



# Harvard Law Record

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FIFTEEN CENTS

## U.K. Ambassador Explains Power Politics

By John Spitzer

An agile sword rather than a big stick may be the most effective diplomatic tool in the Far East, according to Sir Patrick Dean, British ambassador to the United States.

In a speech before the Harvard Law School Forum in the Ames Court last Friday night, he pointed out the uselessness of atomic weapons in fighting intricate infiltration maneuvers of Communist guerillas. Rather than have the United States and Britain just

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Sir Patrick at Ames Rostrum

### Lindsay Urges Bar War On Poverty

## Lawyers and the Anti-poverty Drive

By John V. Lindsay

In the seven years I have been in Congress, I can recall few pieces of legislation that have caused as much discussion and controversy as P.L. 88-452, the Economic Opportunity Act of 1964. In our first deliberations about the bill in the early months of 1964, and again this year as we reviewed the first year of the antipoverty program, we have devoted a good deal of time to consider a broad range of issues growing out of the aims and the experience of implementing this Act.

These deliberations have been worthwhile. They have been crucial to the effective continuation of the nation's war on poverty, for the great potential of this program demands that painstaking attention be paid to the successes and failures in our experience with its first year.

One of the major conclusions emerging from our discussions and the record of the first year is that the role of the legal profession in the war on poverty will be one of the key determinants of the ultimate success of the effort to "eliminate the paradox of poverty in the midst of plenty," in the words of the Act's preamble.

Representative John V. Lindsay (Rep.-N.Y.), standard-bearer of the Republican and Liberal parties in the New York City mayoralty race, is the first in a series of guest writers.

Repeatedly in my own examination of the

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# British Ambassador

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aimlessly club at these unseen forces, he would have us bring our "power and influence to bear decisively in the right way, and to the right degree, not too much and not too little — or too late.

"Unless we can make it unmistakably clear that this new type of aggression does not pay any more than the more familiar old style type, the irresponsible will be encouraged and peace will be endangered in other parts of Asia and the world."

The former ambassador to the United Nations believes that an international police-force should be able to assume the responsibility of preserving peace in ten or fifteen years. "But until the U.N. gathers more strength, it is our duty to keep order. Placing too much of a burden on the United Nations now would cripple this organization."

## Anglo-American Cooperation

A thread of Anglo-American cooperation ran through the speech. De-emphasizing the "hands across the sea" theme, Sir Patrick stressed a working relationship that has brought us closer together than "any other two countries in peace time."

The Ambassador pointed in particular to our similar goals in Vietnam and Malaysia; "In both cases substantial British and American forces are helping at the request of the free governments to defend themselves and their people against new types of aggression."

## Internal Affairs

"It is not a question of Britain and the United States attempting to dominate or interfere in the internal affairs of nations thousands of miles from their shores," he explained. "We would gladly leave them to their own lives — if we could safely do so."

Deprecating glib talk about the decline and fall of the British Empire, he outlined the extent of British commitment in the Far East. Over \$1 billion is spent each year to maintain the largest naval force in the Indian Ocean, an army of 50,000 men containing Indonesian pressure on Malaysia, and a

string of bases stretching from the Suez to the Philippines.

"The strategic significance of these bases is very great, since the United States has no bases of its own between the Mediterranean and the Philippines," he added.

These and other foreign aid expenditures have placed considerable strain on the British economic system, according to Sir Patrick, who pointed out that Britain spends a greater proportion of its resources on foreign aid than any other Western power except the United States.

## Cutbacks A Possibility

He hinted that some cutbacks may have to be made. "I should add that a vital element in our ability to play our part is that our overseas commitments should be matched by our financial and economic strength and that our balance of payments should not be weakened by too heavy a burden on our foreign exchange resources.

"But any changes will not be made lightly. We will first fully consult our allies."

Sir Patrick alluded to the easy job a lawyer has in comparison to a diplomat, since the lawyer can always hope that at the end of his labors a final judgement will be reached and he can then "close his book and his mind on the case."

## The Modus Vivendi

But the diplomat can never reach this "happy consummation" since the most he can hope for is "that governments will reach some sort of understanding to accept conditions which they can live with — the *modus vivendi*." Trained as a lawyer and having served as a diplomat in various capacities since 1940, Sir Patrick pointed out that "economic, social, and scientific changes create new situations which require the continuous revision and reinterpretation of old settlements and agreements."

A panel discussion followed, moderated by Professor Mason Hammond, Pope Professor of Latin Language and Literature. Professor Richard R. Baxter and Professor Samuel Beer, former chairman of Harvard University's Government Department, rounded out the panel.

# Bruce and Berman Storm Political Heights

By John Spitzer

Seeking to break out of the "seamless web of the law," a dean and a professor are running for political office this fall.

Professor Harold J. Berman, a candidate for the Newton School Committee, asserted earlier in the month at an unofficial press conference that he "would welcome the support of any law students who happen to live in Newton."

Dean William L. Bruce, a candidate for re-election to the Newton Board of Aldermen, was successful in his campaign two years ago and again has been basing his strategy on a series of informal "house rallies" sponsored by his friends and political supporters. "These meetings are a good way to meet voters face to face," explained the Dean.

He is running for alderman-at-large, which means he must canvas votes over the entire city. "It takes a lot of time and a lot of money," he stated with a buoyant campaign gesture. "Any spare moments I have are spent shaking hands outside of supermarkets and handing out my telephone stickers."

(These small stickers have a red imprint of the recently changed numbers of the Newton police and fire department, as well as the candidate's name.)



Prof. Harold J. Berman

"Everybody would just throw these things away as another political advertisement if I didn't tell them to cut my name off before they put the sticker on their phone," philoso-



Dean William L. Bruce

phized the Dean. "As soon as I tell them to cut my name off, they begin to think it's a valuable thing. They keep the sticker in their pocket for a couple weeks and some people even use them.

"It really works. Even a few of my opponents have asked for stickers."

Prof. Berman has had to face the similar task of covering the whole city of Newton and has also relied heavily on a series of "house rallies." But rather than hand out stickers, he has purchased a number of political postcards printed with his name, picture, and qualifications. When he gains a new supporter at one of the "rallies," he encourages this person to mail out a number of postcards to friends. Prof. Berman asserted that nearly a third of Newton voters may have been reached this way.

Although both offices are unpaid, each of the candidates points to the responsibility that his elective position entails. The Newton

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## Faculty Politicos

(Continued from preceding page)

budget this year is \$27 million, about half going to the school system.

In his past two years of office, Dean Bruce has been active on the Planning Committee which seeks to review and develop a master plan for the city of Newton. "We try to create a general guide for change and growth. A master plan makes growth less haphazard and less subject to the pressures of the moment."

A seven-plank platform of Prof. Berman seeks 1) To hire experienced teachers away from other school systems, 2) To improve the education of "average" and "below aver-

age" children, 3) To improve the elementary school libraries, 4) To encourage closer contact with colleges and universities in the Boston area, 5) To obtain federal funds under the Elementary and Secondary Education Act of 1965, 6) To improve the teaching of social studies which have "neglected the teaching of law and the foundations of our liberties," and 7) To improve relations between Newton and Boston school systems.

Are these two seemingly minor offices to be the stepping stones to national political fame?

"If I am elected, I will consider it the very pinnacle of my political career," answered Prof. Berman.

"I have reached the absolute zenith," echoed Dean Bruce.

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# Law Students Eye Draft: Mob JAG Talk

Jack B. Jacobs

Law students are taking a closer look at the Judge Advocate General's Corps this year.

Whereas in 1964 the nine persons who attended the JAG meeting could have convened in a telephone booth, more than 300 Harvard Law students filled Langdell South — or twice as many people as JAG will hire this year.

Captain Joseph Dudzik, LL.B. '62, explained that the JAG corps is a law firm consisting of 1050 officers. The corps specializes in military justice (it handled 118,000 court martials last year), but also handles claims, patent, procurement, and family law work.

Each JAG officer is commissioned as a first lieutenant, and receives a minimum \$510 monthly salary. The minimum obligation is three years, and half of last year's class signed up for four and even five years. Initial assignments are almost always in the continental United States, and of these ten percent are in the Washington, D.C. area.

Foreign duty is offered, but to qualify, one must serve at least one year in the United States, and three years abroad.

## Privileges and Prestige

JAG officers, in short, are primarily lawyers and secondarily soldiers. They have the privileges of officers, the prestige of advocates, and almost no chance of combat duty. Given the situation in Vietnam, service in JAG becomes more attractive every month.

Students were curious about the requirements for admission, training, and the quality of assignments. Captain Dudzik offered the following answers:

Q: What are the criteria for acceptance?

A: There are no sole criteria. Marks are not controlling. Recommendations help, as do prior military or ROTC experience. Applying for more than three years increases one's chances of acceptance, because the Army favors longer service. As for physical requirements, it is necessary only to be able "to see lightning, hear thunder, and to carry your casebooks to class."

Acceptances and rejections come before January 1st. Although a candidate need not have passed the bar to apply, those who are

successful are accepted provisionally. Final acceptance depends upon admission to practice before the highest court of the state.

Applicants have two chances to pass the bar. In case of failure on the first try the acceptance still remains provisional. At any time before taking an oath of acceptance, provisionally accepted candidates may decline the offer of acceptance. Those who accept and pass the bar are given their orders almost immediately afterwards.

Draft boards have been cooperative with JAG candidates, provided the candidate gives them notice of his status with JAG. So far no board has inducted provisionally accepted candidates waiting to take the bar exam.

## Amiable Draft Boards

What sort of training and assignments are to be expected?

New JAG officers have a two-week orientation program, but no OCS or basic training. Officers in the field do get some infantry training. The Army JAG has its own law school on the University of Virginia campus. The school gives both basic and advanced courses in military law, usually for ten-week periods. Captain Dudzik mentioned that 25% of an officer's enlistment time is spent studying.

Hardship assignments are possible but rare. Last year, for example, more persons volunteered for posts in Vietnam and Korea than were available (nine persons applied). Why? "Probably a desire to see the Far East," remarked Capt. Dudzik. The students responded with faint, halfhearted laughter.

As for hours, "Make no mistake; this is the Army, not a law firm." Hours in the field are usually from 7 a.m. to 5 p.m., and many commanding officers require as much as a 60 hour work week.

Q: How do you apply?

A: Third year students (only) should request applications immediately from:

Captain Richard K. McNealy  
Office of the Judge Advocate General  
Department of the Army  
The Pentagon  
Washington, D.C.

# Expanding Roxbury Program Adds 2L's

By Michael Lowenberg

Nineteen second-year students have been chosen to participate in the Neighborhood Law Office Internship Program and may eventually join a group of third-year students presently spending four hours a week assisting at a neighborhood office in the Roxbury section of Boston.

Participants will meet about once a month, with interested faculty members and people active in community work in Roxbury to discuss the means of providing legal assistance to the poor.

The program was instituted last year under the supervision of the Boston Legal Aid Society, but the Roxbury center was not opened until recently and participation was limited to a series of colloquiums.

The Neighborhood Law Offices concept is becoming an increasingly significant factor in the national anti-poverty efforts. In Boston funds for the project were made available to the Boston Legal Aid Society by Action for Boston Community Development, Inc. (ABCD). Operating with grants from the Ford Foundation and other sources, ABCD contracts with community organizations in the Boston area to provide a wide variety of needed social services.

According to Professor Frank E. A. Sander, the program in the Law School is in "a state of transition" from a "precipitous beginning" to a going and expanding organization. He is "tremendously impressed" with the great interest shown by the students and he hopes that eventually there will be "open meetings" for the second and third-year students. Nearly 50 students submitted applications this year.

The third-year members have been working in the Roxbury office for only a short time. Their experiences are expected to be discussed at future colloquia with experts from the faculty and elsewhere.

The following students were selected:

Frederick L. Brown; John T. Connor, Jr.; Robert A. Creamer; H. Whitney Durand; Daniel Epstein; Jean Eberhart; Jerry F. Fenton; Susan J. First; Robert

M. Goldberg; Susan J. Grossman; Theodore Hochstadt; Hal R. Lieberman; Richard M. Perlmutter; Sheldon M. Rice; Susan Scholle; Russell W. Shannon; Ronald M. Shapiro; Harvey A. Silvergate; and Peter Tannenwald.

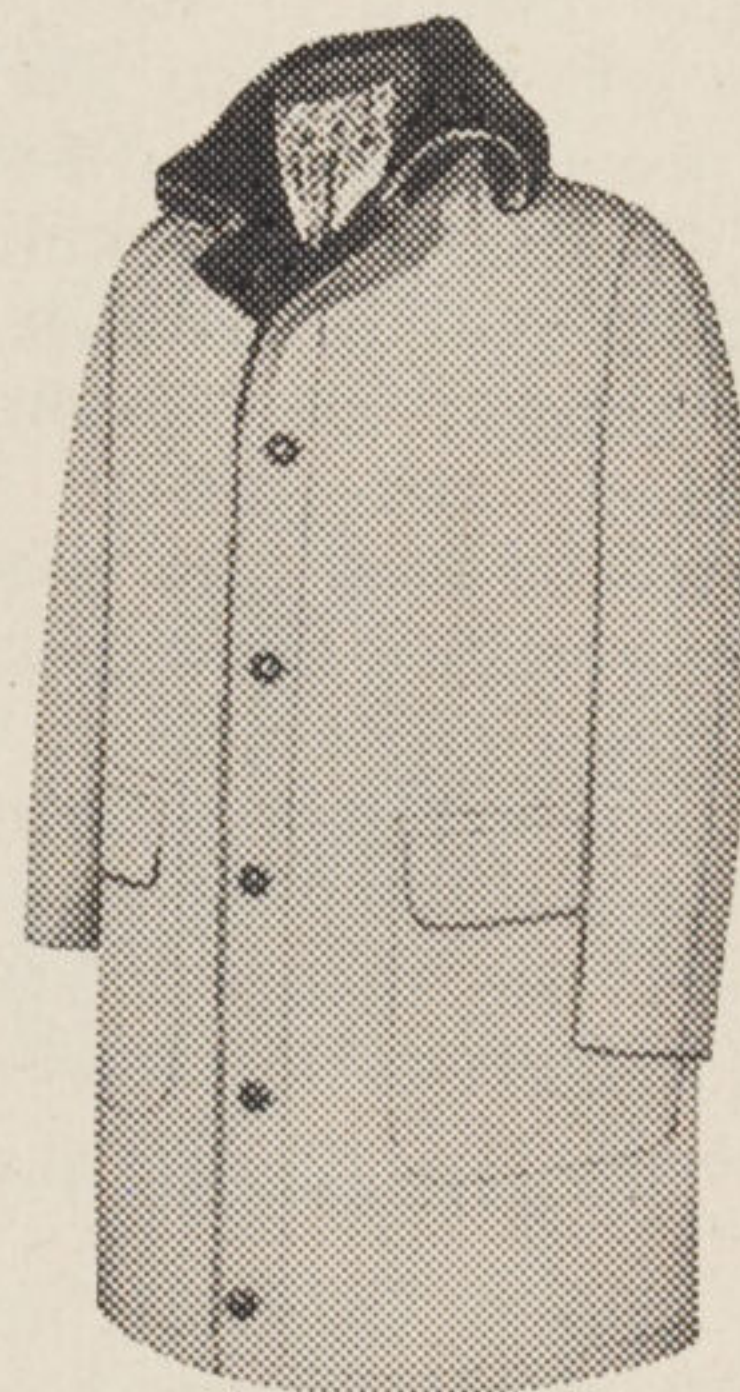


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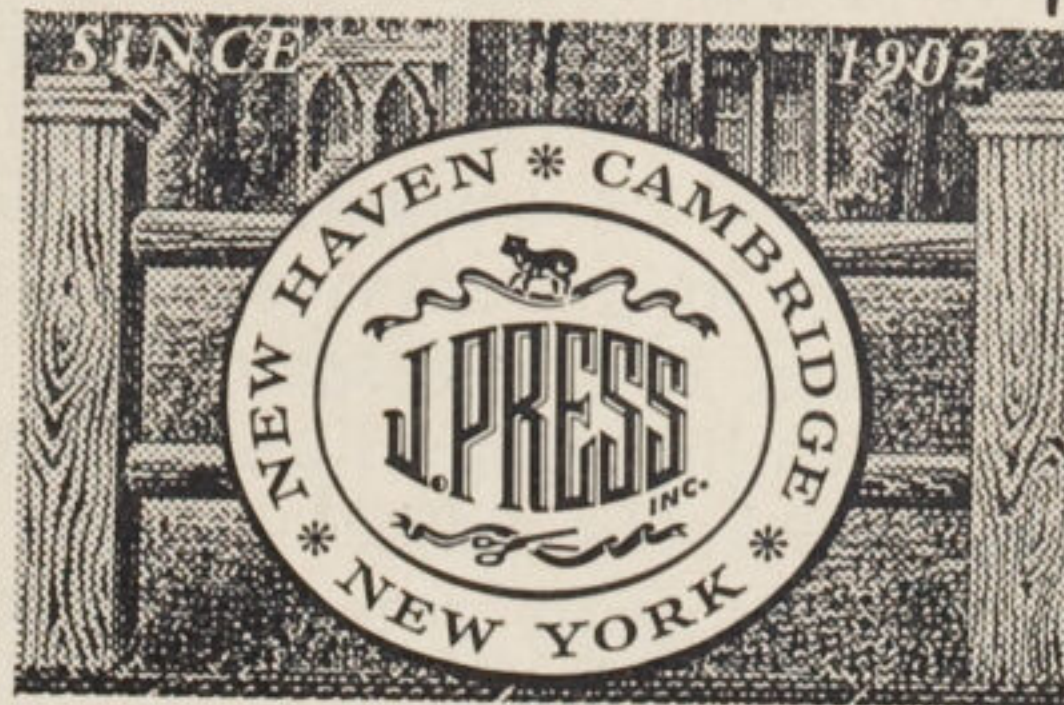


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# Wives Hear Sacks on De Facto Segregation

By John W. Losse

"A few years ago I was asked to talk to you about your husbands. Tonight, you might say I'm going to talk about your children." In this way Professor Albert Sacks introduced the subject of de facto segregation to last Wednesday's Law Wives meeting.

Warning his audience that the problem is "difficult, emotive, and subject to inconsistencies," the professor undertook to describe the challenge to education posed by large scale racial imbalances.

Prof. Sacks stressed that the case of *Brown v. Board of Education* does not help the courts in resolving the problems of de facto segregation, for that decision dealt only with legally imposed racial separation. "What the courts will need is a concept of 'equal educational opportunity,' a concept which is not presently capable of clear-cut determination."

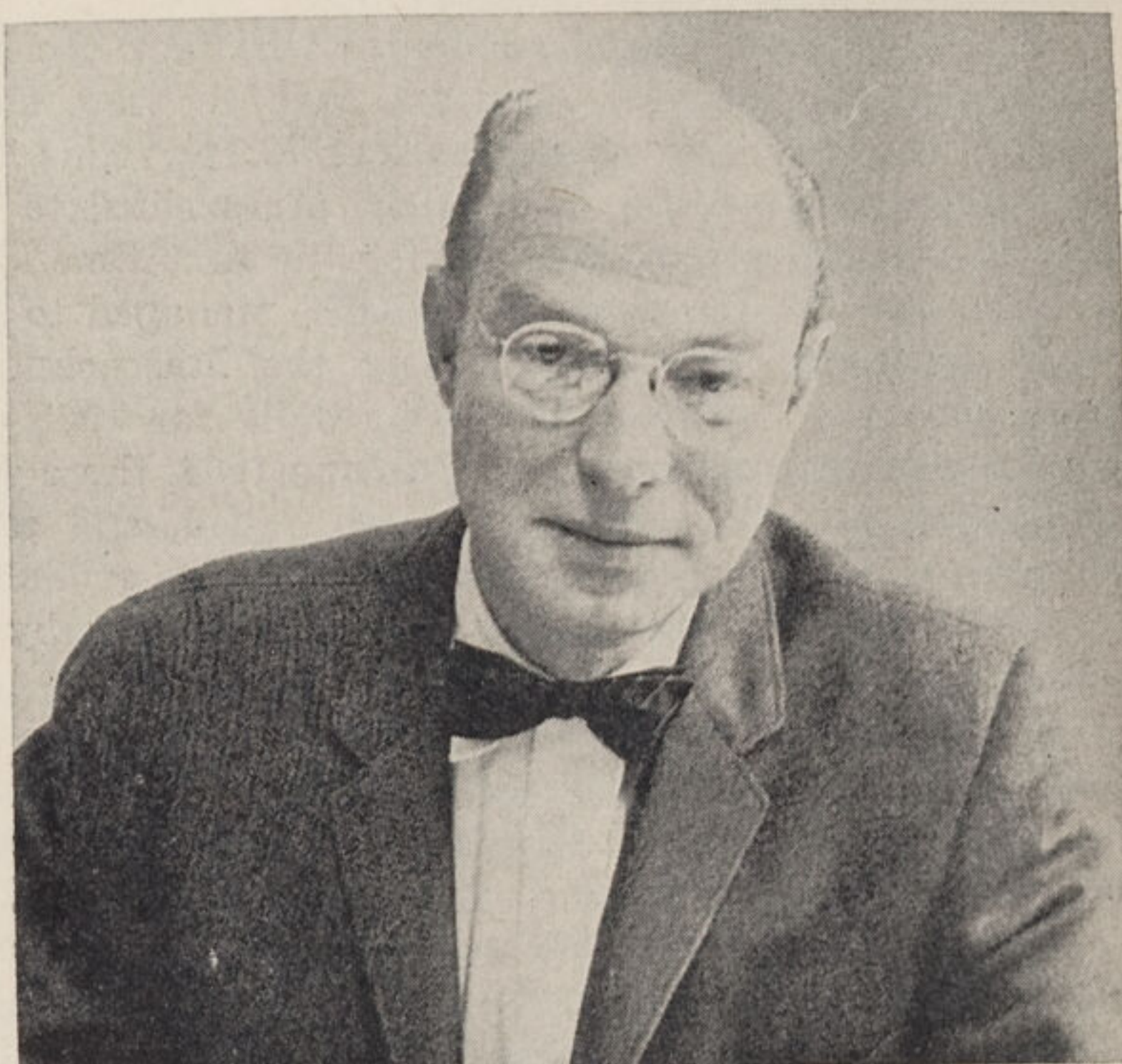
Such a criterion was urged by Judge Sweeney in *Barksdale v. Springfield School Committee* (237 F. Supp. 243). However, the Court of Appeals reversed the decision on the grounds that the School Committee had agreed to take steps to deal with racial imbalance before the action was brought. Thus, the Barksdale decision is not a useful precedent.

"We have good statistical evidence," said Professor Sacks, "that students enrolled in predominantly Negro schools score well below the national average on the standardized tests. However, we must be careful to take account of the influence of background factors, such as family income, on these statistics."

He then cited further statistical evidence to the effect that the performance of students in low-income white schools is the same, or only slightly higher, than their Negro counterparts. From these facts, Prof. Sacks concludes that a basic problem facing the educational system is compensating for deficiencies resulting from the social and economic background of its students.

"But even if the income problem cannot be solved right away, there are great advantages in giving children the opportunity to know each other as individuals, not as groups."

The speaker felt that, because there are so many "undefinables" in the problems of racial imbalance, progress is more likely through the political, rather than the strictly judicial, process. But political progress will



Prof. Albert M. Sacks

not be easily made, he pointed out, because ultimately it may mean that school districts in the predominantly Negro inner city will seek consolidation with districts in the wealthier suburbs.

Asked what the reaction to this was likely to be, Professor Sacks said, "The things which were denounced as 'impossible' only ten years ago are now only 'difficult', so maybe present 'impossibilities' will only be difficulties in the future."

Putting his hopes aside, however, he became cynical about the willingness of white suburbia to accept this, in spite of the support which it has given to the civil rights movement thus far.

He warned the Law Wives that "some of you who have been riding a forward wave may someday find yourselves riding quite another."

## Gellhorn to be Holmes Lecturer

Dean Erwin N. Griswold announced this week that Mr. Walter Gellhorn, Betts Professor of Law at Columbia University, will deliver the annual Holmes Lectures on March 28, 29, and 30. Prof. Gellhorn has not yet revealed his topic.

## Bar Examination Failures

For the past few years, a large number of Harvard Law School graduates have been failing their bar examinations. Last December Dean Erwin N. Griswold urged all third-year students to take the bar examination seriously and to be sure they were adequately prepared. Unfortunately, the reports trickling back to the Law School would seem to indicate that the Class of '65 flunked bar examinations with as much vigour as its predecessor.

Of the 43 Law School graduates who took the Massachusetts bar examination for the first time last June, 34 were successful and nine failed. The percentage of success was 79.1%. This was slightly worse than the results of the June 1964 Massachusetts bar examination, when 59 graduates took the test for the first time. Of these, 47 were successful and 12 failed, so that 79.6% managed to pass.

If graduates who were taking the Massachusetts test for the second time are included, then the results for 1965 are a little better than those of the previous year. In June 1964, three graduates took the examination for the second time and failed, and so the Law School success rate was 75.8%. In June 1965, three graduates took the Bay State test for the second time and passed, thereby raising the percentage of those passing to 80.4%.

The RECORD has also received the results of the Pennsylvania bar examination last June. Twenty-four graduates took the test for the first time, and 23 passed. Thus the Pennsylvania candidates for the bar were 95.8% successful.

Dean Griswold said this week that the percentage of those passing the Massachusetts bar examination was not not what "it should be. We should have at least 90% passing the examination. It is really disappointing to find that our percentage did not go up this past June."

Although several third-year students have confessed that they have contracted "bar exam fever," all too many seem to regard the upcoming tests as a mere troublesome formality not worthy of thought until a few weeks before the event. For their own sake, they would do well to regard the examinations with all seriousness.

### Harvard Law Record

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## TONGUE 'N CHEEK

By Fenno

Last week it came. Calamity! Months of hiding under an assumed name and posing as a law student have been in vain! Despite the most heroic attempt at subterfuge since Himmler shaved his moustache, the worst has finally happened! I've been drafted!

Dropping that awful letter as though it were radioactive, I raced down the hall to the President's office. "Please, Mr. Branzburg!" I begged. "Save me! Save me! I'm not a killer. I don't like to fight. Besides, I'm a coward. I have twinkle toes, and the smell of gunpowder gives me athlete's foot. Help!"

Unfortunately, Mr. Branzburg wasn't much help. "Fenno," he said, laying a fatherly hand on my shoulder, "think of your duty to your country, to Harvard, to the RECORD. You have to go. Besides, you might become a real martyr. The RECORD's first war hero!"

"I can see it now, Fenno. We'll put up a plaque right here by the washroom and a front page story in the RECORD edged in black. They might even name something at the Law School after you. Just imagine—the Fenno F. Fenno Memorial Distribution Center, all painted in primary colors. Yes sir, what a story!"

I left sadly as Mr. Branzburg, his enthusiasm waxing by the second, began arranging for catafalques, writing eulogies, and distributing crepe armbands.

What to do? I could claim I am subversive—after all, Dane Hall is the greatest hotbed of left-wing peace mongering on the Eastern seaboard. I could plead mental inferiority. Or I could go to Georgia, get a quickie law degree and ask Senator Kennedy to nominate me for a federal judgeship. I could burn my draft card and go to prison where it is safe. Oh, me; oh, my.

Please Mr. Westmoreland, I don't want to go!

## Letters to the Editor

### Baxter Refines RECORD Account of ILC Talk

To the Editor:

Although several sentences of the RECORD's account of a talk on career opportunities in the international field which I gave to the International Law Club on 22nd September had an unfamiliar ring, my inclination was to let the matter lie. However, a number of questions which have been directed to me about one passage in particular make it clear that I should set the record straight.

I was reported to have said that "Tasks [in federal service] are likely to be dull, repetitious, and unstimulating intellectually." The writer then correctly reported that I had said that a number of lawyers with experience of both Government service and private practice (one of them a former Legal Adviser of the Department of State) had recommended that a young lawyer's apprenticeship after law school be served in a large law firm and that graduates should not move directly to a Government job. The reason for this, I said, is that the young lawyer has excellent, close supervision in a large law firm; he may—or he may not—get that level of supervision in a Government post. This advice came of my own experience and that of the lawyers whom I mentioned.

The fact is—and I had hoped that I had gotten this point across—that many Government legal posts in the international field, particularly in such departments as State and Defense, offer excitement, responsibility, excellent training and an opportunity to be of service to one's country.

I warned that the time does come for a number of young lawyers in Government service when contending with paper, group-think, committees, and the ponderous machinery of Government make the stimulus and excitement of public

service pall. The result is a rather high level of turnover amongst younger lawyers.

And I think I would, in counseling a law student, have to advise him not to think at the outset in terms of a lifetime career in a legal post in Government, if only because many more lawyers who fill berths in the international field choose to leave Government service after, say, five years, than decide to remain fifteen or twenty years or until retirement.

Yours sincerely,

R. R. Baxter

*Editor's note: Professor Baxter is clarifying a passage from a RECORD story of Sept. 30. The passage is as follows:*

*"The second major area discussed was the United States government. There are a large number of jobs available in Washington, some strictly legal, others not. The office of the legal advisor to the State Department has about sixty lawyers engaged, in varying degrees, in dealing with international legal problems.*

*"Unfortunately, many of the criticisms of work in the international organizations apply also to the federal government. Tasks are likely to be dull, repetitious, and unstimulating intellectually. A lawyer's first few years in practice are extremely important from the point of view of his professional training, and it is felt that adequate training of the sort needed by young lawyers is not generally available in the government departments. Consequently, many international lawyers advise spending a few years at practice in a large firm before going to Washington."*

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### Griswold Shows RECORD Story to Hague Delegates

To the Editor:

This is just a note of appreciation for your last two issues.

I was particularly pleased with the article for October 7 with respect to The Hague conference which I attended. It seems to me that Mr. [Gregory R.] Smith [1L] did this story with great understanding and accuracy. The issue was sent on to me at The Hague, and I showed it to the delegates there. They were all much interested in seeing it.

Indeed, I was proud to show our Harvard Law School newspaper to these representatives from other countries. This has not always been true in the past. I remember one other time when I was abroad and the RECORD was sent to me, a number of years ago. I very carefully kept the RECORD to myself, as I did not think that the issues at that time were a very worthy reflection of the School. I am very glad indeed that your issues this year measure up to the highest standards.

With best wishes,

Cordially yours,

Erwin N. Griswold  
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# Advocacy and Legal Expertise . . .

(Continued from page 1)

provisions of the legislation and the programs which have begun in New York City and across the nation during the antipoverty program's first year, I have been struck by the great potential for lawyers to play major roles in the war on poverty. In this article I would like to set forth some of the areas where I believe lawyers can make a major contribution to this national effort. I hope to suggest some of the unique attributes of the legal profession which offer special promise for the success of the antipoverty programs.

In assessing the role of lawyer in the war on poverty, we must consider the historical context of the Economic Opportunity Act of 1964.

## Power of Ideas

The background to President Johnson's legislative proposals in early 1964 is a remarkable testimony to the power of ideas to influence legislative action in the United States, for the Act clearly grows out of the writings and critical perspectives of a group of visionary thinkers in the late 50's and early '60's.

Michael Harrington's *The Other America*, the growing body of practical literature of the civil rights movement, such as Charles Silberman's *The Crisis in Black and White* and Bayard Rustin's *From Politics to Protest*, and a

number of sophisticated critiques of the existing welfare structure, combined to develop the consensus that eventually led to the passage of the Act.

It had become apparent that the gap between our power to eliminate poverty and our programs designed to that end had grown too great. John Kennedy said in 1962 that "Man holds in his mortal hands the power to abolish all forms of human poverty and all forms of human life." In 1964 our determination in Congress was that strengthening our capacity to achieve the former required a new and greater emphasis.

## Two Great Objectives

The language of the Act is specific. It seeks the elimination of poverty in the United States, and establishes ten programs and an administrative structure to operate the war on poverty. But the two great objectives of the anti-poverty program are contained in its key section, Section 202, (a) describing "Community Action Programs."

The first goal is the coordination of all programs which attempt to eliminate poverty in a community, and is emphasized by the phrase "which mobilizes and utilizes resources, public or private . . . in an attack on poverty."

## Role of the Poor

The second aim is insuring that residents of the areas affected by the program will play key roles in policy-making regarding their area, and is emphasized in the language of 202 (a) (1): "[A community action program is a program] which is developed, conducted, and administered with the maximum feasible participation of residents of the areas and members of the groups involved . . ."

I strongly believe that the skills of the legal profession can aid greatly in achieving both of these interdependent objectives.

In their excellent article in the

*Yale Law Journal* of July 1964, Edgar and Jean Cahn point out the special advantages which a lawyer brings to any effort to improve the social and economic status of the poor. The lawyer, they note, is a respectable source of assistance and thus may receive many inquiries and complaints which ought to be referred to a social worker but end up on the lawyer's desk because he is viewed as a source of impartial assistance.

In addition, the Cahns stress the lawyer's role as an advocate as an asset which is denied other institutional representatives who see their task as one of mediating between social institutions and not one of continually seeking to defend the rights of the poor.

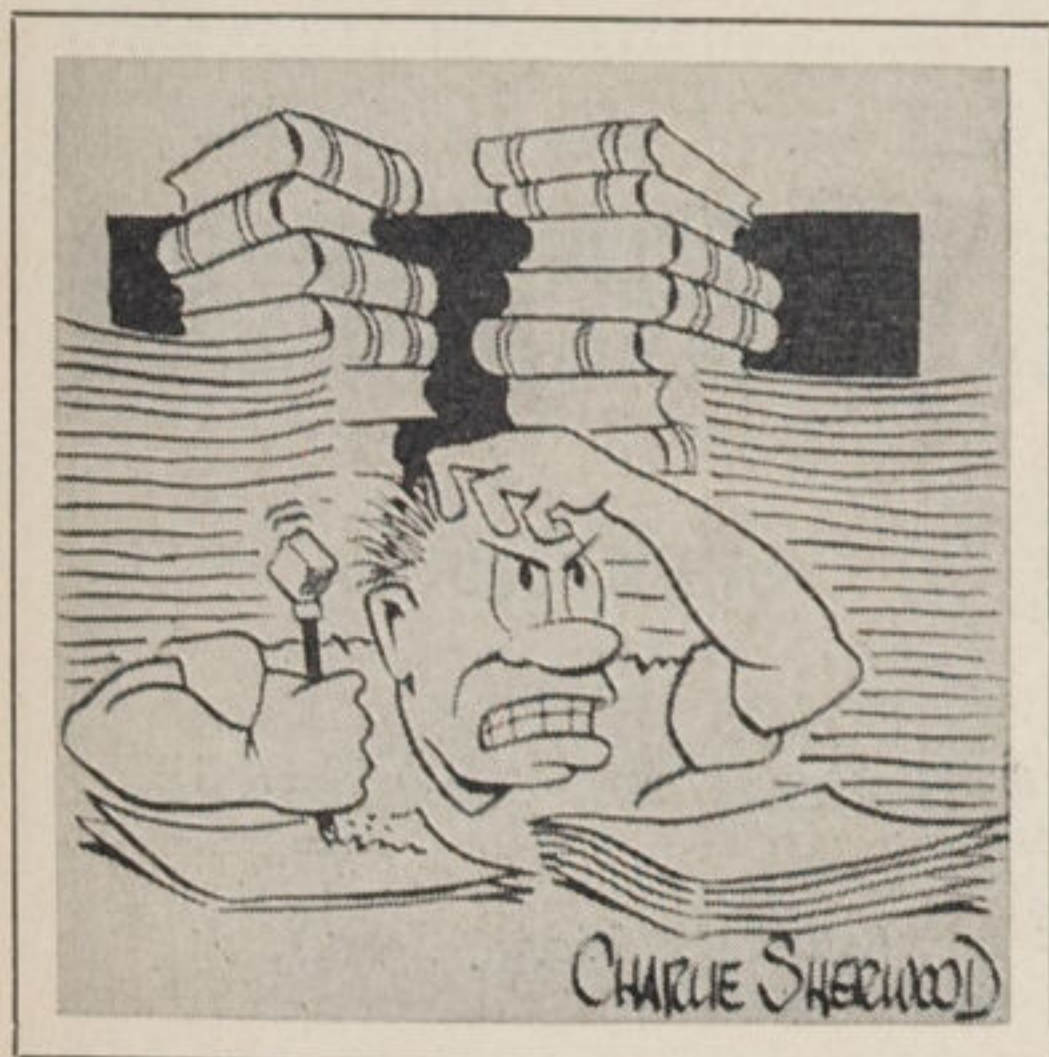
## Case Orientation

The Cahns also point out that the lawyer is case oriented, enabling him to consider individuals, not generalized discontent, in a chaotic neighborhood. Finally, they stress the legal expertise of the lawyer as a special asset for the poor, since so many of the problems of the poor have legal implications: eviction, welfare enforcement, police treatment, installment-buying are but a few examples.

In the effort to coordinate all resources which can be mobilized in the war on poverty, the lawyer's knowledge of legislation is a special attribute, for the Act provides tools for a comprehensive effort by local communities to seek funds from every available program of federal assistance to local communities which can be secured from the federal government.

Under Section 611 of the Act, application for federal funds for programs such as school construction and hospital facilities in poor areas can receive preferential treatment if they are included as part of a total community action program designed to eliminate poverty. Thus far, this "prefer-

(Continued on following page)



Brief, my eye!

# . . . Key Assets For Help to Poor

(Continued from preceding page) ences section" has not been widely utilized. When it begins to play a greater role, however, the knowledge of federal legislation and application requirements which a lawyer can supply will play a significant role in broadening a community action program to include relevant federal programs.

Similarly, the effort to coordinate all programs which can be set to the task of eliminating poverty is a task for which the legal profession bears special responsibility and qualifications. Several critics of the present anti-poverty programs have discussed the feasibility of a master plan for

social services which would be linked with the existing master plans for physical development of a city. Development and implementation of such a plan would be a challenge which the lawyer would be uniquely qualified to accept.

I feel that coordination can also be greatly assisted by the lawyer in an equally important fashion in the long and at times bitter negotiations among the various armies united in the war on poverty.

The city's departments and agencies coordinating organizations in City Hall, private welfare and community organizations, and neighborhood organizations formed

and composed of the poor—these are social organizations which may seem at first to have little in common and whose interests often appear to be in conflict in the early stages of formation of a comprehensive community development program.

The lawyer's objectivity, his skills at arbitration, and his respect in the community can make unique contributions to progress in bringing greater harmony and coordination among the growing number of groups seeking similar ends in the social services area.

From my own observations, however, it is in the area of the second  
(Continued on following page)



By John Dooley

Candidate Lindsay Exhorts Voters in New York's Lower East Side

# Participation by the Poor and Due Process

(Continued from preceding page) broad aim of the antipoverty programs—involvement of the poor—where the legal profession may be able to make its greatest contribution. The legislative mandate to broaden the planning, conduct, and administration of the antipoverty programs to include the poor themselves must, I believe, be considered one of the most far-reaching legislative achievements of the twentieth century.

We have recognized for the first time in national legislation that it is not enough to provide the resources for change, but that those who participate in social change often determine the effectiveness of change itself. We have learned that the root cause of poverty is often a fundamental feeling of powerlessness, to use Kenneth Clark's phrase in his monumental report on Harlem youth.

And we have taken the first halting steps in the direction of en-

abling those whose destiny, after all, we are trying to shape, to have the power and the sense of efficacy to influence the future of themselves and their neighborhoods.

Inclusion of representatives of the poor on the planning boards of the neighborhood and city-wide antipoverty policy-making councils, employment of poor persons as sub-and non-professional employees of the community action programs, and the continuing effort to organize and solicit the reactions of the poor themselves have become crucial strategies in our war on poverty.

I personally view this entire effort as an issue of due process. It seems clear that for too long the voice of those who are affected by federal, state, and municipal policy in the poor neighborhoods of our nation has been stifled and ignored. Those whose lives are dislocated by social change have been the last to be heard from and the least

likely to influence the final decisions of major import for the future of our nation.

As a problem of due process, the effort to involve the poor in antipoverty programs is one of great significance for the legal profession. Traditional roles of defending those accused of criminal acts are but one of the several ways in which a lawyer can contribute to the effort to insure that the rights of the poor are given equal priority with those of the rest of our society.

Legal aid programs such as those now operating in Harlem, and on the Lower East Side in New York, as well as in Washington, D. C., and Oakland, California have been among the most effective of the many programs now becoming associated with neighborhood service centers financed by the antipoverty programs.

The Legal Aid Society and stu-  
(Continued on page 14)

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# Tribulations of Regional Stock Exchanges

By William P. Schwarz

Mr. Frederick Moss, the youthful new President of the Boston Stock Exchange, spoke recently to the Bull and Bear Club about regional stock exchanges. A graduate of Columbia Law School, he came to Boston after 9 years with the SEC.

Moss explained that regional exchanges handle 6-8% of the volume of the national exchanges compared to 81-82% for the New York Stock Exchange and 8% for the American Stock Exchange. At one time the Boston, Philadelphia, and New York exchanges were equal. In fact, the Boston exchange was the first to list AT&T. However, sometime early in the 1920's somebody on the Boston Board thought it was a good idea to limit the ticker to the city.

The "crash" hurt regionals. Mr. Moss stated that the SEC Act of 1934 was a further blow to regionals. The reporting requirements pushed small companies to trade over-the-counter (no need to report) rather than on regional exchanges.

Recent developments have rejuvenated interest in regionals, reported Mr. Moss. The recent SEC Act requires reporting from many firms that had not reported before. This caused many companies to realize for the first time the higher costs of being traded over-the-counter. Thus, they are switching to regional exchanges.

Also important to the recent growth is the adoption by the Pacific Coast and Detroit exchanges of "give-ups" on round lot sales.

This allows the buyer to split the broker's commission up to a certain percent among non-brokers who aided in the transaction. Another development on the Pacific Coast Exchange is the admitting of mutual funds as members. The funds thereby save broker commissions.

One advantage of regionals, Mr. Moss explains, is their aid to

liquidity. Thus, where a seller has a large block of stock to sell, he can divide it up among regionals. This avoids depressing the price too much. Mr. Moss pointed out that less than 7% of the stocks are solely listed issues. Prices at regional exchanges usually follow the lead of New York. This liquidity advantage becomes more important when considered with another advantage.

New York requires the order to remain at a fixed price. The regionals, however, have no requirement of having to have a public market for round lots. Thus, a big order in New York could shrivel up the market. Mr. Moss said that still another advantage is that seats are a lot less expensive than New York — \$10,000 versus \$260,000.

According to Mr. Moss, the future looks bright for regionals. The SEC wants regionals to continue and offer some competition to New York. The "give-ups" and admitting of mutual fund members plus the usual advantages of liquidity, no fixed price order requirements, and cheaper membership would tend to indicate that regionals will continue to grow.

The Exchange president stated that one factor lurking in the background was the possibility that New York might allow block discounts. This would almost kill regionals by destroying their liquidity advantage. Mr. Moss cited several contributions of regionals, including the saving to

the investor of not paying a transfer tax and the adoption of new regional innovations by New York.

In response to a question from the floor, Mr. Moss answered that the later closing hours of the Pacific Coast Exchange were not much of a competitive advantage. Regional exchanges depend too much on New York to go it alone.

## 3L is V.P. of Y.D.

Slightly bruised but nonetheless the youngest person ever to hold a national office in the Young Democratic Clubs of America, Dale Higer, 3L, returned to the Law School from the YDCA national convention held in New York City October 11-16.

Higer went into the convention a candidate for president and came out of it vice president of the 800,000 member organization. Higer explained that a deadlock developed in the early morning hours of the final day of the convention and that he felt that because of his young age he would not emerge as a compromise candidate. "I believed that my best bet was to join a ticket which opposed Mayor Daley's candidate, a 37 year old named Ed Rosewell. Therefore, I threw my support behind Virgil Musser, the eventual winner. In return, I was his choice for vice president."

Higer is president of the Law-Grad Democratic Club here and a National Committeeman from Idaho.

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## Rep. Lindsay

(Continued from page 12)

dent legal aid groups have come to realize that the services of a lawyer are a precious resource and one that is rarely even considered by the poor to be available. These programs have done a good deal to demonstrate the manner in which the skills of the lawyer can be tapped for a segment of the society which needs them critically.

Beyond these legal aid programs, there are several other ways in which the lawyer can contribute. Legal education is an activity which must be broadened in poor neighborhoods if those who are totally unaware of what a lawyer is and what he can do are to be helped.

Mobilization for Youth in New York's Lower East Side has distributed wallet-size cards in Spanish which describe the rights of one accused of crime and how to reach a lawyer when one is needed.

Handouts on one page have been distributed also, describing the rights of welfare recipients and

persons buying goods on installment plans. These kinds of imaginative ways of communication offer a genuine challenge to the lawyer who is anxious that his services be relevant to more than a comfortable suburban clientele.

All of these activities of the lawyer in the antipoverty program, however, are in areas more or less associated with the present role of the lawyer as a private advocate and counsel.

Indeed, a new concept of the legal profession may be needed. The greatest contributions which the lawyer can make may well be in areas where he can play a role only if he takes an interest as a citizen, and not primarily as a lawyer. I am thinking of activities such as representing a neighborhood association of the poor in negotiations with the city administration which is unwilling to live up to the spirit of the Economic Opportunity Act and has refused to share real policy-making power with the spokesmen of the poor.

I am thinking of the role which lawyers have played in the civil

rights movement — as individuals deeply committed to social justice and possessing special skills of major relevance to the fight against discrimination — but as citizens, not lawyers under contract or obligation to serve a community.

This kind of initiative seems to me the kind of demonstration of social concern on the part of the "outside" that residents of the ghetto and the bleak countrysides of America can take inspiration from. It is this kind of service — out of conviction, rather than contract — which truly taps the talents of the legal profession in the neighborhoods where those talents are almost completely irrelevant today.

In my observations of anti-poverty programs throughout New York City and my discussions with directors and staff members of local community action programs around the country, I have been most impressed by the caliber of individual which a successful anti-poverty program demands.

(Continued on page 16)

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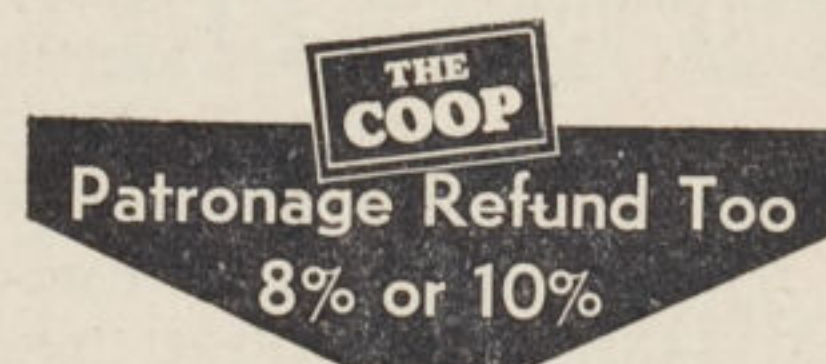
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# Oklahoma Students Lose Draft Deferment

By Brian Sweeney

Last week was a tough one for students from Tulsa, Oklahoma. At least three members of the Law School and one June graduate have recently received Selective Service notices, reclassifying them from II-S to I-A, and directing them to report for a physical examination.

On Oct. 21 the Harvard *Crimson* carried the story, and said that a "significant number of students at Harvard's graduate schools have been denied II-S classification." As everyone began to wonder about his own status, it appeared that the confusion, in Tulsa at least, was due to the Tulsa Draft Board's belief that Harvard law students are carrying on only a part-time course of study.

Miss Margaret E. Quinn, Registrar, said that Tulsa was the only Board that returned the School's Student Certificates, requesting that the number of class hours be specified. Paragraph 2 of the Certificate states, "this student is satisfactorily pursuing a full-time course of instruction under the rules of this institution."

R. Thomas Seymour, 2L, said that although "all the hoopla in the *Crimson* was unjustified," nevertheless he had been "sweating blood for a while." Donald G. Leka, also 2L, remarked that he was "amazed to learn how much discretion the Local Board has." Both students felt that although a II-S deferment is a matter of legislative grace, still it should be extended in an equitable manner.

Keith A. Jones, 3L and a member of the *Law Review*, stated that "there is no cause for alarm."

Evidently another student from Tulsa, Anderson G. Bartlett, III, does not share this confidence. A 1965 graduate of the Law School, Bartlett has been married for two years and is currently a student at the Harvard Business School.

When he received his call for a physical examination, he assumed it was a mistake, and wrote for an explanation. Shortly there was a reply from Tulsa, informing him that his formal appeal had been denied. Bartlett has decided to enter the Judge Advocate General's Corps in January. On February 7, 1966, he will be twenty-six.

## Nixon At HLS for Job Interviews



Richard M. Nixon

Former Vice President Richard M. Nixon came to the Law School on Tuesday, October 12, to interview students for his New York City firm—Nixon, Mudge, Rose, Guthrie & Alexander.

Unable to accept a Republican Club invitation to speak in public, Mr. Nixon met with a small group of student supporters in his room at the Sheraton-Com-mander Hotel.

The twenty-minute conversation reportedly concerned the future of the Republican Party but is otherwise "off the RECORD."

Among Republican Club officials who spoke to Mr. Nixon were Mack Armstrong, 3L; Fletcher Campbell, 3L; Michael Brady, 2L; and Kevin Keogh, 3L.

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# Rep. Lindsay

(Continued from page 14)

As I talk with those who have run these programs, it seems to me that three strains are essential for the effective antipoverty warrior. These programs demand outstanding administrative skills, with acute awareness of the ins and outs of all public and private agencies in the city or area, plus the ability to persuade and bargain with agencies to expand or significantly modify their operations, using the prestige of the political leadership of the community, but remaining free of it at all times.

The personnel in antipoverty programs must also be politicians — politicians at least as effective as the best local politicians in this country, for the staff of such an effort must be able to sense the power and the potential power of all local political groups, as well as what each group will and will not tolerate as public policy.

Finally, the staff of an antipoverty program must be philosophers of a sort, able to keep sight

of the sometimes incredible long run aim of eliminating poverty while dealing on a day-to-day basis with the thousand minor details that plague a program which seeks to do so much for so many.

I can think of no group of men and women who combine these skills and values more successfully than the legal profession of the United States. Lawyers possess unique skills and a perspective on social change involved in eliminating poverty from the American experience.

Abram Chayes, in his introduction to the Report to the National Conference on Law and Poverty in June of this year noted that the notion of due process for all citizens and the concept of law as "the dynamic of change" of our society are "impeccably conservative sentiments" which bear the potential for profound social change.

The task before our nation's lawyers is the practical realization of social change in a context of social justice.

## Events of Note

The Harvard Law Wives will hold their annual beer party on Saturday, Oct. 30, at 8 p.m. Admission is \$2.00 and is limited to married Law School couples only. Food, entertainment, and beer will be provided. Harkness Commons.

\* \* \*

On Tuesday, Nov. 2, Ralph L. Gustin, Jr., of John Hancock Insurance Co., Boston, will hold a group meeting on "Corporate Law Departments." All invited.

\* \* \*

Recent graduates and third year students interested in applying for a Teaching Fellowship in the Group Work Program for next fall should see or write to Prof. Richard H. Field.

\* \* \*

Alabama Attorney General Richmond M. Flowers will speak on "Southern Justice" at an open meeting of the Civil Rights Committee on Wednesday, Nov. 3, at 8 p.m., in the Ames Courtroom.

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