



Harvard Law Record

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Students Assay the Harvard Way

Most Plan Law Career

By Michael Lowenberg

The responses of approximately one-fifth of each class to a RECORD survey indicate that most law students at Harvard would still decide to enter law school if they were to be given the choice again.

Although doubts and regrets concerning this initial decision to come here increased as they advanced through Harvard, most uncertainties about career goals were resolved in favor of entering the legal profession.

Of the 109 1L's responding to the survey, 66.3% said that they intend to enter a legal career, a mere 0.9% (one student) said no, and 32.7% said that they were uncertain. Further exposure to the law showed its effects, however. In the second year, 73% of the students answering had decided to be-

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Large Classes Inhibiting

By Martin E. Robins

The effect of large-sized classes seems to have only a moderate impact on a Harvard Law student's interest in his legal education, but a majority of second- and third-year men complain that this largeness either is 'inhibiting' or develops too little incentive to answer.

These opinions were gathered in a Harvard Law RECORD survey mailed three weeks ago to 457 law school students. The survey has elicited more than 300 responses, approximately 100 in each class.

The survey revealed that between 50 and 60 per cent of second- and third-year students rarely participate in class discussions.

Those most satisfied with law school generally were occasional rather than fre-

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Some Students Are Interested



Others Are Bored

Stimulation Diminishes As Students Advance

(Continued from preceding page) quent speakers in class and recipients of "good" rather than "excellent" grades.

Greatest dissatisfaction was registered among those with "fair" and "poor" grades, especially those who speak rarely in class.

The single group which is most stimulated in both the second and third years is the occasional participant with "Good" grades.

On the stimulated-to-bored (seven to one) table, both 2L's and 3L's who participate "occasionally" in class and had "Good" grades averaged 5.4; 2L's and 3L's who speak "rarely" in class and have "Fair" or "Poor" grades average 3.4.

The survey also showed that first-year men, at least in early December, are by far the most stimulated class at the law school. The tabulations reflect a marked shift to lower stimulation in the second year and then a greater dispersion of attitudes in the third year.

Third-year students seem split between those who have either found their niche in more specialized work and described their stimulation as high and those who are impatient to leave or have become disillusioned with law school.

One third-year student, who found law school very stimulating explains, "it is most exciting intellectual experience ever." He added as another factor in his satisfaction "the realization that I am going to enjoy practice." Another declared, "Law is my profession."

of third-year responses shared the belief that their classroom performance or lack of it had adversely affected their study of law. Most blamed the class sizes for inhibiting their desire to speak or weakening their incentive to answer.

A second-year man who speaks

**Current Attitudes Toward Legal Education
On A Scale From 1 To 7**

	Bored					Stimulated	
	1	2	3	4	5	6	7
1L (N=100)	0	4	5	11	39	29	12
2L (N=88)	3	8	22	13	22	16	4
3L (N=94)	7	15	10	15	23	13	11

Of those verging on boredom, one third-year man stated, "I am tired of Socratic games." Explained another, "I am ready to start working." A third said he was "tired of the place."

Many of the impatient third-year men were students with "Excellent" grades who thought that "the third year's a drag" and would rather be practicing.

Some 13.2 per cent of second-year responses and 11.2 per cent

rarely in class noted these factors have "made day-to-day preparation less necessary" and have "dulled" his interest. Another finds the law school classes "cold and indifferent."

A segment of opinion, at 6.6 per cent of the second-year responses and 7.8 per cent of the third year, all of whom contribute in class frequently or occasionally, believed the classroom situation at Harvard had increased their interest in legal study.

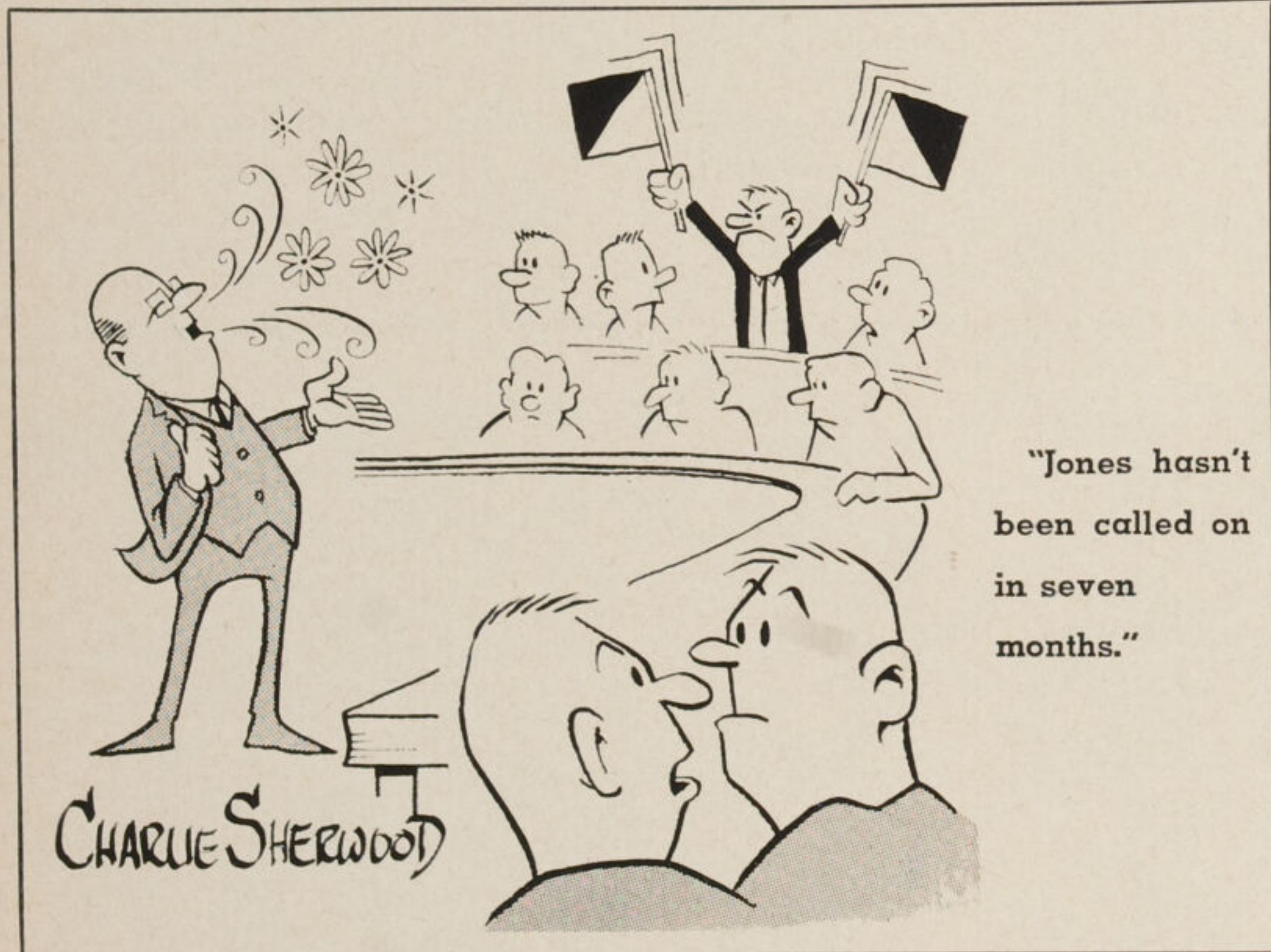
Several said the level of teaching demanded more preparation and others pointed to the thrill of matching wits with professors.

Although many found fault with the large classes, the overwhelming majority of about 80 per cent, found the intensity of their classroom participation had no effect on their interest in legal study.

Many of these people contended adequate preparation was the key to enjoyment of classes and that it could sufficiently overcome any disadvantages presented by class size.

Some 65 per cent of third-year students and 58 per cent of second-year men find class either inhibiting their desire to speak or failing to

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Dean Predicts Defiance By Rhodesia Bench

By Paul M. Branzburg

There is a strong possibility that Rhodesia's top judges—those of the Appellate Division of the High Court—will refuse to take an oath of loyalty to Ian D. Smith's rebel regime. This was the opinion expressed by Dean Erwin N. Griswold at a meeting of the International Law Club on December 8 in Harkness Commons.

"My guess," he said, "is that there will be a good deal of communing among the judges; that the Chief Justice will then refuse to take the oath of loyalty; that the others will then back him; and then Rhodesia will have no judges."

"You may think that this will not be very important," he added, "but there are very few lawyers in Rhodesia."

A skeptical questioner inquired about the likelihood of this turn of events. "I have no personal knowledge about what the judges will do, although I know some of the judges," answered the Dean. "They are all judges trained in England. It would be far from clear to me that the judges of the High Court are going to knuckle under."

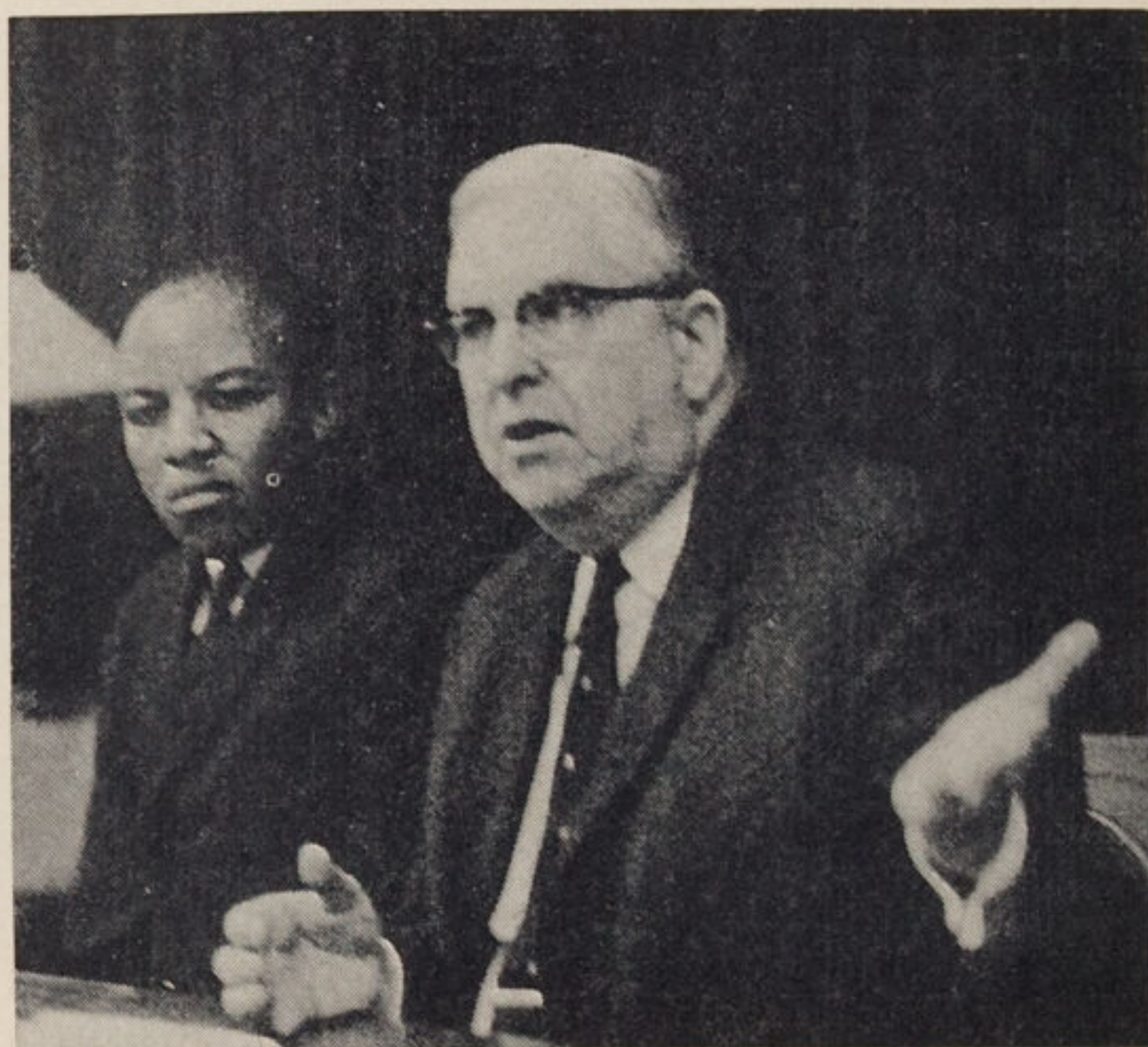
"My greatest concern about Rhodesia," said the Dean, "is that rioting will occur; that Rhodesia will call on South Africa; and that we will wake up one morning to find that Rhodesia is a fifth province of South Africa."

"If we and Britain were unable to deal effectively with the new South Africa, the rest of Africa would conclude that we are not really committed, and then throw us out and try to deal with the problem themselves. This would be unfortunate indeed."

"My feeling is," the Dean concluded, "that Prime Minister Wilson's process of gradualism will *not* accomplish anything in Rhodesia. The only people who will really suffer are those in Zambia, where the crisis is most likely to concentrate."

Also on the panel with Dean Griswold were Professor Rupert Emerson of the Harvard School of Public Administration, and Mr. Musa Shamu-Yarira, a Harvard graduate student in economics and a resident of Salisbury, Rhodesia.

Prof. Emerson briefly summarized the colonial history of Rhodesia, noting that the brutality of the early settlers "had the effect of cowering Africans in Rhodesia so that they still have not asserted themselves as much as Africans elsewhere."



Dean Griswold and Mr. Shamu-Yarira

After the "illegal declaration of independence" on November 11, Prof. Emerson noted that there had been "no outburst of hostility on the part of the African population because they are held down by a widespread espionage system and police force."

Mr. Shamu-Yarira castigated the British government because ever since 1923 it had reserved the right and responsibility to protect the interests of Africans in Rhodesia. Great Britain has never exercised that right, he charged, and that is why there are so many discriminatory laws in Rhodesia.

One of the more notorious laws which discriminated against Africans and about which Britain did nothing was the Land Apportionment Act of 1941 which obliged Africans to live in "townships" outside of European settlements.

A student in the audience asked Mr. Shamu-Yarira if he had the feeling that United States foreign policy is more tolerant of racists than of social democrats. "We are going to ask for help from anyplace," the African Rhodesian answered sharply. "We do not care about ideologies; we are fighting for our existence."

Oscar Awaits Epic

By Oscar Q. Fenno

"Cut!" "Take five." "Let's try it again."

As the denizens of Langdell Library are by now well aware, something a bit unusual is going on over there past the New York Reporters.

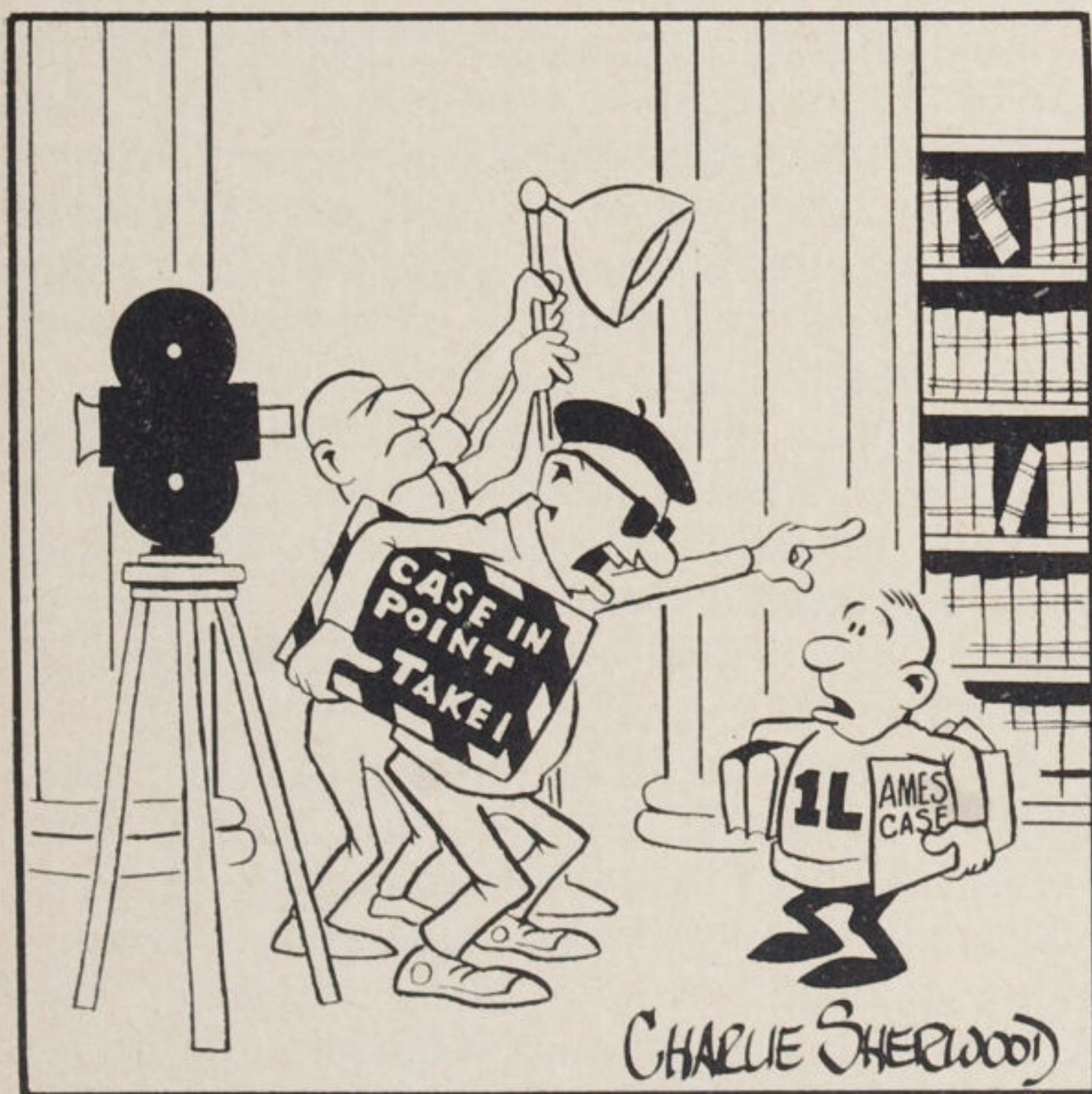
Yes, that old and well-loved film epic, "Case in Point" is being re-filmed by a jurist-thespian group under the direction of the



Photog Uses Wheelchair For Steady Movement

Board of Student Advisers and a team of independent film-makers.

The new movie will be ready in time to educate next September's first-year class in the mysteries of the Ames Competition. Meanwhile, the plot highlights are a well-guarded secret.



"Beat it, kid! Can't you see we're busy?"

The HLS Economist

By Marco A. Rigau, Jr.

Visiting Lecturer Richard A. Musgrave has a quality rare among members of the Law School faculty: he is not a lawyer. An economist and tax expert, Dr. Musgrave has been associated with Professor Frank E. A. Sander's taxation seminar and Professor Oliver Oldman's seminars on state and local taxation and tax reform in developing countries.

In addition to his duties at the Law School, Dr. Musgrave is Professor of Economics in the Graduate School of Arts and Sciences, where he teaches a course in public finance. He has "returned home" to Harvard this Fall after teaching at Princeton University for two years. Prior to that, he taught at Johns Hopkins University, the University of Michigan, M.I.T., Swarthmore College, and the University of Frankfurt (as a Fulbright professor).

Dr. Musgrave believes that the relation of the economist and the lawyer is one of equals. "The application of the economic policies" he said, "needs legal instruments to become effective because the economic policies operate in the legal framework of society."

"The relation or interaction between the economist and the lawyer can be explained in four steps," he continued. "The first step is the diagnosis — to analyze what is wrong." This step will explain, for example, why there is inflation or why the economy is not growing. The second step might then present a "general prescription," where the general policy for correcting the problem is formulated (for example, a tax cut). In these phases, the economist plays the active role.

In the last two steps, the interaction between the lawyer and the economist occurs. Here, the "specific changes" and the "drafting of the law" takes place, and the lawyer's function will be to provide "concrete action." Dr. Musgrave added that "only then can one actually test how the solution is going to work."

The soft-spoken professor explained that while the lawyer tends to seek economic changes in a given legal structure, "the economist is much more given to change the frameworks and structures." He believes that

(Continued on page 6)

Gruening Sees Vietnam Policy As "Nonsense"

By Murray S. Levin

Comparing American action in Vietnam to Stalin's seizure of the formerly independent countries around Russia, and finding the domino theory "arrant nonsense," Senator Ernest Gruening vigorously assailed American involvement in Vietnam before a meeting of the Harvard Law-Grad Democratic Club last Thursday evening in Harkness.

The Alaska Democrat, who has been advocating for 21 months that the United States get out of Vietnam, contends that the



Senator Ernest Gruening

justification for our course in that wartorn nation "differs very materially from the official record." He challenged President Johnson's statement that two previous administrations have given a "national pledge" to aid the government of South Vietnam against Communist aggression.

Sen. Gruening cited correspondence between President Eisenhower and President Diem dealing with limited U.S. aid to be given subject to several conditions, including the undertaking of needed reforms, assurances as to standards of performance, and the maintenance of respect for the Vietnamese government at home and abroad.

It seems clear that the government of South Vietnam did not meet these conditions. "But in any event nothing was said about sending in our troops. There was no promise or pledge of military aid."

In contrast to the "national pledge" — "that dubious, conditional, qualified, tentative offer of help to a vanished South Vietnamese chief of state" — Sen. Gruening directed attention to American violation of solemn, unqualified treaty commitments — the U.N. Charter, the Southeast Asia Treaty (SEATO treaty), and the unilateral American declaration that we would support free elections in Vietnam and refrain from the use of force there.

According to Sen. Gruening, elections were never held because "it was felt that Ho Chi Minh would be elected." The Senator carefully documented American violations of the Geneva Conference prohibition on the introduction of war materiel into Vietnam. Although our military personnel would not cooperate with international inspection teams, large numbers of helicopters, fighter bombers, jeeps, howitzers, and other military equipment were recorded as having been introduced into South Vietnam by our government.

Sen. Gruening believes that the war in Vietnam is essentially a civil war. He quoted a remark by President Kennedy which refers to "the civil war which has gone on for 10 years," and also cited with approval the late President's remarks during a television interview: "I don't think that unless a greater effort is made by the Vietnamese Government to win popular support that the war can be won out there. In the final analysis it is their war. They are the ones who have to win it or lose it."

Had we not intervened, Vietnam would today most likely be united under the leadership of Ho Chi Minh. But the Senator from Alaska is not frightened by this prospect. He believes that such a regime would be similar to the Tito government in Yugoslavia, and would serve as a voice of dissent among Communist nations in Southeast Asia. As it is, American policies are producing the

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Prof. Musgrave

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the two approaches produce a "fruitful interaction."

Turning to the recent controversy between President Johnson and the aluminum companies, he noted that the national economy "is at a point where price problems will continue."

Born in Koenigstein, Germany, Dr. Musgrave started his studies at Munich University. In 1931 he went to Exeter College in England, but returned to Germany a year later, where he graduated from Heidelberg University in 1933. That year, he came to the United States and began his graduate work in economics at the University of Rochester.

Dr. Musgrave moved to Harvard and received his doctorate in economics in 1937. From 1936 to 1941 he also held the position of Lecturer and Tutor at Harvard. He became a naturalized United States citizen in 1940.

Aside from teaching, Dr. Musgrave has had ample opportunity to observe the interaction between the lawyer and the economist.

He has been economist for the Board of Governors of the Federal Reserve System, Chief Economist of the International Bank for Reconstruction and Development Mission in Colombia in 1949, consultant to the governments of Burma, Japan, and Korea, and consultant to the Puerto Rican Industrial Development Company. He has also served as a consultant for the United States Treasury and for the World Bank. In addition, he has found time to publish a number of books and articles on taxation and public finance.

Dr. Musgrave is married to another economist, and they have one son, who is attending the sixth grade.

RECORD Elections Held

Michael Lowenberg, 3L, has been elected President for the Spring semester by a unanimous vote of the Harvard Law Record Corporation at its semi-annual election meeting on Tuesday, Dec. 14. Mr. Lowenberg is a 1963 graduate of Brooklyn College and is currently serving as the RECORD's managing editor.

The next edition of the RECORD will appear on Thursday, February 3, 1966.

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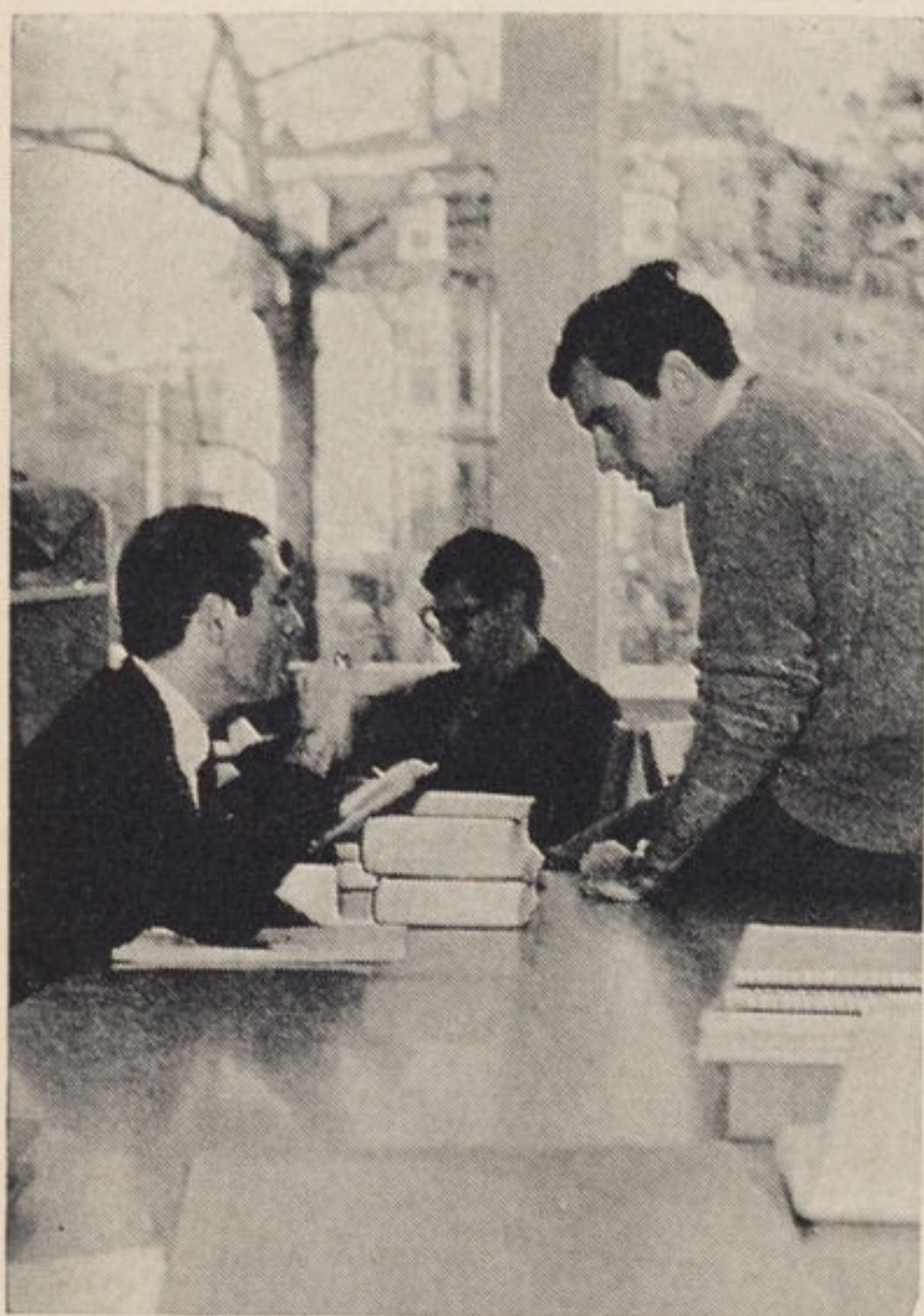
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Students Assess Quality of Their Education

By C. Richard D'Amato

The quality of teaching at Harvard Law School is "usually excellent" according to a majority of students polled in the RECORD survey. Most students favor case studies with an intervening text as the most desirable form of course material. A slim majority feels the



More exams desired

Law school should give more frequent examinations, the most often cited reason being that the "necessity of more frequent review would be beneficial to your understanding of the material." An overwhelming 85% of those polled felt that a reading period preceding final examinations was desirable.

Exactly one-half of the second- and third-year students polled felt their second-year courses were more interesting than those of the first year, while 25% felt the second-year courses were "as interesting" and 25% felt they were "less interesting." A majority of third-year students said that their third-year courses were "better than both" previous years. These are the general results of a series of questions regarding a structural evaluation of the Harvard Law School system.

While 63% of the respondents

indicated the quality of teaching was "usually excellent", there were some significant variations among the classes. 73% of 1L's and 72% of 3L's answered this way, but only 58% of 2L's found this to be so, while 34% of the 96 2L's responding felt the quality of teaching was only "Generally Good." 26% of the 3L's and 18% of the 1L's found it "Generally Good". Only 6% of all those polled said they thought the teaching at Harvard was "Uniformly Excellent", and 4% called it "Occasionally Good."

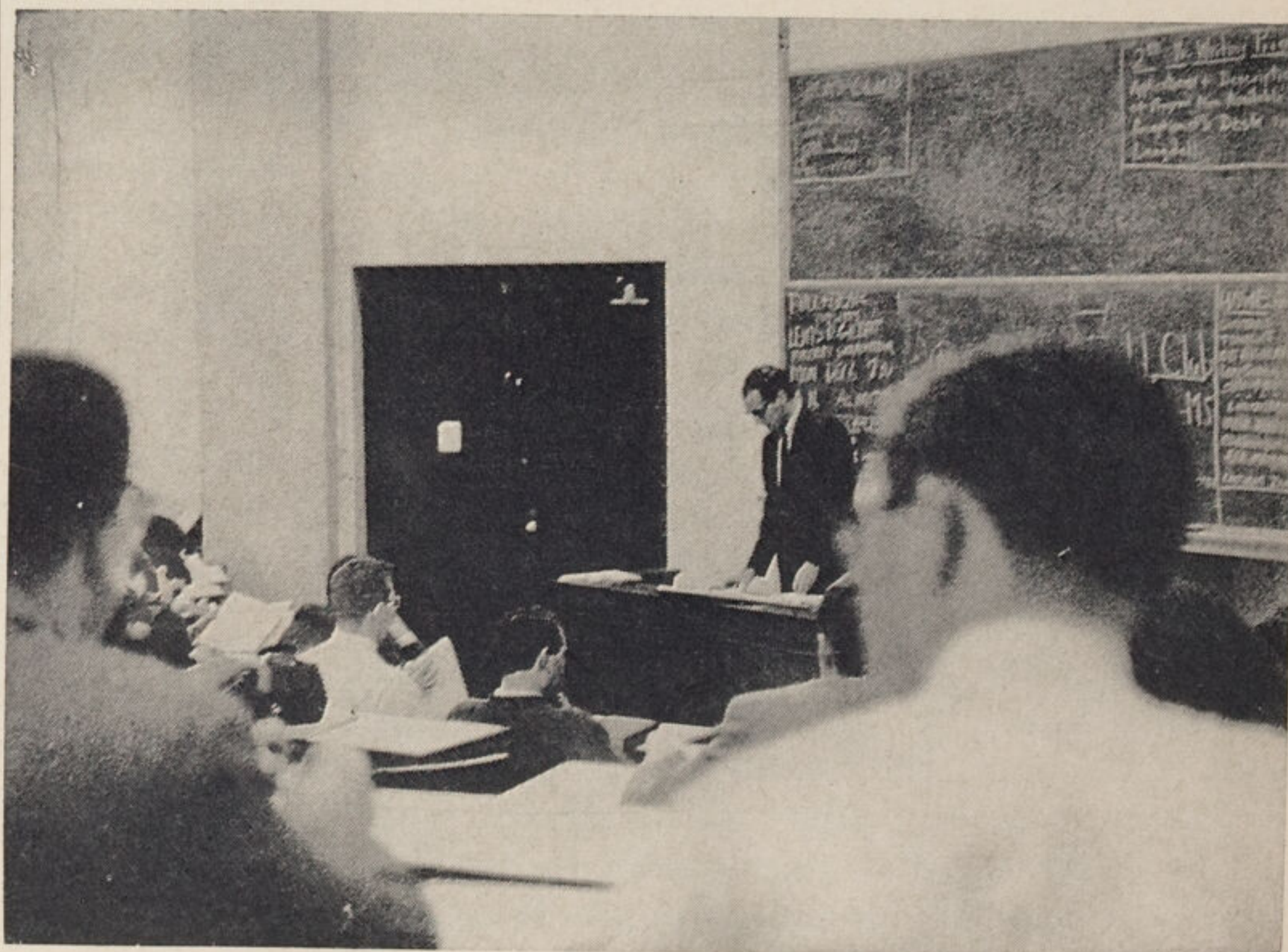
Though 65% of those polled liked case studies with intervening text best, partiality toward this system declines from 1L to 3L. While 76% of 1L's checked this alternative, only 62% of the 2L's and 55% of the 3L's opted for it. On the other hand, text seems to gain in popularity as one goes through Law school, since, while only 15% of 1L's who responded liked materials "evenly split between cases and text", 30% of 2L and 3L respondents favored this alternative. This would indicate that the case study method is probably more valuable for the first year, while explanatory texts are more desired second and third years. Only 3% of all

respondents wanted "case studies only", and 7% wanted "mainly text."

55% of the 308 law students who answered a question on frequency of examinations felt more exams would be beneficial. However, only a majority of 1L's and 2L's felt this to be true. 3L's in general do not want frequent examinations. 61% of the 1L's, 54% of the 2L's, and only 42% of the 3L's want more exams. 62% of the 3L's who said they did not want more exams felt that such exams "would require too great an expenditure of time."

The strong opinion of all classes is that a reading period preceding examinations is essential. Of the 307 students responding to the question, 261 favored such a period.

Comparing their second and first year courses, 45% of the 2L's felt later courses were more interesting, while 29% said they were "as interesting" and 26% called them less interesting. 54% of third-year students felt their second-year courses were more interesting than first year, and 57% of the 3L's called their present courses better than their courses of both previous years.



63% Say Teaching Is "Usually Excellent"

Low Pay, Lower Status, Boredom . . .

By John Spitzer

Indicating that the issue is still burning, the students in the Law School are split over whether or not more readings in sociology and psychiatry should be offered in first-year criminal law courses.

The 47 percent of the 314 replies to the RECORD poll who said there should be more of this material (51 percent among first year students) frequently commented on the boredom that plagued criminal law classes when Constitutional issues all too often degenerated into procedural technicalities.

The 51 percent who said "no" to more sociological and psychological material gave a variety of reasons. A typical comment was that "Harvard Law School students are felt to have enough background already in psycho-social problems. They can do research on their own if they want to."

Another said that he "would first like to know whether his client had committed a crime before he would want to know about any Icarus complex of the client."

Others favored a toughly pragmatic approach to the study and administration of criminal law, *e.g.*, "Sociological problems of the criminal should be secondary to keeping the bastards off the streets."

Students who felt that more sociology and psychology should be offered gave a number of reasons why it is not offered now in most first-year courses. All three classes were equally split between lack of class time, casebooks being inadequate to deal with psycho-social problems, and the Socratic method of teaching being ill-suited for the presentation of such materials.

Assistant Professor Alan M. Dershowitz disagreed with this last conclusion and asserted that *some* sociological and psychological materials are extremely relevant to legal principles and can be effectively presented with the Socratic method. He stresses that students must be taught to think through such data and determine its relevance or irrelevance to the problem at hand.

The youthful professor, known to his class for his dramatic readings from the *New York Times* and FBI skits, is careful to qualify, however, that he would not have sociolo-

gists or psychiatrists determine who should go to prison or who should go to a mental hospital. "These problems should be dealt with by lawyers."

Although Professor Livingston Hall agrees



Fifty-one percent said "No"

that sociology and psychology are relevant to the study of criminal law, he chooses to emphasize legal principles in his first-year course. "Most of the students in my criminal law class will probably not become criminal lawyers. My first duty is to teach them case analysis and to introduce them to law and its methods. Sociology and psychology in depth can come later for those who are interested."

The Law School catalog explains that the criminal law course "is intended to give students a working knowledge of the basic questions of public policy involved in the administration of criminal justice."

A further question in the poll asked whether or not your first criminal law class had given (or will give) adequate prepara-

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. . . Marked Views of Criminal Law

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tion to handle sociological and criminological problems involved in a criminal case, *e.g.*, consequences of a successful insanity defense, familiarity with the realities of law enforcement practice and sex offender problems.

As on the first question the response was a split. A third said that they could handle such problems, a third said no, a third were uncertain. Significantly, the second-year students — a fourth of which have been through the Dershowitz gambit with the Donnelly, Goldstein text — said 43% Yes, 29% No, 22% Uncertain, in contrast to the third year students who said 29% Yes, 45% No, and 19% Uncertain.

As was expected, the overwhelming majority of students reasserted the prevailing belief that the "status" of criminal lawyers is low — many specifically adding *very* low. Among the 314 questionnaires returned, only one student said that the status of criminal lawyers is higher. He admires the bulldog qualities of the criminal lawyers as opposed to his image of corporate lawyers being generally complacent.

About half the students checked "low pay" as a reason for the low status of criminal lawyers, but 75 percent of those polled also said that low pay was only a subsidiary factor.

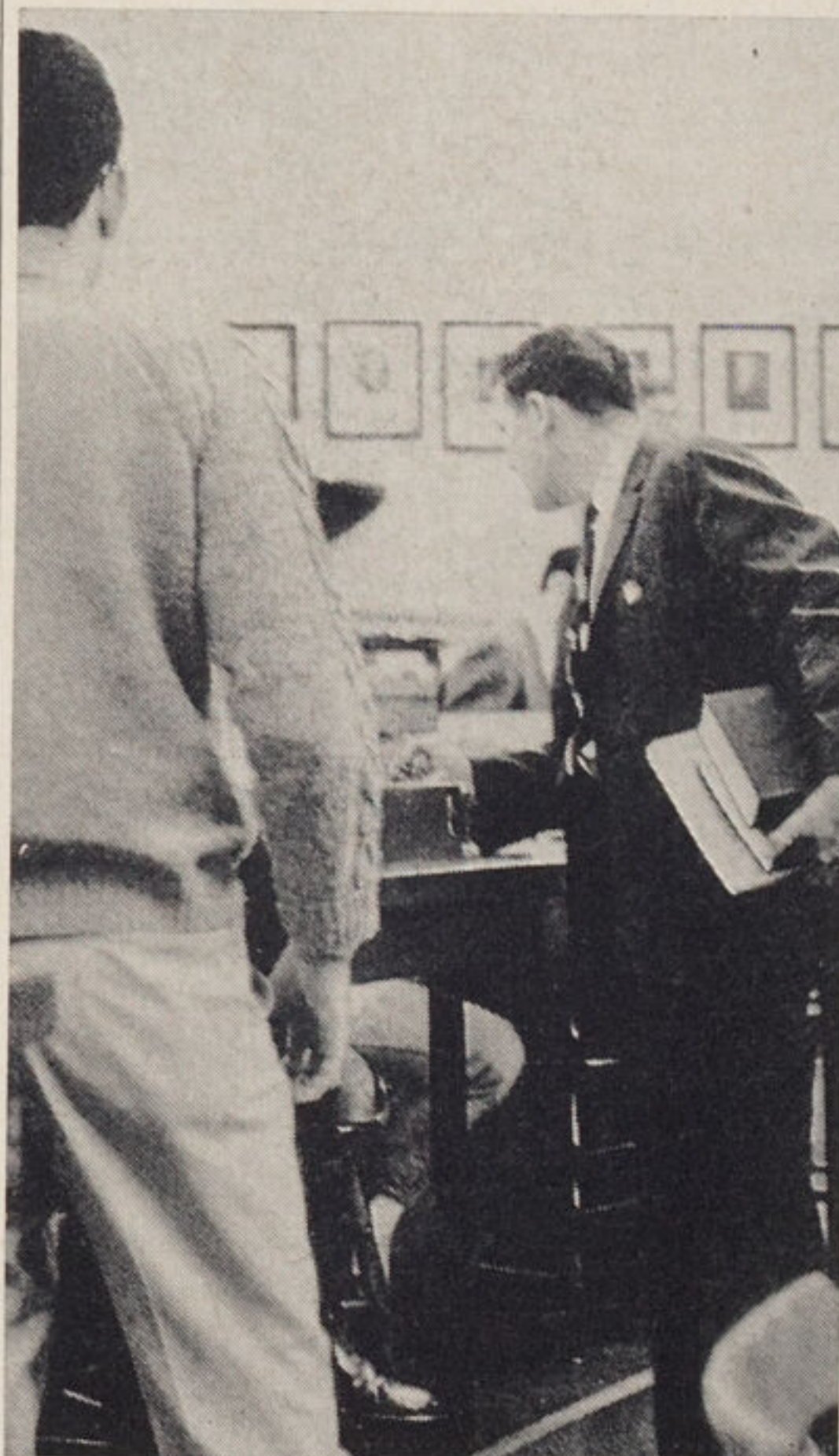
"Guilt by association" with a lot of anti-social crooks was the prevalent reason for the low status of criminal lawyers. Specific comments included "grubby clients," or "gruesome material," or "depressing legal situations."

Some stressed what they believed to be the marginal ethical position of the criminal lawyer who often has to "stretch" ethics and make "frantic attempts to free an obviously guilty client on a constitutionally manufactured technicality."

Others asserted that "criminal

law isn't nearly as exciting as these questions seem to imply it is" and argued that the practice of criminal law was a "house keeping" function. "A criminal lawyer is not so much an officer of the court as he is mouthpiece."

A further question posed the fairy tale hypothetical situation that "If you could be guaranteed, as a criminal lawyer, the same



'Genteel Breeding'

income and status you would attain in non-criminal law practice, would you become a criminal lawyer?"

First-year students replied 41 percent "yes they would" and 43 percent "no." Indicating that a good deal of this idealism is lost after the glut of second-year commercial courses, both second- and third-year classes gave only 27 percent "yes" responses and 58 percent "no" responses.

Most of the "yes" responses did not give reasons. Their comments indicated only a general consent to the hypothetical situation, while a few added that they were going into criminal law anyway and dis-

claimed vociferously that money or status had anything to do with their decision.

Those who said they would not enter criminal practice even with equal money and status often suggested that the legal principles involved in criminal law were "repetitive" and often just plain "dull." They indicated an interest in a variety of other fields which seemed to them "more intellectually challenging" and which embraced "larger problems affecting more people and more interests."

Some cited the "disgusting and unappealing" subject matter. Another expressed his insight that "life and death situations in criminal practice were not conducive to a pleasant life." A select number of third-year students pointed to their "genteel breeding" and their desire to maintain "a high-class corporate image."

One student frankly stated that "my sympathies are with the district attorney."

The final question of the criminal law section of the survey asked if you would urge the faculty to offer a second-year criminal law elective to close the one-year gap in the field to those interested in pursuing criminal studies and practice.

The overwhelming majority 82% said "yes." One student commented that (although he was not planning to become a criminal lawyer) "the bias toward second-year commercial law positively discourages interest in criminal law."

Another stated that Harvard Law School had a duty to train as many good criminal lawyers as student interest allows.

Another third-year student said "yes" and added the ambiguous comment that "Most of the half year courses are worthless anyway."

Prof. Hall commented that a proposal for a second-year criminal law elective course is presently before the faculty, but that their decision is not yet announced.

The Harvard Way

Each year the RECORD conducts a survey to ascertain views on matters of interest to students, teachers, and practitioners of law.

This issue contains the results of a survey the subject of which is fundamental to the Harvard Law School community: How do the students at Harvard assay their legal education?

The task of interpreting the answers to a many-faceted questionnaire completed by more than 300 students is not without the danger of over-simplification. Yet the results of the survey clearly indicate that the students believe that the best way to study law is not always the "Harvard Way".

According to the survey, the longer students remain at the Law School, the more they become "bored" with their legal studies. One of the key reasons for this attitude seems to be the large numbers of students in each class; a majority of second-and third-year students almost never participate in classroom discussions. It is reasonable to suggest that while large classes may be advantageous for first-year common law courses, more seminar-like sessions should be scheduled for the technical courses that are offered later.

Another desire for change concerns the frequency of examinations and the establishment of a pre-exam reading period. First- and second-year students favored more frequent examinations, and a strong majority of all respondents urged that there be reading periods in which to prepare for these ordeals. It would appear that if exams were given more often and more "free" time were available to study for them, there would be less pressure on students than under the present "one shot" method which determines the fate of legal careers.

The survey revealed a varied and often regrettable attitude toward the study and practice of criminal law. But, curiously, the students spoke out with rare unanimity for more criminal law courses, particularly in the second year.

It is important that this suggestion, like the others, receive careful consideration. Only by responsiveness to new ideas will the "Harvard Way" continue to symbolize excellence in legal education.

Harvard Law Record

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TONGUE 'N CHEEK

By Fenno

Special from the chief of the RECORD's Washington Bureau —

The heads of the three major television networks announced Wednesday that next week they will begin live coverage of the Vietnam war. The program will be telecast in compatible color. It is believed that this is an innovation in television broadcasting.

From his studio in Danang, anchor man Fenno F. Fenno will coordinate broadcasting activities. His job will include allocation of broadcasting assignments so that no battle is shown on two networks at the same time. Thus, by switching from one channel to another, the viewer can see the war develop on three fronts simultaneously.

In the booth with Mr. Fenno will be Mr. Chiang Kai-shek, a noted expert on Far Eastern affairs. Mr. Chiang will comment on developments in the field and will assist Mr. Fenno in conducting interviews with prominent guest stars. Mr. Fenno is the internationally syndicated columnist of the *Harvard Law RECORD*.

In an exclusive interview with this reporter Mr. Fenno outlined the new program's purposes. "Primarily," he said, "we want to provide good, wholesome, family-type entertainment. The television networks are concerned about the growing number of shows dealing with sex, politics, and other things children shouldn't see. This program will help reverse that trend as well as provide children with an idea of how the American governmental system works."

The aim of the program, according to Mr. Fenno, will be to "take the American public into the fox-hole." The technique of the stop-action camera will be used extensively to give instant replays of important items such as a V.C. ambush or the burning of a village.

"All of us connected with the show hope it will be a success," concluded Mr. Fenno, "but it will depend on the Nielsen ratings."

Letters to the Editor

Author of Ruby Trial Book Praises Skolnick's Review

To the Editor:

May this '54 graduate of the Yale Law School tell you with what pleasure he read Prof. Skolnick's review of Kaplan & Waltz, *The Trial of Jack Ruby* in your December 2 issue?

Prof. Skolnick's review was a perceptive one, posing some additional vexing questions about this bizarre trial. I am grateful to you and your staff for having published it.

Very truly yours,

Jon R. Waltz

Professor of Law

Northwestern University

IL Submits Two Quatrains On RECORD Oversight

To the Editor:

Re: Article on Lewis Gilbert
*Were Wilma on the gravy train,
The cause might be compelling
To call her "Sauce" instead of
"Soss" —*

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as "Sauce."*

William A. Shapiro, 1L

Maryland Law Examiner Sends Good News

To the Editor:

Recently your columns have contained some discussion of the degree of success or nonsuccess attained by law school graduates in various state bar examinations

You might be interested to learn that in Maryland, in the four Bar Examinations given during the years 1964 and 1965, the Harvard Law School passing rate was 93%, as compared to an overall passing rate of 50% for those taking the Examination for the first time, and 45% for all of those taking the Examination, including repeaters. There were no Harvard repeaters.

This passing rate was higher than that attained by the graduates of any law school in Maryland. There were a few 100% schools (including Yale), but in every instance, the 100% schools had six or fewer people taking the Examinations. Fourteen Harvard Law School graduates took the Examinations.

Very truly yours,

William H. Adkins II,
LL.B. '52

Maryland State Board
of Law Examiners

Law Classes

(Continued from page 2)

develop incentive to answer. These figures jumped to 67 per cent (2nd yr.) and 74 per cent (3rd yr.) among those who rarely speak in class. Twenty-six per cent of the second year class and 16 per cent of the third year replies thought "size makes no difference." Only one per cent of the second-year group and two per cent of the third year responded that "large classes provide greater impetus to participate."

Approximately five per cent of 2L's and 3L's responded that large classes provide desirable anonymity and about 10 per cent were most relieved that the numbers reduced pressure and allowed more time to digest the points made by teachers and other students.

A perpetual law school query is whether 'that fellow in the back of the room who talks so much in class delivers on exams.'

The answer the RECORD poll provides is probably Yes. Frequent participants average between 'Excellent' and 'Good' grades. Occasional participants fell into a range a bit below 'Good' grades but well above 'Fair' and the infrequent oralists are in the same range but closer to 'Fair.'

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New HLS Group to Study Vietnam Policy

By Frank R. Parker

"Because the Johnson Administration has given out half-truths and lies about our involvement in Vietnam, independent groups should investigate our policies. The facts about the many things suppressed and distorted by the government should be placed before the public to enable them to decide whether they want more American lives lost in Vietnam."

This was the rationale given recently by William M. Resnick, 2L, for the formation of the Vietnam Study Committee in the Law School this year. Along with Resnick, Tom H. Christoffel, 2L, and Molly T. Geraghty, 2L, organized the new committee for a program of research projects and a speakers series.

Among the research efforts undertaken this semester, according to Resnick, was an investigation into the law of the Nuremberg Trials as a possible legal basis for refusing to participate in the Vietnam war. Speakers for the committee's meetings have been drawn from the outside as well as from the Law School faculty.

The committee has not been discouraged by recent public opinion polls showing a decline in the number of Americans who support U.S. withdrawal from Vietnam. Instead, members of the committee see this as a "predictable response" to the lengthening casualty lists. Public opinion should not be a guide for our policy, said one member, because "the government is suppressing information on which an enlightened choice can be made."

Asked whether the committee had come up with any viable solutions to the Vietnam imbroglio, Resnick responded that there were "plenty of solutions." "But there are few," he added, "which politicians are willing to support."

Among the solutions the committee members think are available, Resnick listed: appeal to the U.N., a negotiated settlement with the Viet Cong, cessation of aerial bombing, and withdrawing to coastal cities. However, Resnick pointed out, the committee is not in favor of a unilateral withdrawal of all U.S. troops.

Gruening Speaks Out

(Continued from page 5)

very result they are calculated to prevent. By our attacks on North Vietnam we may have succeeded in driving the Vietnamese into the arms of their neighbors to the North, the Communist Chinese, and have in fact strengthened Communism in that area.

Calling for a "return to the rule of law," Senator Gruening said that our bombing of North Vietnam is without justification, and, after 10 months, without appreciable effect. "It is the sort of thing we condemned when done by totalitarian powers in past years."

Although he believes that "nothing that happens in South Vietnam jeopardizes the security of the United States," Sen. Gruening would favor aid without limit if a free government in Australia or New Zealand were threatened by Communist aggression.

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Recent Book

Death On the Highway and the Auto Industry

Unsafe At Any Speed. By Ralph Nader. New York: Grossman, 1965. Pp. 365.

By Neil L. Chayet

Mr. Ralph Nader, LL.B. '58, entered the field of automobile safety in 1958 when he chose it as the subject of his paper in the seminar in medico-legal problems at the Harvard Law School.

Since that time Mr. Nader, a former President of the RECORD, worked diligently behind the scenes gathering information on automotive safety and the failings of the automotive industry in this area. The result is that he has become deeply committed to the proposition that the Detroit manufacturers have been incredibly delinquent in providing the public with safer cars. Furthermore, the author believes that Detroit has long possessed the ability to build safer cars.

50,000 Dead

The magnitude of the problem is difficult to grasp and, once grasped, to accept. The American public has quietly swallowed the yearly statistics—50,000 dead, a million injured, \$2 billion in property damage. The very size of the figures seems to have created a kind of indifference based on inevitability. Year after year goes by with only the smallest outcry

Mr. Chayet is Assistant Professor of Legal Medicine at the Boston University Law-Medicine Institute. He is a former President of the RECORD.

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against the practices of the automotive industry.

Thanks to the work of men like State Senator Speno of New York, Congressman Kenneth Roberts, and Ralph Nader, this small voice of protest has now become a clamor. The results of their endeavors are slowly becoming evident. This book tells the fascinating story of why their arguments fell for so long on deaf ears.

Tragedy of Corvair

Mr. Nader attacks from his strongest position. He begins with an exposé of what he calls the "tragedy of the Corvair." At present there are more than one hundred lawsuits against General Motors pending in courts across the country. The basis for these suits is the allegation that the 1960 to 1963 models of Corvairs had, due to a faulty suspension system, a propensity for over-turning when negotiating a curve or striking a depression in the road.

The first such case brought against General Motors was settled for \$70,000. Subsequent plaintiffs, however, have not fared as well. The most recent case ended with a verdict for the defendant on the ground of contributory negligence.

The Corvair story is, according to Mr. Nader, particularly shocking because General Motors knew soon after the Corvair was placed

on the market that there were serious defects in the suspension system. In fact, independent companies began to spring up which did quite well selling devices to correct the Corvair's problem. Yet more than four years elapsed and more than one million Corvairs were released before the company gave in to various pressures and installed the necessary stabilizing equipment.

Thus, in addition to faulty manufacture, there is the added failure to recall a car that was known to have dangerous tendencies. According to Mr. Nader, the Corvair incident is merely an extraordinary example of the common practice in the automobile industry. Only now, as a result of legal and political pressure, is the industry beginning to apply its knowledge to bringing about a reduction in highway carnage.

The most impressive feature of this book is the mine of information it contains. Mr. Nader provides the American public, for the

(Continued on page 16)

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Fervor Declines As Time Passes . . .

(Continued from page 1)

come lawyers, the holdouts remained constant, and only 26% were now uncertain.

This trend continued into the third year class. Undaunted, 87.3% planned careers in the law, and a mere 3.9% admitted uncertainty. But the amount of students who now definitely turned their backs on the legal profession jumped to 8.7%.

The students polled were given fourteen choices and asked to indicate their most important reason for deciding to study law. The

Do you intend to enter a Legal Career?			
%	yes	no	uncertain
1L (N=107)	66.3	0.9	32.7
2L (N=96)	73.0	1.0	26.0
3L (N=103)	87.3	8.7	3.9

two most popular choices were "intellectual reasons" (1L's-19.2%; 2L's-18.9%; 3L's-15.6%) and "always wanted to" (1L's-12.8%; 2L's-19.3%; 3L's-21.3%).

Compared to the second- and third-year students who said they went into law as a "stepping stone in politics" (8.4% and 8.7% respectively), 1L's confessed to a significant enthusiasm for politics and public service (13.7%). Interestingly enough, of these 1L's who are uncertain about entering a legal career, more than a third (12% of the class) checked this "stepping stone" answer.

Many students said that they had "no specific reason" for studying law, and many indicated that they thought it unrealistic to be asked to pick only one reason. ("Are you kidding," said one bemused student, "after three years here you

want me to be as simple-minded as I was when I started.")

Of the remaining choices, few attracted significantly large followings. Although 6.4% of the 1L's and 6.3% of the 2L's admitted that their primary motivation for studying law was financial, only 1.9% of the 3L's checked this answer. In comparison, "helping people" was checked by 5.5% of the 1L's, 8.4% of the 2L's, and 5.8% of the 3L's.

Other choices were "status" (chosen by a mere handful), "stay in school" (only 6 students), "work environment" (about 7% of the school), "problem solving" (more 1L's than any others), "satisfy family" (2 students), "aid in government job" (few), and "aid in business."

Students who answered that they do intend to enter a legal career were again asked to indicate their reason. "Intellectual reasons" and "always wanted to" dropped off rather sharply here (as compared to the reasons given for deciding to study law), and great gains were made by "financial," "helping people," and "work environment."

Foremost among those undecided about their career plans, in addition to the politicians, were students who came to law school for

business reasons, intellectual reasons, and "no specific reason."

The students were asked to indicate the intensity of their motivation to become a lawyer on a scale from 1 (slight) to 5 (strong). These responses were then added up and divided by the number of students involved to produce an "average intensity index" for each class.

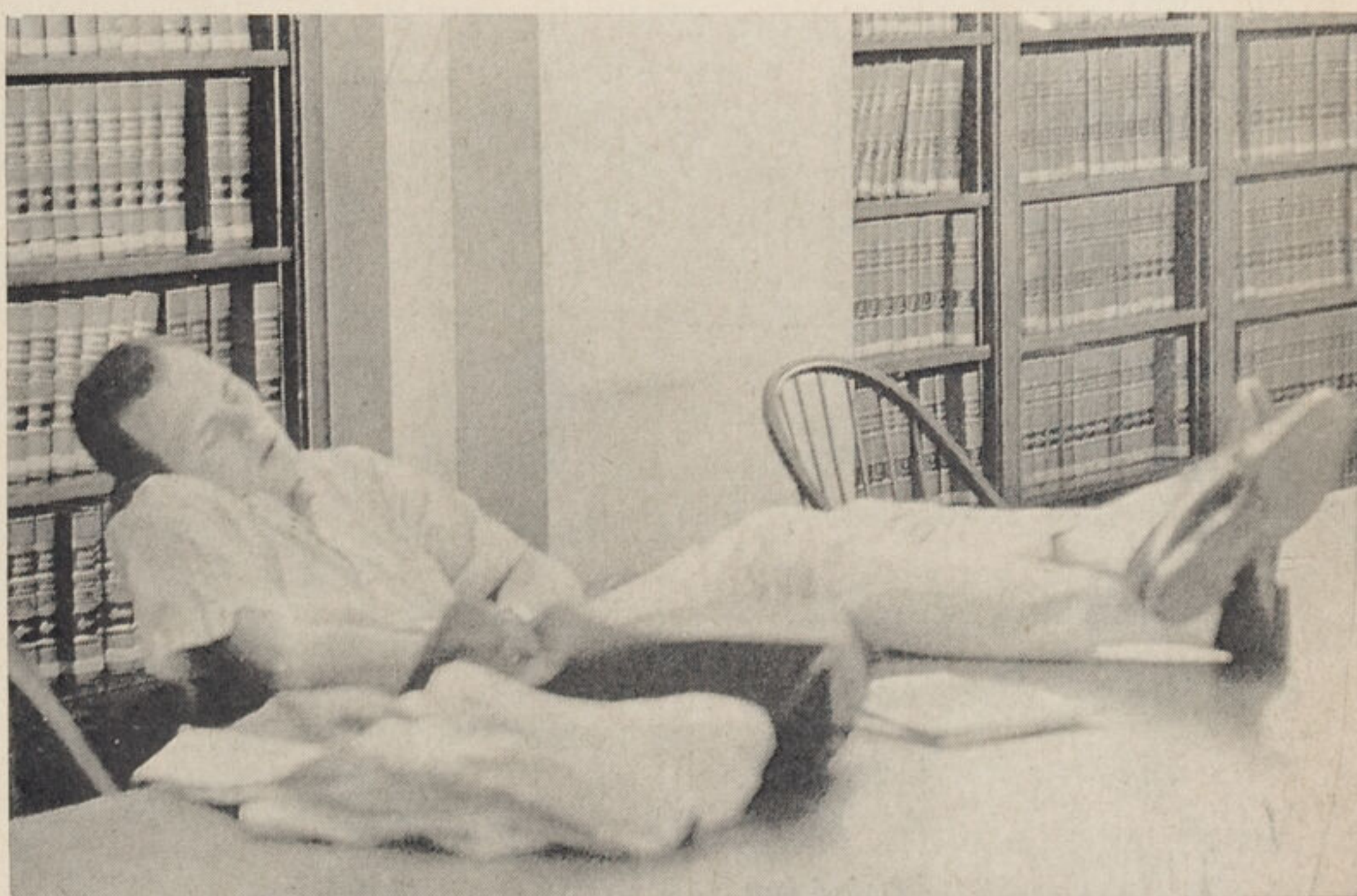


Many Reasons For Coming

Although the variation was slight, 1L's were somewhat more fervent than 2L's, who in turn showed a bit more enthusiasm than the 3L's.

The index for the first-year class was 3.64. Second-year students followed with 3.54, and the 3L's lagged behind with a 3.51.

(Continued on following page)



. . . and Some Were Less Intense

. . . But Most Express Few Regrets

(Continued from preceding page)

Responses to this question were also correlated with the reasons given for either deciding to study law or for entering the legal profession. The most intense desire to

If you were given the choice again, would you still decide to enter Law School?

%	Yes	No	Uncertain
1L (N=107)	95.4	3.7	0.9
2L (N=96)	88.5	8.3	3.2
3L (N=103)	85.4	10.7	3.9

become lawyers was shown by those students who had checked "always wanted to" (4.5 intensity), status (again 4.5), helping people (3.8), intellectual reasons (3.8), work environment (3.9), and problem solving (4.1).

Comments by the students responding ranged from expressions of confusion to caustic remarks about Harvard, the law, the RECORD questionnaire, and their professors.

"Law school is dull, I'm afraid practicing law will be no better," said one 2L. "I'd want to study something I was interested in, something intellectually more serious than how to help rich men evade taxes or find ways to make \$20,000 out of an automobile accident," he added.

"One need not be publicly humiliated by overly smug professors to broaden one's mind," complained a 3L who said he wouldn't come to law school if given the choice again. "Three years here is enough," added another 3L, who was echoed by a fellow classmate who tersely stated that "It is horrible."

A more affirmative comment by a 3L was: "I like law practice and it pays well." A significant number of the students who appeared content at Harvard stated that they were interested in law primarily because it provided a background for many other occupations.

Several students said that they now think they should have gone to business school or graduate school instead, or that they would have been better off if they had waited a year or two before entering law school.

A few mildly disgruntled students said that they had no regrets about their decision to come to law school, but that they would go to



Problem Solving

a different one if given the choice again.

"Yale, for example," said one unhappy 2L. "A smaller one, like the University of Chicago," added another. Many 1L's answered that they were not here long enough to form any opinion.

One unenthusiastic and close-mouthed 1L said he did not intend to enter a legal career: "I have a better idea," he declared.

As mentioned above, most of the students polled would make the same choice if they were given the opportunity again of deciding whether or not to enter law school.

95.4% of the 1L's would do it again, 3.7% wouldn't, and 0.9% are uncertain. Among the 2L's, the figures are 88.5%, 8.3%, and 3.2%. And of the third-year people, 85.4% are undeterred, 10.7% have had it, and 3.9% are still uncertain.



Most Would Do It Again

Safety

(Continued from page 13)

first time, with an inside-story approach to the manner in which decisions are made in the offices of the great motor companies.

Documentation and footnoting, however, leave much to be desired, and the book is not particularly useful as a research tool in the further study of the dynamics of automotive safety. But this is not Mr. Nader's purpose. His book is designed to create the impression that the American people have been duped — led to the slaughter by an insensitive industrial organization.

One of the most striking things about this problem is the sheer size of the organization. The stylists, the engineers, and even the traditional automotive safety

groups appear to be involved in what Nader characterizes as a great conspiracy.

The company engineers spend vast amounts of time studying ways to bring about a safer highway system, while others state that the industry must wait until the consumer demands safety. No one places the blame directly on the automobile itself.

The Society of Automobile Engineers, the major standard-setting group, is characterized as industry dominated since it must depend on industry for staffing and financial support.

The stylists are described as being completely unnerved by faulty bumper designs, bodies impaled on Cadillac fins, and the numerous injuries caused by lethal knobs and ornaments.

Lastly Mr. Nader describes how

the industry shadow has been cast over the "traffic safety establishment" — including such stalwarts as the National Safety Council, the American Automobile Association, and even the President's Committee on Traffic Safety — which the American motorist had always thought was squarely on his side.

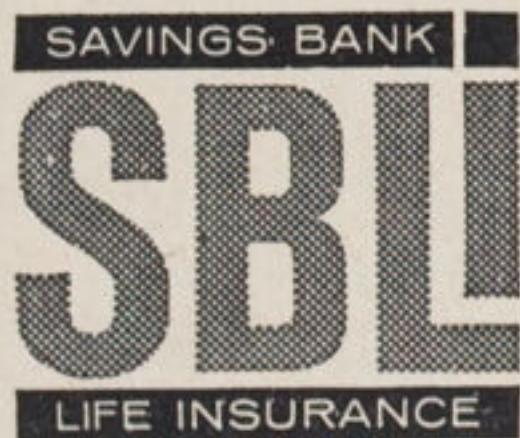
Nader's observations have tremendous implications for the legal profession. The Federal government has entered the field with the passage of the Roberts Bill requiring the General Administration to formulate minimum safety standards for all cars purchased by the government in 1967.

If Nader's predictions are accurate, legislative involvement in auto safety will become far more pronounced. In addition, an increased awareness on the part of the public that an industry which possesses a great deal of safety knowledge is deliberately manufacturing unsafe cars will surely cause the injured to look more often to Detroit for compensation instead of only to the other driver.

Despite a lack of documentation and a few melodramatic chapter titles, the author tells his story with sobering clarity. This is a story that has long needed telling. Let us hope that Detroit and the public will listen.

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Ames Results

On the basis of their performances in the qualifying rounds, eight Ames teams have been chosen to compete in the quarterfinal rounds of the competition next semester.

The "Best Club" prize went to the Casner Club, which swept through the qualifying rounds with four victories and no losses. Although the Field Club managed to equal this record, the Casner Club amassed a total of 574 points and thus edged out the Field team for the prize.

The remaining six clubs qualifying all had 3 wins and 1 defeat. They are the Blackstone, Choate, Howe, Kaplan, Learned Hand, and Sander Clubs.

Recent Book

Innocent Men and the Majesty of the Law

The Innocents. By Edward D. Radin. New York: William Morrow & Co., 1964. Pp. 256 \$4.50.

By Theodore S. Curtis, Jr.

At a time when such critics as politicians and admirers of the comic strips *Dick Tracy* and *Little Orphan Annie* are condemning the Supreme Court for decreeing constitutional protection for the criminally accused, perspective may be gained by departing from the academic discussion of due process and considering some actual cases.

In *The Innocents*, a study of citizens convicted of major crimes they never committed, author Edward D. Radin documents a series of case studies involving over seventy innocent people.

The culprits in this volume about miscarriage of justice are overzealous police, community spirit of blind revenge, untrustworthy confessions, ambitious prosecutors and, perhaps even more than the author realizes, a general attitude of "it can't happen here" on the part of the general citizenry and the legal profession.

But it all too clearly can happen here. Consider the following from Radin's files:

Santos Rodriguez, Springfield, Massachusetts:

Trial, December, 1954, Superior Court; convicted by jury, second-degree murder; sentence, life imprisonment. Pardoned by governor April, 1957. Imprisoned 3 years. Actual culprit confessed. Compensation, state legislature, \$12,500.

James Montgomery, Waukegan, Illinois:

Trial, January, 1924, Lake County Circuit Court; convicted by jury, rape; sentence, life imprisonment. Freed on writ of habeas corpus, August, 1949, by Judge Igoe, U. S. District Court, Chicago. Imprisoned 26 years. No crime committed. No compensation.

Raymond Riley, Brooklyn, New York:

Trial, June, 1936, Kings County Court; convicted by jury, grand larceny; sentence suspended upon repayment of money. Disbarred as lawyer. Conviction set aside and indictment dismissed, March, 1948. No crime committed. No compensation.

Victor Rosario, Bronx, New York:

June, 1958, sent to Bellevue Hospital for observation. October, 1958, committed to Matteawan State Hospital for Criminally Insane without trial. September, 1962, assault charge dismissed by Bronx Criminal Court, Judge Ambrose Had-dock. Imprisoned without trial, 4 years. No compensation.

The Innocents explodes the myth that innocent people are not convicted in the 20th century. Outstanding and influential citizens, military officers, even attorneys have been tragically caught in the web of injustice in the American legal system.

Radin writes that police rely too much on the credibility of a single eyewitness and "... far too often district attorneys possess the same strange belief in the keen vision and retentive memory of an eyewitness, conveniently forgetting their law school demonstrations of how mistaken eyewitnesses can be."

In a chapter on military injustice, Radin documents the confusion that he believes exists between civil and military jurisdictions and cites an amazing example of privileged communication between lawyer and client resulting in grave injustice to others.

Radin does not consider the ramifications of *Gideon* in a military context, but he does give credit to conscientious attorneys: "An investigation by knowledgeable and skillful lawyers who seek the facts can be a joy to behold to anyone interested in arriving at the truth."

But generally, the legal profession is guilty of self-satisfaction, says Radin. He writes: "I was truly surprised during my research

when I interviewed many lawyers and found few of them aware that the problem exists. Like much of the general public, many of them also thought that unjust convictions are rare; in fact, several offered friendly wagers that I would not find one hundred such cases in the history of the country and refused to believe that I had hundreds right then in my files, limited to recent decades, and that these were only a sampling . . . there is the general satisfaction that in the vast majority of cases substantial justice is achieved.

"The self-satisfaction of the legal profession is in sharp contrast to that of physicians. In most hospitals today the unexpected loss of a patient is a signal for a quiet investigation to determine what went wrong and what can be done in the future to prevent a repetition . . . But the conviction of an innocent person seldom rings an alarm bell in bar associations."

After describing at least part of the problem of convicting the innocent, Radin recommends several remedies — many of which, it should be pointed out, are being pursued by the legal profession in some jurisdictions.

Some legislative action is suggested, such as the New York statute requiring a trial in any first-degree murder case.

Radin recommends full disclosure of evidence by the prosecution for the benefit of the defense before a trial. The minutes of grand jury proceedings should be made available to the defense in all states, as they are now in California he argues, and sufficient funds should be made available for indigent defendants to conduct thorough pre-trial investigations.

For those people who are innocently convicted and imprisoned, Radin argues effectively for a Congressional act requiring compensation and standardizing the amount.

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Summer Rights Workers Publish "Memoirs"

By Frank R. Parker

"I hate all whites . . . even those I play chess with." A civil rights worker said this to me just as we were walking away from our game. I had been in Birmingham for 24 hours. This was the start of my summer. My last and best chess partner, ironically enough, was the head of the [Black] Muslim mosque in Birmingham."

This passage, by Michael R. Lefkow, 2L, is a taste of what confronted Law School students who participated in civil rights activity this past summer. The memoirs of fifteen such students have been published this week by the Civil Rights Committee in a 40-page mimeographed document entitled "Summer Reports."

Joseph P. Meissner, 3L, remarked that the memoirs are being made available to faculty members and students to show that "more than just Wall Street jobs are available in law." The accounts are intended, Meissner explained, to promote interest in the Committee's summer clerkship program as well as "to publicize the variety of full time jobs available in civil rights."

"Summer Reports" has Law School students engaged in a variety of labors—from Washington speech-writing to Mississippi bullet-dodging—to wipe out racial discrimination and racial poverty.

The most readable accounts are those personal descriptions which catch the atmosphere of civil rights engagement. In tiny Dublin, Georgia, Anita L. Glasco, 2L, meets one of the characters. "Another official, City Attorney Beverly B. Hayes prosecuted the cases against the demonstrators. Mr. Hayes wore Western boots in the courtroom, carried a large red polka-dot handkerchief, and smoked a cigar.

"He could not pronounce the word 'Negro,' and he felt that the federal courts had no jurisdiction

over the recorder's court."

The types on the other side are no less colorful, according to Nan C. Bases', 2L, sketch of Charles Morgan, Jr., in Atlanta. "Morgan is Southern Regional Director of the American Civil Liberties Union, a position created for him after he was run out of Birmingham for delivering a passionate speech condemning the bombing of the Negro church in September, 1963.

"He is an extremely bright and talented man, with a fantastic wit and lots of 'soul'—Jews think he could be a Jew, and a Negro attorney [thought] that Morgan 'could make a good nigger.' "

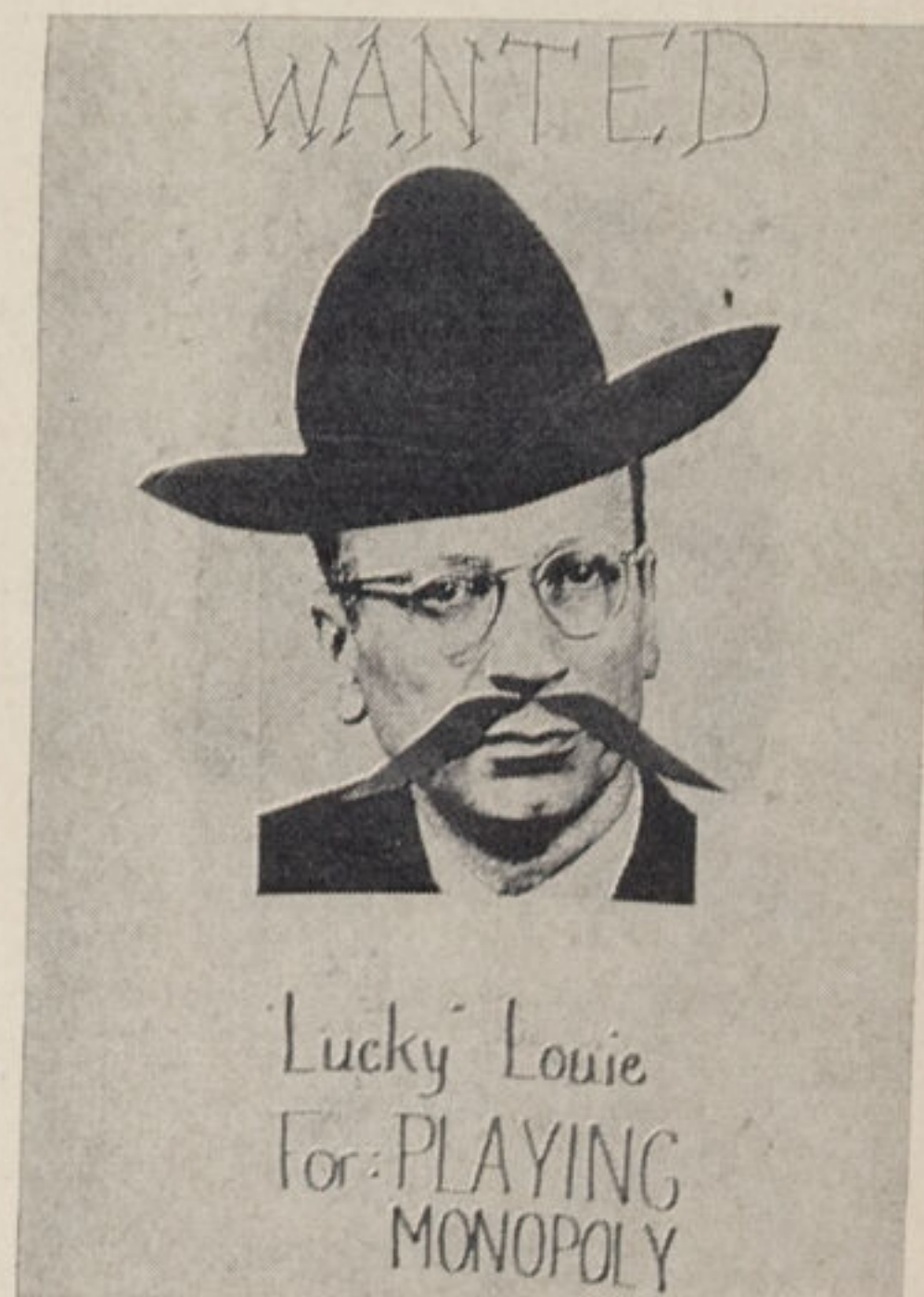
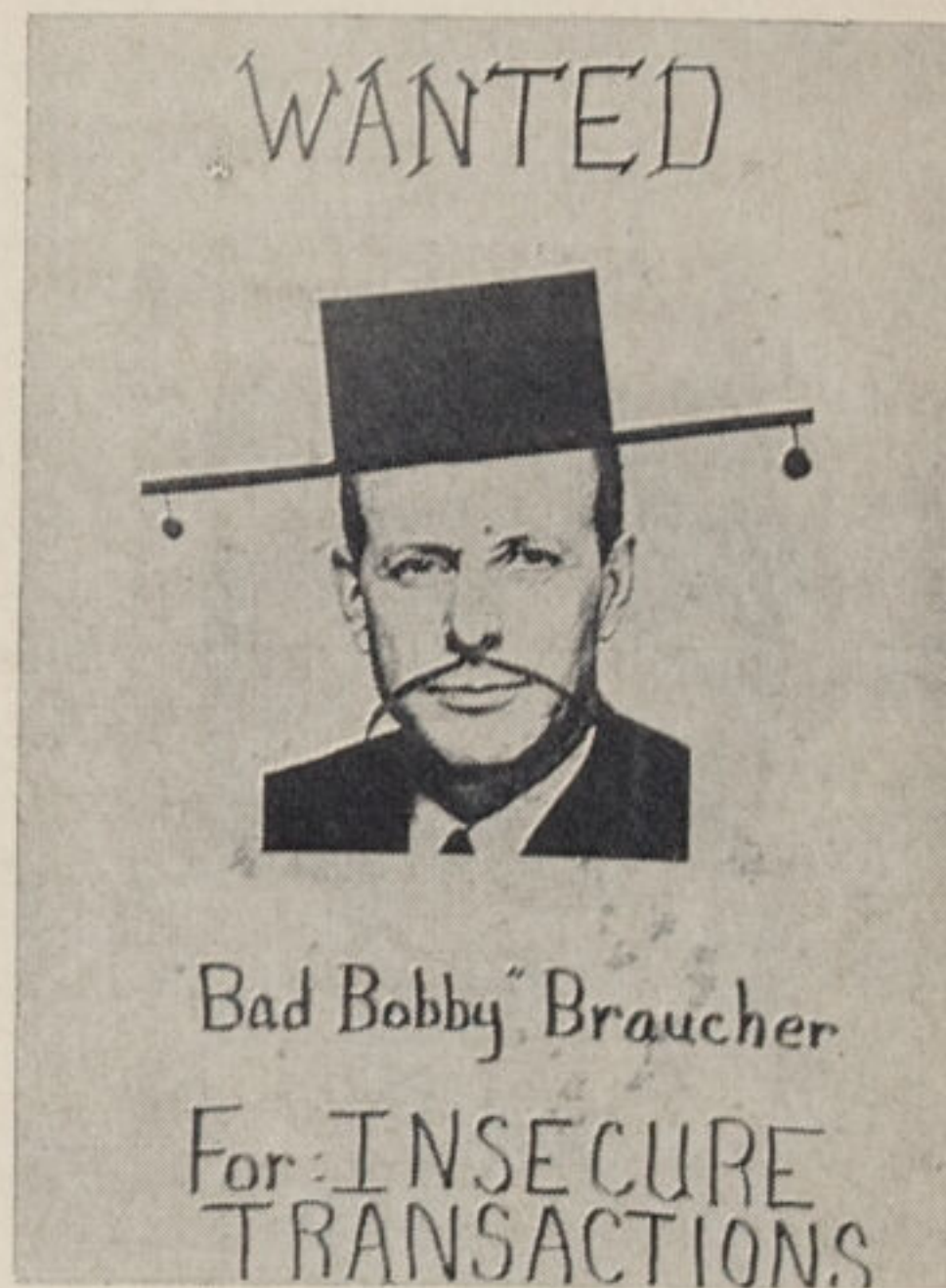
Applications for clerkships in the Committee's summer program, Meissner advised, are available from Lefkow and must be in by late January when interviews for the 15 positions will commence.

Profs Posted In Wives Posters

At a recent meeting of the Harvard Law Wives, one of the members brought along her husband. The gentleman is a member of the RECORD's photographic staff.

As he entered the Harkness Meeting Room he discovered that the Wives had decorated the room with "Wanted Posters" of various Law School professors.

If Professors Robert Braucher (contracts and commercial transactions), Louis Loss (corporations and securities regulation), and Louis A. Toepfer (admiralty) are sufficiently enthusiastic, perhaps the RECORD will print a few more.



Republicans Add Politics to Law Curriculum

By Theodore S. Curtis Jr.

Why are some Harvard Law students taking time from busy schedules to participate in an extra-curricular "course" in practical politics?

Twenty-three people who have aspirations of seeking public office, or managing a campaign for a candidate, or just plain enjoy discussing politics, meet every Tuesday night in Holmes Hall to discuss a problem presented in a written pamphlet prepared by the United States Chamber of Commerce.

"We've had a lot of fun developing the course, and adapting the case studies for law students," commented discussion leader Bill Matuszeski, 3L, who is a veteran of similar courses at the University of Wisconsin.

The course materials present

eight problems, ranging from how to get involved in a campaign for selectman to leadership problems in major state races. Each pamphlet describes a hypothetical political problem that requires action and the students must provide practical solutions.

Matuszeski has spiced up the Chamber of Commerce fare with guests who discuss their own experiences. Massachusetts Representative John Frenning presented his formula for success in Boston: find a campaign manager and leave all the campaign decisions and details to him; locate a finance chairman who can assume the job of raising money; then meet as many people as possible.

Another guest described his current problems in managing a potential candidate for Congress and sought the advice of the class in planning tactics.

Harvard Business School Professor George Lodge showed up the night the lights went out to discuss strategy on a Presidential scale. At the final meeting this week, Cambridge Representative Mary Newman joined in a discussion of analyzing present leadership problems in the Massachusetts Great and General Court.

The course has been sponsored regularly over the last several years by the Harvard Law and Graduate Republican Club and because of the continuing enthusiasm for the program, it will probably be scheduled again for next semester. "I think it worked out well and was really valuable," appraised participant Raymond S. "Stoney" Jackson Jr., 3L, and Herbert C. Liebmann III, 2L, commented that, "In my estimation the Republican Party would benefit greatly if such programs were more widely held."

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HARVARD SQUARE THEATRE

December 16 through 18

Vivien Leigh

Simone Signoret

Jose Ferrer Lee Marvin
in "SHIP OF FOOLS"

1:20-5:20-9:20

plus "ONLY ONE NEW
YORK"

4:00 and 8:00

Begins Sunday

"THE BEDFORD INCIDENT"
UN 4-4580

BRATTLE THEATRE

December 16 through 18

Jeanne Moreau in
"BAY OF THE ANGELS"

plus Paul Anka in
"LONELY BOY"

Begins Sunday

"THAT MAN FROM RIO"
TR 6-4226

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