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Reuss Urges U.N. Act to Resolve Viet War

By Paul M. Branzburg

Those who listened carefully to the final chorus of debate about Vietnam policy before the resumption of bombing last Monday will have detected a resurgence of interest in a United Nations solution which foreshadowed the Security Council debate.

At a luncheon speech in Harkness last Saturday, Democratic Representative Henry S. Reuss, LL.B. '36, of Wisconsin's Fifth Congressional District (Milwaukee) told the Harvard Law-Graduate Democratic Club: "I would keep the war damped down to what it is now and I would hastily pursue bilateral peace efforts. If these fail, I would then hope that the President would go before the General Assembly of the United Nations under its Uniting For Peace procedures and make a firm request for a free election in South Vietnam under the July 1954 agreement.

"I would ask," he continued, "that the U.N. have a 'beefed-up' international force in Vietnam with which to conduct an election, insure the peace, and insure secret ballots and peaceful polling places."

Anticipating the argument that a failure
(Continued on page 6)

VOL. 42 NO. 1
CAMBRIDGE, MASS.

FIFTEEN CENTS
FEB. 3, 1966

Haar to New Federal Post

Professor Charles M. Haar has been appointed assistant secretary in the new federal Department of Housing and Urban Affairs and was confirmed a week ago by the Senate.

The Law School has granted him a two-year leave of absence.

An expert on land planning and land use, Prof. Haar's selection indicates, according to The New York Times, that the new department will attempt to coordinate the activities of entire metropolitan areas to ensure orderly metropolitan growth.

(Continued on page 15)

New Dean Added to Reshuffled HLS Staff

By Michael Lowenberg

A new Assistant Dean, Russell A. Simpson, joined the Law School administration, as a reshuffling of the top administrative responsibilities went into effect following the departure of Secretary Russell H. Peck.

In addition, Joseph E. Leininger has been proposed as the successor to Vice Dean Louis A. Toepfer, who will leave at the end of the academic year to assume the post of Dean and Professor of Law at the Franklin T. Backus School of Law at Western Reserve University in Cleveland.

Mr. Leininger is presently serving as Secretary of International Legal Studies and Adviser to Foreign Students. Mr. Peck is

(Continued on following page)



Dean Russell A. Simpson

Leininger Proposed as Toepfer's Successor

(Continued from preceding page)

now the Clerk of the United States District Court in Boston.

Dean Simpson is now working in the admissions area, and after the departure of Dean Toepfer he will become Director of Admissions. William L. Bruce, formerly an Assistant Dean, has become Secretary of the Law School. He will be responsible for the financial aids and student employment programs, and class and examination schedules, and will work with the registrar's office.

A native of Greybull, Wyoming, Dean Simpson did his undergraduate work at the University of Wyoming and received a B.S. degree in 1957. He then served in the Air Force for five years as a jet flying instructor before entering Harvard Law School in 1962.

While at the Law School, he worked as an aide in the Admissions Office. After receiving his LL.B. last June, Dean Simpson moved to Corpus Christi, Texas, and until a few weeks ago had been practicing law there with Bonilla, dePeña, Read & Bonilla, an "ethnic South American law firm" with a general practice encompassing "a little bit of everything."

Dean Simpson is married and has a three and a half year old daughter, with another

child on the way. He occupies Assistant Dean John P. Wilson's old office in 23 Everett St.

Now located in Dean Bruce's old office in Langdell Hall, Dean Wilson will have administrative responsibility for the clerkship and teacher placement programs, experienced graduates placement, and alumni relations. He will also edit the Law School Bulletin with Miss Julie Grenier.



Mr. Leininger

RECORD Also Selects

After much maneuvering and traditionally dirty political in-fighting, the President of the RECORD announced his selections for the editorial board of the abovementioned publication.

Frank R. Parker is to remain as vice-president, Martin E. Robins has assumed the briefly vacant post of managing editor, and John Spitzer has been appointed news editor. Former president Paul M. Branzburg has assumed the resurrected post of executive editor.

All students wishing to join this somewhat interesting group are urged to present themselves at the RECORD office in 23 Everett St. any Tuesday evening, or attend a soon to be announced beer-and-pretzel recruiting smoker.

Mr. Leininger will assume the general administrative duties of the Vice Dean on July 1, after Dean Toepfer leaves. He received his LL.B. at Harvard in 1959, and practiced law in Denver for 2½ years before returning here in 1962 to accept the ILS position.

After serving in China with the Army in World War II, he was a vice-consul in the Foreign Service in Korea between 1948 and 1950. From 1953 to 1955 he worked in Vienna for the Department of the Army.

Mr. Leininger is married and has two children. Among his extra-curricular interests are music and photography. As yet, no one has been chosen to replace him in his ILS position.

Rounding out the administrative changes, Mrs. Marjorie Traverse is now Director of the Reunion Office, Miss Virginia E. Klisiewicz is Dormitory Secretary and Financial Aids Secretary, and Miss Nancy Mahoney is Assistant to Secretary Bruce.

Capp Declares War Against 10¢ Rest Room; Buchwald's Potshots Mirthfully Hit Target

By Richard D'Amato

Cartoonist Al Capp and nationally-syndicated columnist Art Buchwald engaged in a hilarious display of witticism and the quick comeback before a capacity Law School Forum Audience on Jan. 24.

Professor Richard H. Field, the moderator, in his introductory remarks, launched a comic monologue of his own. Of Capp and Buchwald he said, "One is a humorist and the other a satirist, and I'm not sure which is which. I'm told, though, that a satirist is to a humorist as a mortician is to an undertaker."

Buchwald led off in his plodding cadence that at first takes you un-awares, then disarms you with the force of its understatement.

"I have problems with people taking me seriously", Buchwald complained. For instance, "When I was up in Canada, the Canadians were complaining that the U. S. was ignoring them, that we just didn't care about them. I said the U. S. has no time for its friends—you've got to provoke us; why don't you build a wall along the border or something. The Canadians took me seriously: One week later they blew out every light bulb in the East."

'Buchwaldianisms' then began to cascade.

On LBJ: "I wanted to find out if Johnson had a sense of humor so I wrote a spoof on him. He was at the ranch at the time and the column went all around the table and everyone laughed until it got to Johnson and he didn't laugh so everyone asked to read it again."

On Ike: "James Hagerty, President Eisenhower's press secretary, once called my stuff unadulterated rot, which wasn't true since I was writing adulterated rot at the time. Ike got mad and said 'simmer down, Jim' and that was the last forthright statement that Ike uttered."

"Once I wrote an article on or-

ganizations that fight Communists when there are no Communists around to fight, and I proposed that each town have one Communist and he'd be the resident Communist, and he'd be paid by the town to be the threat there. People could throw garbage on his lawn, etc. I sent the article to J. Edgar Hoover who never answered it, so I got an idea for another article—that there is no J. Edgar Hoover, and he's just been made up by Reader's Digest. Well a conservative organization in Arizona got mad and proclaimed there was no Art Buchwald."

Al Capp, whose *Li'l Abner* is carried by over a thousand newspapers, and whose "Dogpatch" has become a contemporary American folk legend, has participated in a number of Forums over the years, perhaps the most memorable one with Fidel Castro during the

felt he owed a great deal of his success to *Li'l Abner* and he told this story: 'Everybody thinks the Cuban revolutionaries are heroes but they're not, they're bums. I tell them to go down and raid the village, but they only want to stay in the hills and drink wine. So on Sunday I say go down and get panchito's column and raid the village and so that's how I became dictator!'

Shifting his commentary to the future, Capp continued, "My next crusade will be against an institution which penalizes us for being human—the 10¢ rest room. They are always at the other end of the airport and there you are and you really have to take a terrible rest. Let's say you make it. There you are, teeth clenched, and there are the doors. All you have is a twenty dollar bill and you can't fit it into the door. . . ."



Messrs Capp, Field and Buchwald

honeymoon era.

Recalling his introduction to the Cuban leader, Capp said, "Castro threw his arms around me and kissed me (he was smoking a cigar at the time), crying out 'panchito, panchito,' which is what they call *Li'l Abner* in Cuba. He said he

According to Forum tradition, the floor was thrown open for questions from the audience. Some selections:

Question: "Was the press fair to Barry Goldwater?"

(Continued on page 7)

Prof. Morgan's Death Reported . . .

Edmund Morris Morgan, one of the foremost experts on the law of evidence and procedure and Royall Professor of Law, Emeritus, died Sunday, Jan. 30, in Santa Monica, Calif. He was 87. He was Professor of Law at Vanderbilt University from 1950 to 1963.

Prof. Morgan's "Cases and Materials on Evidence," written with J. M. Maguire, is considered the outstanding casebook on evidence. His service as Reporter for the American Law Institute resulted in the "Model Code of Evidence," published in 1942.

Prof. Morgan was Chairman of the Committee, drawn by the Office of the Secretary of Defense, which wrote "The Uniform Code of Military Justice" (1950). It covered all branches of the service for the first time in American history. He also served as a member of the Advisory Committee to the U.S. Supreme Court on Rules of Civil Procedure.

In 1948 Prof. Morgan wrote, with G. L. Joughin, "The Legacy of the Sacco-Vanzetti Case," an analysis of the impact of the case on American law, literature and society. His other works include "Introduction to Study of Law," "Cases on Common Law Pleading," "Some Problems of Proof under Anglo-American System," and "Basic Problems of Evidence." Prof. Morgan was one of the outstanding teachers in the history of the Harvard Law School. As Royall Professor of Law, he held the oldest endowed professorship at the School.

Edmund Morris Morgan was born in Mineral Ridge, Ohio, on Nov. 11, 1878. He received the A.B. (1902), A.M. (1903), and LL.B. (1905) degrees from Harvard. Before joining the law faculty of the University of Minnesota in 1912, he was a practicing attorney in Duluth, Minn., and served as acting city attorney, special counsel for the Duluth Charter Commission, and President of the Municipal Ownership League.

Prof. Morgan's Duluth firm, Wilson and Morgan, had a general practice with a large number of personal injury cases and for seven years he did most of the trial work.

His skill in the court-room gave rise to the probably apocryphal, but not hard to believe, words of farewell attributed to a prominent justice of the State Supreme Court: "Ed Morgan is a splendid man, but we are not sorry to see him leave. Now perhaps, we can

try a case on the merits rather than on procedure."

Prof. Morgan referred to his years in Duluth as "the most fun I ever had," thinking perhaps of his successful resistance to the efforts of the Great Northern Railway to obtain a right of way through the city by condemnation.

He taught law at Yale before coming to Harvard in 1925. He was Bussey Professor of Law during 1929-1938 and Royall Professor of Law from 1938 to 1950, when he left Harvard. He became Professor of Law at Vanderbilt University in 1950.

Twice, during 1936-37 and 1942-45, he was Acting Dean of the Harvard Law School. During World War I, he served as Lieutenant Colonel in the Judge Advocate General's Office, and during World War II, he was Chairman of the War Shipping Panel of the War Labor Board.



Edmund M. Morgan in 1955

Prof. Morgan was a member of the American Academy of Arts and Sciences and in 1940 served as President of the Association of American Law Schools. In 1965, he received the American Bar Association Medal.

He is survived by his wife, and two children.

... Prof. Warren Seavey, 85, Dies

By John Spitzer

Known for hypotheticals that could devastate a student's house of cards, Warren A. Seavey, 85, Bussey Professor of Law, **Emeritus**, died of a heart attack in his home Jan. 18, 1965. He taught agency and torts at Harvard from 1927 until his retirement in 1955.

"He was at heart a teacher," explained Dean Erwin N. Griswold at the memorial service Jan. 24 in Memorial Church. "While some faculty members mutter about a teaching load of six hours a week, Prof. Seavey used to ask the Dean to assign him eight or nine hours.

"A mighty oak has fallen, but his strength will long contribute to this community and to the law. This is not a time of sadness, for Warren Seavey lived a full and productive life. It is a time of recognition," Dean Griswold said.

The Dean outlined Prof. Seavey's career which took him around the world before he came to teach at Harvard. Born in Boston in 1880, he received his A.B. from Harvard in 1902 and his LL.B. degree from the Law School in 1904.

After two years of practice in Boston, he left for Tientsin, China where he established a law school at the Imperial Pei Yang University. It was touch-and-go for the first few years as he didn't speak Chinese and no casebooks were available. He improvised by teaching in English with hypotheticals drawn from English, Roman, Japanese, and Chinese legal systems.

Prof. Seavey returned to America in 1911 to teach law successively at the University of Oklahoma, Tulane, and Indiana University. Then war broke out, and he found himself assigned to active duty in France.

After the war he became director of the American Expeditionary Forces College of Law in Dijon, France. Always just "one jump ahead of a court-martial" for commandeering mimeograph machines and other materials for the law school, he later liked to claim that he was the dean of the largest law school then teaching American law.

Prof. Seavey became Dean of the College of Law at the University of Nebraska in 1920, moved to the University of Pennsylvania Law School for a year of teaching in 1926, and came to Harvard in 1927.

The Dean recalled that Prof. Seavey "was not a smooth or polished man" but he added that he "was not really gruff, either." Always friendly to students and faculty, he sometimes helped them out with loans.

When war came again in 1941, Prof.



Warren A. Seavey

Seavey gave advice to young men "then facing the unknown which he himself had faced in 1917-18." He became the unofficial "Adviser to Veterans" and answered many queries from American soldiers all over the world with letters like the following:

"I am glad that you want to come to Law School. You are just the sort of man we want. When you are released from service, come to Cambridge and we will be glad to take you in, no matter when you come."

Dean Griswold commented that these happy letters were graciously received and accepted by the admissions office as "estop-pels."

(Continued on page 15)

Reuss Wants U.N. to Oversee Viet Elections

(Continued from page 1)

by the U. N. to deal successfully with the Vietnam crisis might precipitate the downfall of the world organization, Rep. Reuss said that "if the U. N. is ever to amount to anything, it has to play a role in the Vietnam question. If the U. N. were wishy-washy about the request I have outlined and could not act on the Vietnam question, then that would be the end of the U. N., but in that case the U. N. wouldn't be worth saving anyway."

On the possibility of a Communist victory in a free South Vietnamese election, Rep. Reuss said that he was "not convinced that if the people of South Vietnam had free elections they would choose Communists. However, if the judgment of the people of South Vietnam is that they really want a Communist government then we, as Americans, would have to sit still and let this happen."

When he was questioned about his reasons for limiting free elections to South Vietnam, Rep. Reuss replied: "Because you cannot have free elections in North Vietnam without a war of liberation of North Vietnam. Therefore, the way to freedom in North Vietnam is over a generations-long process in which the Communist leadership will mellow."

Another questioner asked the Wisconsin Democrat how it would be possible to have free elections in South Vietnam if 197,000 American soldiers were unable to control the country. The Congressman's answer was simple: "Because we, by backing up a strengthened International Control Commission, would be clad in the raiment of freedom loving peoples. The moral force of a 'beefed-up' I.C.C., not the contemptible little group of two majors and a colonel there now, would enable it to do the job."

What if the U. N. refused to accept responsibility for the Vietnam question and our peace efforts had also failed? "I would then be in favor of pulling out unceremoniously," Rep. Reuss said without hesitation.

At another point in his talk, the co-founder and vice-chairman of the Democratic Study Group attacked his "internationalist col-

leagues who have become imbued with a hyperthyroid internationalism that holds we must be policemen of the world and enforce American views and morals.

"There seems to be a coalition forming of internationalists and those who are bogus internationalists and strongly interventionist — particularly in Asia. These were the Americans who were beating the drums for the Open Door policy early in this century, who advocated crossing the Yalu in the Korean War. Thus the true internationalists and those who are bogus seem to be merging."

Rep. Reuss charged that the United States has acted wholly outside of recognized principles of international law in its Vietnamese activities. "The only system of law that we are enforcing in South Vietnam is a system of law that we ourselves cooked up," he declared. Later, however, the former member



Rep. Reuss and Attentive Dems

of the *Harvard Law Review* staff said that when he speaks of international law he is not referring to casebook international law but to general principles recognized by all men.

The chairman of the subcommittee on international finance of the House Banking and Currency Committee predicted that "if the war hawks prevail and bombing resumes, a determined though sad opposition would develop, mostly Democratic, and this opposition would only encourage the North Vietnamese and the Chinese."

Students Aid ACLU In Julian Bond Case

Seven members of the Civil Rights Committee interrupted exam study recently to assist in the legal effort to secure for Julian Bond his seat in the Georgia House of Representatives.

After receiving 82% of his district's vote, Bond, who is a Negro and a pacifist, publicly agreed with a statement of the Student Non-Violent Coordinating Committee (SNCC) severely denouncing U. S. policy in Vietnam.

He was then deprived of his seat under a Georgia constitutional provision permitting the House to judge the qualifications of its members and to expel them for "disorderly behavior or misconduct." Bond is SNCC's publicity director.

Members of the Civil Rights Committee, directed by Joseph P. Meissner, 3L, President, wrote two legal memoranda totaling more than 50 pages supporting Bond's right to be seated. Bond contends that legislative power to oust elected members is not absolute.

One memo, written by Frank R. Parker, 3L, relies upon the voter registration cases and *Gomillion v. Lightfoot*, 364 U. S. 339, to support the argument that the legislature is bound by Fourteenth Amendment limitations, including free speech guarantees. The other memo analyzes the law and cases from 50 states.

It concludes that while previous cases have held legislative expulsions not subject to judicial review, there are no direct precedents involving free speech or racial discrimination claims.

Nan C. Bases, 2L, offered the Committee's services to Charles M. Morgan Jr. of the Atlanta American Civil Liberties Union.

After the Georgia House of Representatives voted him out by a vote of 184 to 12, Bond and two constituents brought an action in federal District Court claiming deprivations of rights under eight constitutional provisions, including the Nineteenth Amendment.

One of the plaintiffs is a female voter in his district who claims her right to vote was abridged by the legislature's action. Bond is seeking an injunction against the Georgia House.

On Friday, Jan. 28, the three-judge District Court in Atlanta heard arguments on Bond's affidavits and brief, which included the work of the Committee. The court ruled against one of Bond's pleas, that he had not been seated because he was a Negro. Seven other Negroes elected to the House were admitted.

The state attorney general, Arthur C. Bolton, conceded at the

hearing that in determining membership qualifications the legislature was governed by Fourteenth Amendment limitations. The attorney general is representing the House. However, he justified the action on the basis of the clear and present danger doctrine limiting free speech rights. Supplemental briefs on this point were filed Wednesday, Feb. 2.

Committee members who participated in the project, in addition to Meissner and Parker, were Beatrice K. Bleicher, 3L, Michael J. Bush, 1L, James D. Conahan, 1L, Amanda Hawes, 1L, and Richard T. Seymour, 2L.

Solution for Vietnam Proposed

(Continued from page 3)

Buchwald: "I don't think so. For one thing we quoted him. I tried to be. One of the big things in the campaign was whether our missiles were good or not. Goldwater said no, MacNamara said yes. I suggested we put Barry in a rowboat in the middle of the Pacific Ocean and have MacNamara fire a missile at him. If it missed, MacNamara had to apologize publicly on the Ed Sullivan show. If it hit him, then Barry had to withdraw from the campaign. After the article appeared, MacNamara called and said he'd do it. Barry Goldwater said he'd think it over."
Question: I understand you are consulting President Johnson for a quick way to end the Vietnam war. What is it?"

Buchwald: "One suggestion was that we hold elections throughout Vietnam. We'd lose South Vietnam — but we'd win in the North — because they've been under the Communists so long — so we'd move our government to North Vietnam and we'd have a country which was in fairly good shape. Uncle Ho would go to South Vietnam and he'd have the whole mess, including a load of unemployed

guerrillas. We could send people down the LBJ Trail to South Vietnam and pretty soon Ho would ask us to take over Saigon, which we'd refuse to do. This could work unless Ho is smart and won't let us hold elections."

Capp: "It would create unbearable conditions here by giving student demonstrators nothing to do but go back to class."

Question: "Does California really deserve Ronald Reagan?"

Buchwald: "I think California deserves anything it gets."

Capp: "Having Ronald Reagan as governor is better than having him as an actor."

Question: "Could you give us some personal insights into DeGaulle's character?"

Buchwald: "I only met DeGaulle once — at a big reception in Paris. He's very tall you know and I only came up to the third button on his tunic. He asked me, 'Do you know all the people in this room?' I said 'Oui, mon General.' He had told me everything on his mind and I told him everything on mine. I don't know what DeGaulle's up to, but I'm up to the third button on his tunic."

A Welcome Innovation

The law student can only speculate whether the Law as taught in the classroom provides an adequate or realistic preparation for the practice of law, out there in the real world. A welcome innovation recently announced by Dean Griswold will soon provide a new basis for comparison and inject a fresh and perhaps different point of view into the Law School academic program.

Beginning next fall, a Chicago lawyer, Milton H. Cohen, will hold the first Visiting Professorship (for the academic year 1966-67) in a regular series of "Visiting Professors From Practice." Mr. Cohen is an expert in securities markets and recently directed a comprehensive special study of this field for the Securities and Exchange Commission. During his year at Harvard, he will teach courses in securities regulation and corporations. (See story p. 16).

According to Dean Griswold, there will be no rigid pattern in future appointments in this program. "We expect stimulus and challenge from these practicing lawyers who will come to us fresh from major undertakings in the complex world of the modern lawyer," he said.

The recent deaths of Professors Warren A. Seavey and Edmund M. Morgan, two of the very great teachers of law who have been members of the Law School faculty, serve as a reminder of the Law School's strong links with the past and with American legal tradition. Both men were tremendously influential in shaping and reshaping their respective areas of interest (torts, restitution, evidence and procedure), and both were apparently famous for their skillful (and often fearsome) uses of the Socratic method.

The new Visiting Professorship program is a noteworthy and praiseworthy example of the Law School's continuing attempts to use and maintain the old traditions while introducing new ways of training students to meet the challenges presented by an increasingly complex and rapidly developing legal system.

Harvard Law Record

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TONGUE 'N CHEEK

By Fenno

This column heartily recommends that the committee in charge of such things seriously consider presenting the Black Umbrella Award for 1965 to Professor Staughton Lynd. We believe Prof. Lynd's remarkable achievements, especially in the field of foreign policy, make him uniquely qualified for this outstanding award.

The Black Umbrella has been presented annually since 1938. It was first given to Mr. Neville Chamberlain in appreciation of his untiring efforts on behalf of freedom in Central Europe. (Historical researchers have claimed that the Umbrella was actually presented to Mr. Chamberlain because the Bavarian radio was forecasting rain. These claims are only vicious rumors).

Since 1938 the Black Umbrella has consistently been awarded to persons who have shown their dedication to patriotic causes.

We believe Prof. Lynd has demonstrated his right to be included in the charmed circle of Carriers of the Umbrella. Prof. Lynd has time and again shown his selfless devotion to the American cause and its efforts to contain Communist imperialism.

On January 9, he returned from an official mission to Hanoi where he is believed to have forcefully stated the American position on the war to the leaders in that capital.

The State Department has commended him for his support in these trying times.

In domestic —affairs Prof. Lynd has been a mainstay of the moderate position. During a protest march on Washington last April, several radicals hinted that if there were any violence they should try to take control of their government. Prof. Lynd was instrumental in preventing any possible putsch.

Staughton Lynd — a great American!

Letters to the Editor

Split Infinitives Linked to RECORD J.D. Stand

To the Editor:

Judging by the RECORD's editorial of December 2, as contrasted with the statement of editorial policy in the same issue (following the shameless seeking of shelter behind Bergen Evans' weak apology) it would appear that The Institution is not now contemplating a switch from LL.B to J.D.

Is there a relationship between the type of thinking that produces split infinitives and that which attaches more significance to "J.D." than to "LL.B."? If so, then although an outsider (LL.B., University of Pennsylvania '55) and therefore an imposter, I would urge the RECORD's editors meticulously to refrain from future splits, and thus to avoid any guilt by such an association.

Yours very truly,

Richard H. Bate

Morris Plains, N. J.

Practitioner Finds That HLS Lives Up to Its Reputation

To the Editor:

In your issue of December 9, 1965 you posed on page 15 the question "Is Harvard Law School all that it is reputed to be?" You then went on to answer same by pointing out that while everybody has an opinion on the topic, it is probably equally true that practically nobody really knows much about it. You then proceeded to illustrate the feelings of one class of persons who you felt might know something about it, i.e. transfer students.

Might I just comment that there is another group of persons who know something about it, and that is the alumni who do not have a specialty but who engage in general practice. It might amaze the present student body to realize that the greater majority of American lawyers still engage in such a general practice and therefore

must be able to answer all questions ranging from "how do I evict the tenant who does not pay his rent" to "If I draw my will this way and my grandson dies without children, can I prevent his wife from getting my property?"

As one such lawyer, I can tell you that the Harvard Law School is all that it is reputed to be in that it adequately prepares one for such a practice. Based upon my experiences with other attorneys, who are products of other law schools and against whom I must compare myself in the day to day practice of law, I think it does a better job than they do in this regard.

As Dean Griswold said to my class on our first day in law school, "This school will prepare you to become a fine practitioner of law in accordance with the tradition established by this school over its long history".

While the above is a personal reflection, I have found in discussions with other graduates that their opinion is the same and that the Dean's words have proved prophetic.

Very truly yours,

David Schechner, LL.B. '53

Newark, N. J.

Ole Miss Prof Clarifies Story on HLS Profs Project

To the Editor:

As the Ole Miss Law School professor who has coordinated the Yale seminar and looks forward to doing the same when the Harvard Law School visits begin, I want to comment on the unfortunate implication of a story which appeared in the RECORD of December 9.

In announcing the Public Law Seminar to be conducted at Ole Miss by seven members of the Harvard Law School faculty, Dean Casner was quoted as having said that the seminar had been initiated because of "environmental pres-

(Continued on following page)

LOOKING FOR DIVERSION?

It is time again for the annual LAW SCHOOL SHOW and, chances are, we need you.

If you can act, or sing, or be very funny or just want to get in some time backstage, why not come to our auditions and impress us.

Male or female, here is your opportunity to be discovered.

Help carry on a great legal tradition. Stand up and be counted!!?x!

See us in the Harkness Meeting Room from 7:30 p.m. to 9:30 p.m.

Thursday, Feb. 3

Monday, Feb. 7

Tuesday, Feb. 8

Letters to the Editor

(Continued from preceding page)

sures inhibiting members of the law school faculty from speaking their minds on any given subject." He was further quoted as having said that the program was not established because of a lack of competent professors at the Ole Miss Law School.

Casner Was Modest

May I suggest that Dean Casner was overly modest in assessing the strength of the Harvard Law School faculty and entirely incorrect in describing the intellectual climate here. We are delighted to have men of the stripe of Professors Bator, Brown, Byse, Cox, Freund, Michelman and Sacks simply because they are extraordinary people whose presence at any law school enhances rather than detracts from its standing and that of its faculty.

At the same time I want to report a fact which I expect the seminar participants to carry back after their experiences here. It is that the Law School here is a vibrant place, very much the center of action in a state where early stirrings are beginning to be felt. The Law School has achieved for itself a full measure of intellectual freedom and the climate here is heady and purposive to a degree unmatched at few other schools.

A few examples ought be instructive. By the next semester a state-wide Public Defender program and county-wide Legal Aid

clinic will have been established at the Law School. Regular and rather heated courses are offered in political and civil rights, advanced constitutional law and criminal procedure.

In my own case I am now representing a law student challenging the constitutionality of the entire Justice of the Peace system of the state.

There are environmental pressures in Mississippi to be sure, but I do think it important to note for the record that they have inhibited freedom of action and expression at this law school very, very little.

Very truly yours,

Michael J. Horowitz

Associate Professor of Law
University of Mississippi

Old Poll Found Love Life to be Enrollment Factor

To the Editor:

I noted with interest your recent survey of the reasons why students attend the Harvard Law School. The reasons given, such as desire to practice law, intellectual stimulation, and public service, are admirable.

You might be interested in comparing your results with a survey that I took while I was in law school as to the reasons why the members of the classes of 1951, 1952, and 1953 were in attendance. The results of my survey are as follows:

1. Desire to leave home because of unsuccessful love affair—6 percent.

2. Desire to leave home because of too successful love affair—3 percent.

3. Couldn't get into medical school—9 percent.

4. Thought it would be a good place to meet some eligible fellows—3-12 percent. (The percentage choosing this answer was higher in the class of 1953 than in the classes of 1952 and 1951).

5. Desire for opportunity for participation in foreign affairs—3 percent.

6. Desire for opportunity to postpone participation in foreign affairs (especially in or near the Republic of Korea)—31 percent.

7. Nearness to cultural centers such as Hemenway Gym, Stowe, and Fenway Park—11 percent.

8. A friend of mine got in, so thought I would apply—8 1/2 percent.

9. I was accepted so I thought I would come—8 1/2 percent.

10. Climate—4 percent. (This choice showed a marked correlation with the percentage of students from Alaska and Minnesota.)

11. Had no good reason—4 percent.

Very sincerely yours,

Jess B. Cohen, LL.B., '53
Minneapolis, Minn.

Bar Exam Time

All third year students are reminded by the Placement Office to check the requirements for admission to the Bar in the state they plan to practice.

The office has available a booklet entitled, "Rules for Admission to the Bar."

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Recent Book

Race Domination Through "Law and Order"

Southern Justice. Edited by Leon Friedman with Foreward by Mark DeWolfe Howe. New York: Random House, 1965. Pp. 306. \$5.95.

By Frank R. Parker

"So you see, we have nobody to represent us, on the jury, school board office, the State legislature, nowhere. All the laws are being passed we have no voice in, whether it is for us or against us, and I don't think you can find many that is for us."

Thus in the U. S. Civil Rights Commission's 1961 report on voting we heard from the lips of a Louisiana Negro witness testimony summarizing the essence of *Southern Justice*. What the Commission told us in 1961 and last year in its report, *Law Enforcement*, we find reaffirmed and illustrated in the observations of the 19 lawyers which make up this volume.

Some of the contributors to this work were civil rights "tourists", spending their few weeks vacation from busy Northern practices in Deep South states during the summer of 1964. For others, a Southern law practice has occupied most of their careers. But the same experiences, the same frustrations and despair echo and re-echo down and down through the pages of the book.

Those who confronted Southern Justice for the first time looked at the Southern legal apparatus the way they visualized the legal process back home. Indeed, their conception was not far from the viewpoint held by the average Southerner. Their expectation was that "law and order" was main-

tained by, in the words of Professor Louis Lusky, "achieving fair compromises between the competing needs of the various segments of the community."

This is the "reconciler" view of law. The legislative and adjudicative processes provide neutral rules and neutral arbiters for reconciling and moderating the inevitable collisions between interest groups.

But instead their civil rights experience left them touched with a different vision. They found that in maintaining "law and order" the Southern legal system, including legislatures, courts, bar, and police, was in fact the primary mechanism for the domination of one race by another.

The state legal institutions create an "order" which legalizes and perpetuates the humiliation of the Negro. The oppression is maintained by the full panoply of state power including powers of taxation, compulsory court appearance, arrest, imprisonment, etc.

As Michael Meltsner concludes in his section "Southern Appellate Courts: A Dead End": "The state's legal process has become a sham, used not to grapple with the tenacious questions of fact and law, guilt or innocence, but solely to maintain class and race power."

Writers in this compilation express two distinct views on the

legality of this Southern Justice. For Professor Mark DeWolfe Howe and Clifford J. Durr of Alabama, public power in the South is "an instrument of lawlessness" and citizens must protest when the apparatus of law becomes "an instrument of illegality."

Peter R. Teachout, LL.B. '65, however, observes that Southern Justice is very much like a distinct legal system implicit in discretion-dispensing legislation and having its source in the traditional Southern Way of Life.

Thus a voter registrar in refusing to register Negroes, and a sheriff in arresting a mixed carload of CORE workers are really enforcing "underlaw." Teachout defines this "underlaw" as "the systematic exploitation of areas of discretion in the legal process in order to perpetuate a system of white supremacy."

There is of course a sense in which state-enforced racial discrimination is "lawlessness." The external observer, such as a reconstructed federal appeals court

(Continued on following page)

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Law and Race

(Continued from preceding page)

judge, can easily conclude that racial discrimination in voter registration does not square with the Fourteenth or Fifteenth Amendments. Or that the state disorderly conduct statute does not and can not constitute grounds for arresting whites peacefully dining with Negroes in the same restaurant.

But from the perspective of the internal participant, the Southern Negro, the Southern Way of Life is the law. Everyone makes concessions to this notion in the use of the term "lynch law." This is the infliction of punishment by private persons for crimes or offenses against the Southern Way of Life and is to be distinguished from outright murder.

Further, because "lynch law" is almost always carried out with the consent or even participation of the law enforcement institutions

(see *Screws v. U. S.*, 325 U. S. 91), the internal participant regards it as part of the complete legal structure establishing enforceable obligations.

The conflict of norms between what the Constitution and federal statutes, taken with Northern morality, demand and what Southern Justice requires, sometimes leads the "vacationing" lawyers into making apparently contradictory conclusions.

For example, Jesse H. Brenner is exasperated to find that "in Mississippi a man honorable and moral in all other respects automatically divorces himself from honor and morality in dealing with Negroes . . . or with those who champion their cause. A man who would rarely lie under normal circumstances believes lying to be a virtue when civil rights are involved. . . ."

One could also remark that Houyhnhnms, who are usually moral and upright creatures, never

lie immorally except when the rights of Yahoos are involved, and then lying is a virtue.

Because the Southern Way of Life in effect is law and honor, most white Southerners acquiesce in its enforcement. But when new and contradictory federal norms are introduced and implemented, most white Southerners eventually decide against evading the new law.

The lawyers in this book are in agreement that federal legislation covering every area of the political and legal process has been too long delayed. When passed, it must be vigorously enforced.

But because the federal government cannot hold bayonets at the back of every Southerner, the enhancement of indigenous Negro political power is an important concomitant of the federal legislation and enforcement. For the American Negro, the complete abolition of Southern Justice is not negotiable.

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Practice Exam Revised

By Frank L. Simonie

A new system was inaugurated this year for administration and grading of the mid-year practice examinations. The examinations were taken by all first year students on Saturday, January 29.

In the past each student was given one or two questions from each of his subjects. Results were expressed in terms of numerical grades in the same manner as they are on "real" examinations.

Beginning this year, however, no question will be given a numerical grade. Instead, questions will be categorized as very good, good, satisfactory, or poor. The student will have to determine his own overall progress, since no evaluation will be made of his examination as a whole.

In addition, only three or four of the five questions will be read at all this year. This will allow the persons grading practice examinations — principally the Teaching Fellows — to spend more time on the questions they are reading and to make helpful comments in the blue books.

It is felt that the new system will make the practice examinations more useful as an indication of the student's progress. The former practice of giving numerical averages was criticized as misleading in its precision.

The new system should also help to reduce anxiety arising from competition for grades. There will be sufficient time for this sort of worry in the spring. The practice examinations are intended only as a general indication of the student's progress and not as a measure of class standing or rank.

Forum Elects Anew

Samuel I. Doctors, 2L, has been elected president of the Harvard Law Forum for the second semester.

Other officers are John Tuohy, programming vice president; Brian Silver, 1L, administrative vice president; Conal Murray, 1L, promotional vice president; Robert Doty, 2L, secretary; and Donald Nicholson, 3L, treasurer.

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12 Finalists Picked For Williston Competition

The Board of Student Advisers has wound up activity for the first semester by naming the finalists for the Williston Competition and the best performers in the fall Ames rounds.

The twelve Williston finalists, divided into three teams, are as follows: Gerard J. Carpeny, Robert J. Kafin, Martin J. Levitas, Julian P. Rackow; Blake T. Franklin, William C. Gifford, Stephen M. Raphael, Thomas V. Smurzynski; John A. Adler, Daniel M. Joseph, Julie G. Lowenberg and David T. M. Murphy.

They will be competing for a \$250 first prize, \$150 second prize and \$100 third prize offered by the Boston Safe Deposit and Trust Company.

Chosen as the best club in the second-year qualifying arguments was Casner. Its eight members were Ronald J. Bass, Charles L. Brock, David A. Cathcart, Hope B. Ehrlich, William H. Levit, Andrea I. Maharam, Paul

T. Schonberger and Henry J. Steinglass.

Elton B. Klibanoff was selected the best oralist in the qualifying round.

Winners of first-year recognition were Andre J. Zdrazil, best oral, Daniel B. Silver, second best oral, Stephen A. Mintz, best brief, and R. John Cooper, second best brief.

The Williston Competition's final round will begin early next month. It traditionally involves an estate planning problem written by the faculty assistant to the Board of Student Advisers.

The prize money will be awarded at a banquet held by the sponsor at the Harvard Club. The Boston Safe Deposit and Trust Company also backs similar programs at Boston University and Suffolk University law schools.

Names of members of the winning team will be engraved on a plaque in Langdell Hall.

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Prof. Seavey

(Continued from page 5)

Professor Robert E. Keeton, co-author with Prof. Seavey of *Cases on Torts*, recounted in an interview his impressions of Prof. Seavey's teaching methods.

"He simply wouldn't accept 'not prepared' as an answer from a student. He just kept asking 'What do you think? What do you think?' until the hesitant student began coming up with answers.

"Seavey was ruthless in the way he disclosed your abysmal ignorance. But he could afford to be this way in the classroom for everybody knew his warmth of interest in students. He always maintained an 'open door' policy in his office toward any student who just wanted to come in and talk."

One of Prof. Seavey's most famous classes was conducted without a word from the professor. He had a serious case of laryngitis, but conducted the full hour by merely pointing to one student to respond, then another and another, until a full scale discussion was underway.

In an article written for the RECORD in 1948, Prof. Seavey retold some of his experiences as a student at Harvard Law:

"I hated negotiable instruments and contingent remainders, but I loved the short dramas, with heroes, villains, and innocent victims.

"It was a welcome change from the drab years of college devoted to languages, memorizing dates, and listening to discourses. In the law school we were no longer sponges. We could joust in hopeless combat with our professors."

Surviving are his wife, Stella, and two children.

Enrollments at New High

Law school enrollments in the U.S. have reached a new all-time high mark of 65,057, the American Bar Association reported recently in its annual review of legal education.

The figure for the 1965-66 fall term is up 5,244 over the previous year.

Law schools having the largest 1965 fall semester enrollments were as follows: N.Y.U., 2,218; Harvard, 1,686; Texas, 1,554; Brooklyn, 1,401; George Washington, 1,378; Georgetown, 1,292; Michigan, 1,114; Hastings, 1,055; Indiana, 1,034; Suffolk, 1,003.

Innovations Expected in Urban Development

(Continued from page 1)

In testifying before a Senate subcommittee last year, Prof. Haar outlined his criticisms of previous federal policy on urban redevelopment. "The lack of a clear definition of the national interest in urban areas, and consequently of any coordinating principles or mechanism to bind existing efforts together is a major deficiency of the present array of Federal programs."

He is known to favor federal subsidies to local metropolitan planning units. "If the process of evolving a metropolitan planning system can be achieved with national encouragement," he has said, "government at the local level will emerge all the stronger."

Born in Antwerp, Belgium, the 45-year-old professor was graduated from N.Y.U. in 1940, received a Master's in education from Wisconsin the following year and his LL.B. from Harvard in 1949.



Prof. Haar

Cohen to Teach

Milton H. Cohen, a practicing lawyer in Chicago, will be the first visiting professor to participate in the Law School's new program of teachers-from-practice, beginning next fall.

Dean Griswold commented that the program "will seek to bring into the academic community practicing lawyers like Mr. Cohen whose experience and knowledge can contribute to deepening our grasp of points where the law has its most significant contact with the problems of our nation."

The Dean stressed that lawyers will be brought in from all fields to add their voice from the experience of actual practice and litigation.

Mr. Cohen is an expert in the area of securities markets and will teach corporations and securities regulation next year.

He is associated with the firm of Schiff, Hardin, Waite, Dorschel and Britton in Chicago.

Events of Note at the Law School

The Harvard International Law Club Journal will hold a staff organization meeting tonight at 7:30 p.m. in the Wheeler Room of Holmes Hall.

The club is intended to recruit students to participate in an international legal writing program in conjunction with publication of the spring issue of its *Journal*.

All students interested in the field of private and public international and comparative law are urged to attend.

* * * * *

Mrs. Sheldon Glueck, wife of Professor Emeritus Sheldon Glueck, and an authority on juvenile delinquency will address the Harvard Law Wives, Feb. 9 at 8 p.m. in Harkness.

* * * * *

"Ombudsmen and All That" will be Professor Walter Gelhorn's topic this spring in the annual

Holmes Lectures.

The lectures will be held on successive Monday, Tuesday and Wednesday nights March 28-30, in the James Barr Ames Courtroom in Austin Hall.

There will be no admission charge. Students and faculty are invited to bring interested guests.

* * * * *

A \$500 prize is being offered for the best essay on a legal aspect of commercial arbitration by the American Arbitration Association and the Eastman Arbitration Library.

Professor Harold J. Berman will be one of the judges, along with former Senator Kenneth Keating and Whitney N. Seymour. All entries are due April 15.

* * * * *

All students are invited to write for the RECORD. Come to the 3rd floor of 23 Everett St.

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