City, and Jing L. Bells (of Good, Cheer & Bemerry) North Poll for the appellees.

Mrs. S. Claus, North Poll, for the world, as amicus curiae, by special leave of the court.

DANIEL J. KUCERA, Chief Justice, delivered the opinion of the court.

This was an uncivil action brought in the Inferior Court of the Successionist Province of Ames on December 26, 1961. Plaintiffs Scrooge and wife are residents of Ames, domiciled in a certain manor house, to wit Langdell Hall. Defendant Claus is a resident of North Poll and is President and majority stockholder of a certain big corporation, to wit Santa's Workshop, Inc., said corporation being the world's largest manufacturer and distributor of certain items, to wit gifts.

In their declaration, plaintiffs allege that on or about December 25, on or in their dwelling place of Langdell Hall, defendant, with force and arms, broke and otherwise entered the close of plaintiffs and willfully and wantonly did drive his sleigh and reindeer



on plaintiffs' roof, damaging new-fallen snow deposits and old-fallen pigeon deposits; that defendant did cause plaintiffs unbearable mental suffering and anguish from fright due to defendant's noise, clatter, hoofbeats, and bells which caused plaintiffs, who had just settled down for a long winter's nap, to spring from their bed to see what was the matter and to tear open (and, in their excitement, off) the shutters, and throw up, etc.; that defendant then slid down plaintiffs' chimney, scattering dust and soot about their always-clean rooms; that plaintiffs casually lost and defendants found certain victuals and viands, to wit milk, cookies, scrod, veal cutlet, beef brisket, one vegetable and one salad (or in the alternative, two vegetables), and converted them to his own use; that defendant undertook and did faithfully promise to deliver certain gifts, to wit high grades, lots of girl friends, and partnerships in law firms, etc., but instead did deposit certain other gifts, to wit coal, onions, hard bread, homework, Coop bills, etc; that defendant with malice aforethought and heart bent on social mischief did shake his belly like a bowl full of jelly, thereby causing treatises and reporters to fall off plaintiffs' shelves and disappear or become beat, battered, and bruised beyond recognition; and that defendant did violate state laws by working on a holiday; wherefore, plaintiffs did suffer irreparable harm and sought damages of \$100 plus green and/or plaid stamps.

Defendant pleaded not guilty, non assumpsit, res judicata, non suit, nihil dicit, public policy, mercy, and season's greetings.

In a brilliant, well-reasoned opinion by KUCERA, D. J.,* the Inferior Court found for defendant. 33-10 Harv. L. Rec. 13 (1961). In a perceptive, masterful opinion by KUCERA, D. J.,** the Supreme Court unanimously affirmed. 35-10 Harv. L. Rec. 10 (1962).

The only question on appeal is whether defendant violated a state blue law which prohibits working on a holiday.

Ames Gen. Laws ch. 12, sec. 25 (1066) provide that: "Anyone who works on a holiday shall be fined \$1 million or imprisoned not more than 100 years or both."

Plaintiffs argue that they are within the class of persons for whose benefit this statute was enacted and that the violation of a statutory protected interest gives rise to their right of action.

*As a result of *Baker v. Carr*, 82 S.Ct. 691 (1962), the Successionist Province of Ames was reapportioned, and agrarian reform was instituted. Control of the Ames Legislature switched hands, and certain judicial vacancies appeared—including that of Chief Justice of the Supreme Court. Finding no one else better qualified, Governor Kucera also took on the responsibilities of Chief Justice of the Supreme Court—which appointment he subsequently affirmed as the sole member of the State Legislature.

**As one of the newly emerging, neutralist, non-aligned, independent nations. Ames quickly accepted foreign aid from all quarters—and dimes and nickels for that matter. All the other countries soon became bankrupt after defaulting on a bond issue floated to raise money to give to Ames. Ames then bought all the countries at a mortgage sale and became the world of Ames. President Kucera naturally assumed his new duties as Chief Justice of the World Court.

[1] In opposition, defendant first contends that the statute is unConstitutional and void for vagueness. Clearly, however, the law here is perfectly clear and well-settled. *Lord Kenyon v. Chadbourn*, 1 June 1800 (1963); but see *Field v. Kaplan*, 10:00 Lang. Aust. 9:00 (1963). Traditionally, we do not decide a Constitutional issue unless there is a non-Constitutional issue on which the case can be determined. *U. S. Supreme Court v. John Q. Citizen*, 365 Unprecedented 52 (1954). However, we must make it clear that defendant was not deprived of his Constitutional rights because the great Commonwealth of Ames does not have a Constitution. Therefore, the 5th and 14th Amendments are unConstitutional.

[2] Defendant next argues that his rights were violated because he was denied his right to counsel at the earliest stage in the proceeding—i.e., before he committed the crime. In view of modern trends, there is much force in saying that an accused must have counsel at or before commission of the crime in question. *Indigent Prosecutor v. Wealthy Prisoner*, 36 Antarctica 372 (1926). However, defendant did not object at that time, so the error cannot be raised on appeal.

[3] Another defense is mistake of fact. Defendant says that he had no way of knowing when the holiday began and inadvertantly made some deliveries during it. But plaintiffs respond that defendant's vessel was unsleighworthy because it did not carry a radio receiving set by which it could seasonably have got warnings of time.

[4] Defendant did not know the proper time because his reindeer's private transistor radios, which were on board, were not in working order. The batteries were defective, leading to some acid and revolting comments by the reindeer, who had just come from a stag party. These belonged to them personally, and were partly a toy, partly a part of the equipment (and partly filched from defendant's bag), but neither furnished by the owner, nor supervised by it.

[6] It is not fair to say that there was a general custom among carriers to so equip their sleighs. However, we hold that defendant is liable, because had the sleigh been properly equipped, it would have gotten the Greenwich mean time reports. As the leading case of *T. J. Hooper*, 3 Clomp Clomp 64 (1776) said, "Is it then a final answer that the business had not yet generally adopted receiving sets? . . . A whole calling may have unduly lagged in the adoption of new and available devices. . . . Courts must in the end say what is required."

[7] As a further defense, Claus maintains that the contents of his stomach were illegally searched and seized, much to his discomfort, during plaintiff's effort to uncover allegedly converted foodstuffs—said contents then being placed on a table, forming a table of contents. This incident appears to be the

result of a harmless error. When defendant was arrested, plaintiffs told the sheriff, "It's in the bag." The officer thought they meant defendant's plump belly, rather than the sack over his shoulder. However, since the sheriff found only some traces of Metrecal, there was no prejudicial error. *Silver Lining v. Ulcer*, 22 Gulp 44 (1853).

[8] Finally, defendants argue that the wearing of a certain red suit, trimmed with white, over a plump body topped by a bearded head while driving a flying sled led by eight tiny little reindeer on a certain night creates a privilege and/or duty to act in certain ways.

Obviously, the answer is obvious. Under early annotated common law, sleigh rides were generally accepted by reasonably intoxicated men as normal means of transportation. *Ex parte Annual Vest Lectures*, 540 Sleepy People 63 (1963). Also, unruly long hair, extensive beard, odd shape, and a bag over the shoulder are not unusual, *Cliffe v. Wildner Library*, 3 Haavd. Yaad. 33 (1929).

The fact that the children were all nestled in bed with visions of *Law Review* dancing in their heads precludes mental suffering. 115 *Corpus Delicti Secundum* 765; see also *In re Practice Exam*, 50 Good Grief 50. (1963). Moreover, the fact that plaintiffs sprang from the bed suggests a defect in the egg nog rather than a threat of violence by defendant.

The lower court's finding that plaintiffs cannot bring suit on soot without alleging a soot case is

suitable. Otherwise, the suit case would not be a soot case, but rather, an open and shut case. Moreover, a suit case for soot where defendant is sued for having a soot suit is served only where evidence in the suit shows soot from the sued soot suit sifted about in the sued suite where the suitor sued the suitee for suit soot from his sued soot suit and not from some suet stains separate from the suitee's soot sued soot suit. Puzzler on Torts, *Soot Suit Sootsy*, p. 115.

[9] The law is clear then that defendant violated the blue law in question. Moreover, there is substantial evidence, based on the record as a whole, that he did work on a holiday. Witnesses testified that they saw him break the parietal hours, having entered and left plaintiffs' house well after midnight. An Egyptian said, "I saw mummy kissing Santa Claus." A mouse named Hickory D. Dock noted the exact time as he ran up the clock.

[10] However, we must affirm the lower court's decision. There was a serious defect of substance in plaintiffs' pleadings. They failed to pay the filing fees and writ expenses, although they knew or should have known that it is better to give than to receive. Moreover, on appeal, plaintiffs made several errors: their brief was a page too long, and they miscited a case. In a dignified court such mistakes cannot be tolerated.

Therefore, the judgment of the Inferior Court of the Successionist Province of Ames is affirmed. Yes, Harvard, there is a Santa Claus.

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Recent Book

On Con Law

By Thomas E. Woodhouse

PERSPECTIVE IN CONSTITUTIONAL LAW. By Charles L. Black. Englewood Cliffs, N. J.: Prentice-Hall, Inc., 1963. Pp. 112.

Mr. Black is a member both of the Faculty of Law and the Department of Political Science at Yale University. This capsule work on constitutional law incorporates into a unitary view his acute perception as political scientist and as lawyer. Mr. Black's is the bird's view, not the mole's; the fox's attitude, not the hedgehog's. The limitations inherent in fulfilling a vast purpose—"to give those who come to constitutional law a good first approximation of its shape and workings—to open a small door into a well-furnished mansion"—are before the author. "He who holds in one hand a small volume on constitutional law, written by himself," he warns, "should clasp a prayerbook in the other." Whether through power of prayer or Mr. Black's great abilities as a discrete consolidator, this book succeeds where lesser works have failed.

But a word of qualification is required. Mr. Black purports to write for the newcomer to constitutional law, yet his work has greatest value for the lawyer or political scientist who already has had some brushes with particular problems in its different areas. The writing is terse and abbreviated; Mr. Black paints impressionistically, and the reader for whom the impressions can call forth remembrances of prior perplexion with particular constitutional problems receives the richest reward. The greenhorn reader might find boring the very terseness which gives the book dynamism.

It should come as no surprise that the section on "political questions" is among the best in the book. Mr. Black uses the discussion of political questions in *Baker v. Carr* as a vehicle for the introduction of his own opinion of the desirable dis-

position of such questions, concisely stated in two paragraphs.

In his treatment of "intergovernmental tax immunities" (which he charges is a misnomer), Mr. Black apparently is bothered by orthodox terminology whereby a tax is said to be "on" the nation or a State—the use of a "spatial relation" concept for a more amorphous relation. More pertinent terminology should look to the "effect" a tax has on the nation or State.

A concise writer must be extremely conscious of the connotations of every word employed. Mr. Black has demonstrated his mastery of this lawyerly art.

Student Campaigns For State House

Charles W. Long, 2L, ran in a Republican primary for State Representative this week. The special election in Ward 21 of Boston was called to fill the place of Rep. William F. Joyce, who was killed recently in an automobile accident.

The candidate had two opponents in the primary, Leonard Sheinfeld and Charles Costello. Eleven candidates ran in the corresponding Democratic primary.

Long won with 421 votes, to 242 for Scheinfeld and 29 for Costello.

Long has been campaigning door-to-door and by mail each weekday evening for the last month and a half. He described his chances as "good, but it depends on who gets his people out for what might be a very light vote."

Substantive issues are not determinative of a primary such as this, Long said. He indicated, however, that he would oppose a legislative pay-raise and favor retaining the death penalty.

Long's political experience includes campaigning for state legislators in 1958 and 1960, and service as Campaign Assistant for Senator Leverett Saltonstall in 1960.

Asked if he has done much studying in the last month and a half, he replied, "No."

Basketball League

The intra-mural basketball leagues are now being formed, with play scheduled to begin sometime after Christmas vacation.

Organizer Jay Baraff, 2L, said that rosters must be submitted to him by 8 p.m. tonight (308 Shaw, EL 4-9854). He said that teams are limited to 11 men but that any team with less than 11 when it turns in its roster may add one man later. He added that teams which have not completed their rosters should turn in their incomplete slates tonight to be included in the scheduling.

Along with the rosters Baraff wants the name of the team and the name, address, and phone number of the captain.

Baraff also said that referees are needed and that experienced referees should contact him by tomorrow. Refs will be paid.

The games will be played in Hemingway Gymnasium on weekday evenings. Players will not be charged for the use of the gym.

Powell Talk Delayed

Rep. Adam Clayton Powell has postponed his January 10 appearance in Sanders Theater, apparently to appear in court instead, according to the Law-Graduate Democratic Club. The talk has been tentatively rescheduled for March. Members will be admitted free; non-members will be charged.

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Letters to the Editor

Schoolwork Praised

(Continued from page 16)

tivities in college I found the experience of scholastic endeavor not only challenging but also somewhat novel.

In retrospect I feel that one of the really great contributions to any professional ability that I have attained is in the fact that for several years I did engage at the law school in sustained detailed intellectual effort. This cannot [but] help in my opinion contributing to the mental discipline required by a successful practicing lawyer.

Wilbur F. Pell, Jr., LL.B.'40
Shelbyville, Ind.

RECORD Called Leftist

To the Editor:

In answer to Mr. Kaplan's letter [Nov. 14, 1963] pertaining to the relevancy of Civil Rights Articles in THE RECORD, I think he has the wrong outlook on the entire issue. I also think Mr. Hodge misses the point [Oct. 17, 1963].

Civil Rights is the most important domestic issue since the era of Senator McCarthy. The complaint most people have with THE RECORD's presentation of the problem is that all its articles are written by ultraleftist students who believe the problem can be solved fundamentally by more Federal laws. You not only disregard the position taken by many reasonable con-

servatives (e.g. Sen. Goldwater, Sen. Richard Russell), but also disregard the moderate position (Sen. Dirksen), the liberal position (Sen. Javits), and most important, the moral position as held by Dr. Martin Luther King.

Many students at Harvard are moderates who see the existence of the problem but who are convinced it can only be reconciled by gradual changes in the thinking of the average man. Unpopular laws even if passed in a context of justice are worthless. They do more harm than good.

So if possible replace the extremists with moderates or if that is impossible get extremists from both sides plus a sampling of moderates to write your civil rights articles. Perhaps instead of being a propaganda publication for the far left you can provide a forum for all opinions in the spirit of this national law school.

If you follow this suggestion I will echo Mr. Kaplan's ending and say,

Give us more such articles.

Michael J. Cronin, 1L

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Letters to the Editor

Is There Prejudice v. Criminal Law?

To the Editor:

On p. 10 of the RECORD for December 12, in your account of the factors thought relevant by law firms recruiting from Harvard Law School, the following statement appears:

"A number of firms indicated that work with a criminal law firm during the summer should be rewarded with a minus score."

As a visitor to this country I normally consider myself disentitled from commenting on its affairs, especially adversely, but in this instance I cannot remain silent. The idea that respectable law firms would actually count legal experience of any kind *against* a young lawyer is disquieting enough, but when the experience discriminated against is in criminal law the idea is quite shocking. Neglect of criminal law has cost America dear in the past and continues to do so. If ever an area of responsibility by the legal profession to the community needed an influx of talent and dedication, this is it. I am sure that a significant number of young lawyers from Harvard and elsewhere would respond to this challenge if given the slightest encouragement to do so. Lack of encouragement is bad enough; positive discouragement is utterly irresponsible.

I should therefore like to ask the RECORD to confirm that the statement quoted above is literally true, and if so, whether it would be pos-

sible to discover and publish the reasons assigned by the firms in question for their extraordinary attitude.

Colin Howard

Ezra Ripley Thayer Teaching
Fellow, 1963-64.

Ed. Note: Nine out of 92 firms answering the sliding-scale question about summer work gave negative scores to work in a criminal law firm. Some 37 other firms rated this lower than clerking either for a large, big-city firm or for a medium size general practice firm. Since no explanations were asked for responses to this sliding-scale question, it is impossible to report the reasons for these answers.

Studies Important

To the Editor:

The editorial entitled "Not By Books Alone" in the October 3, 1963, issue of the RECORD has just come to my attention and I feel compelled to record a dissent to the sentiment of the editorial.

I have particular reference to the statement, "There is simply no need to get so involved in studies at this point, when most of the work students do beyond the basic case-book reading can be a waste of energy."

At least for the first two years that I spent at the Harvard Law School I followed a vigorous schedule of study. I "goofed off" from five o'clock on Saturday evening until one o'clock on Sunday afternoon, I attended eight concerts of the Boston Symphony at Sanders

Theater during the year, and I participated in the Ames moot court arguments. Otherwise virtually all of my time was devoted to studying.

I am certain that to some extent my studying was of the nature which could be characterized as spinning my wheels without too much progress. I spent much time reading textbooks and treatises on the cases we had under study. I delved in considerable depth into the minutes of the cases under study. Since I had engaged rather extensively in extracurricular ac-

(Continued on page 15)

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