



Harvard Law Record

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FIFTEEN CENTS

Nader, LL.B. '58, Charges Harassment For Conducting Automobile-Safety Crusade

By Paul M. Branzburg

Has it become "routine" for the automobile industry to shadow and investigate those who have criticized it both in print and before Congressional committees? This is the question raised by the recent experiences of Ralph Nader, LL.B. '58, the author of *Unsafe At Any Speed*, an attack on car manufacturers for unsafe design. He was a major witness on February 10 before Senator Ribicoff's subcommittee on executive reorganization, which has been inquiring into the role of the United States Government in traffic

safety programs.

After weeks of being trailed by detectives, receiving mysterious telephone calls in the night, and being approached by seductive women, the Washington attorney's nightmare ended when General Motors admitted on March 9 that it had ordered a "routine investigation" of his background.

The story really began in 1958 when Mr. Nader, a former President of the RECORD, chose automobile safety as the subject of his paper for the seminar in medico-legal prob-

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Show Flaunts School Foibles

By Michael Lowenberg

The Harvard Law School Dramatic Society staged its one-night stand of the Law School Show this past Saturday, and if you were in the proper state of mind it was a blast.

Although this year's show contained much that was familiar, if you happened to have attended the last two shows, there was more than enough bright new material and delightful talent displayed to make the evening quite enjoyable.

The plot, such as it was, traced the career of a ten-year old child prodigy who is admitted to the Law School to help bolster a sagging public image. Irritated by "the kid's" success, the student body plots in vain for a return to normalcy, until finally the "Caped Crusader" from a Connecticut law school foolishly kidnaps him.

As the "kid," Tim Corcoran, 2L, was the star of the evening. His piercing high-pitched voice consistently made

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'Delonia Ranger' on Stage

A 10 Year Old Kid In The Law School?

(Continued from preceding page)

the most of his material he played his part to perfection. Jim Friedlander, 3L, doubled as composer and narrator, and managed both with great success. As for his singing — well, that's all part of the fun.

Professors, mixers, Dean Griswold, Dean Casner, the law wives, the law review, and the Ames competition were again the recipients of many well-aimed barbs. Too many, in fact. The one major fault of the show was its great length — a fast-moving, funny and well executed mockery of the first-year Ames games, done in flickering old-movie style, probably would have found the audience more receptive if it had come an hour earlier.

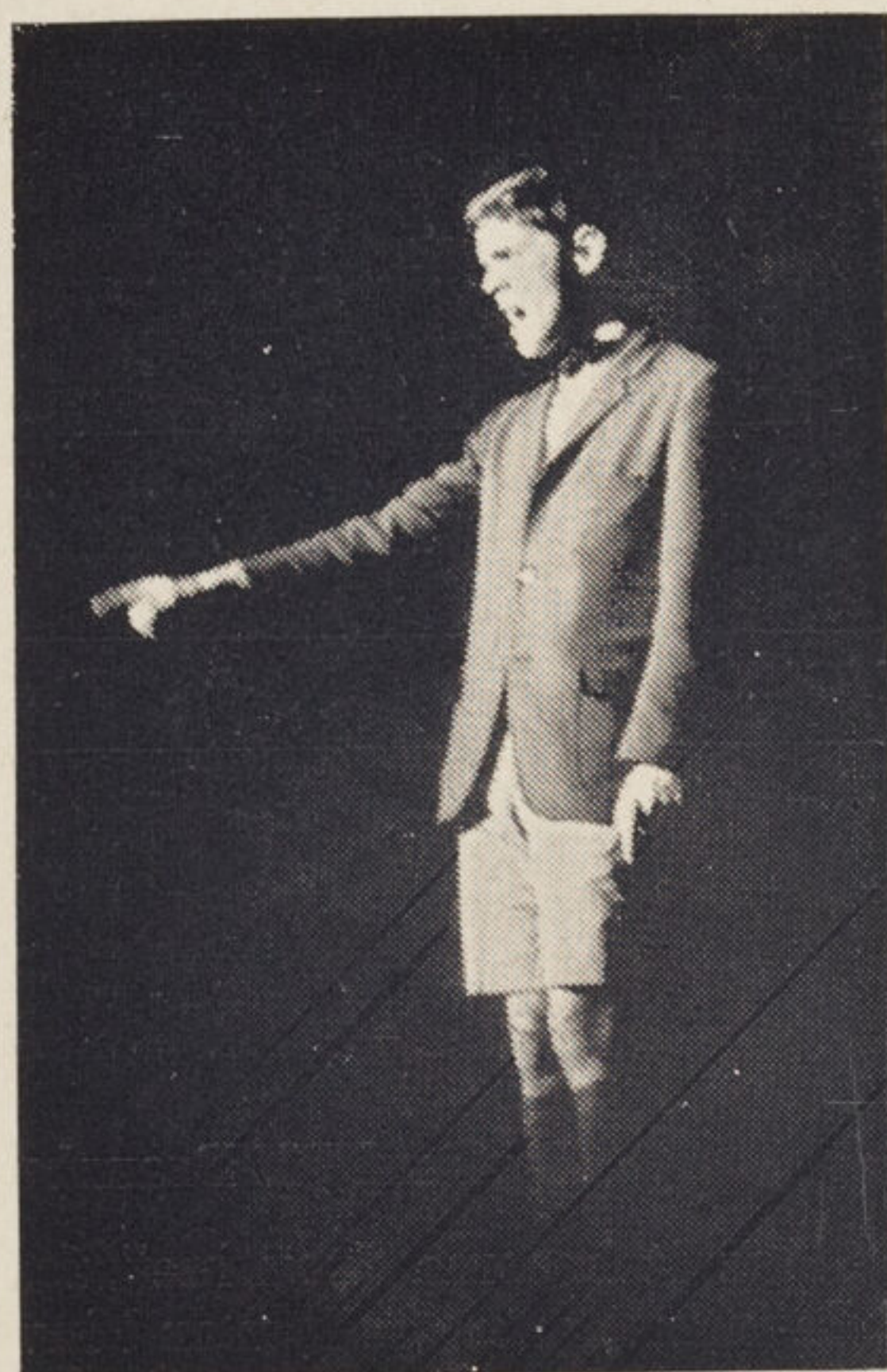
But why complain? The world's only law school dramatic society accomplished its objectives, and reliable sources report that even the faculty members in the audience left laughing. The faculty, quite naturally, provided the main targets for lampooning.

Professors Dershowitz, Shapiro, Fried, Chadbourn, Brown, Braucher, Sacks, Countryman and Herwitz were all caricatured with taste and precision. Dean Griswold and Prof. Casner, as is now traditional, received the greatest care and attention, and were portrayed by Steve Durchslag and Al Goldhammer, respectively. Goldhammer also wrote most of the script.

A large group of attractive young ladies, imported from neighboring institutions of higher education, provided a great deal of color, talent,



Hanky-panky in high places



Tim Corcoran As "The Kid"

acting, singing, dancing, bumps and grinds. Mike Newsom and Steve Goddard provided a lively and competent musical accompaniment and managed to bring out the best (as it were) in the various singers and dancers.

The cast was fortunate in having an extremely receptive audience. Even before the lights dimmed and the show began, the audience was entertaining itself by watching intently for members of the faculty to enter the auditorium at Rindge Tech, and then proceeding to cheer and applaud as each walked to his seat. More than a dozen faculty members, including Dean Griswold, were in the audience.

Added, this year, to the stock situations set up as satirical targets was that fine and respected law firm of Rusk, Bundy, Johnson, Westmoreland and McNamara ("As we seek a larger practice/Our slogan is unfurled/Remember today is Saigon/Tomorrow is the world."). The biggest laugh of the evening, however, was earned by Winston R. Webster, 1L, as the Grand Dragon.

So if you missed this year's show, be sure to go next year. It may not be Broadway, but so what. It was fun. As it were.

Cohen Outlines China's View of Vietnam War

By Steven Goddard

"The North Vietnamese do not want the Chinese in the war, and they are not eager to enter it," declared Professor Jerome Cohen at a lecture last week, "but China still has a great stake in the war in Vietnam."

Outlining China's interest in Vietnam, Prof. Cohen listed four perspectives from which it views the embattled country. "Historically, North Vietnam was once a part of China," he pointed out, explaining that the Chinese regard victory in South Vietnam as "essential in their effort to regain the power and prestige they once had as the Central Kingdom over 2,000 years ago."

"From a hundred year perspective," he continued, "Vietnam is an effort to stand up to the West and regain pride lost in the Opium War in the last century." Prof. Cohen feels this view is strongly reinforced by their Marxist interpretation of history, with America playing the traditional imperialist aggressor.

"In addition," he said, "the Chinese see the Vietnamese struggle as a repetition of their Civil War, in which Mao Tse-tung and company, by holding rural areas and enveloping the enemy, defeated a larger and better equipped army."

Prof. Cohen emphasized the Chinese strategy for "liberation" of oppressed countries by reading passages from their "Mein Kampf," a book on tactics by Mao Tse-Tung.

"The Chinese regard men as more important than firepower, and rely on the rightness of their ideology for their strength," he said, and pointed out that in the Civil War thousands of troops deserted Chiang Kai-shek and joined the Communists. To emphasize the point Prof. Cohen tapped his head with his index finger and quoted Mao, "It's all in their heads, you have to reach their heads."

The rural base theory is the key to China's strategy. "They envision," he stated, "a liberation of the masses which will come about not from armies sent by China, but by an uprising of the oppressed people in these countries." This view justifies their present lack of troop commitments to the war.

The Chinese, holding to Marxist doctrine,

anticipate a world-wide reaction against U.S. imperialism. "Due to a lack of tact and diplomacy," he reflected, "the Chinese have actually suffered a serious loss of influence recently in most of the world's backward nations." Therefore, to preserve the validity of their ideology, "they are under great pressure to succeed in Vietnam."

Prof. Cohen has had a long standing interest in China and Southeast Asian affairs, and was given a four year grant in 1959 by



Prof. Jerome Cohen

the Ford Foundation to conduct studies in this area. Prof. Cohen was then teaching at the Berkeley Law School, and the intent of the grant was to prepare professional lawyers for future negotiations with China.

Prof. Cohen spent the last year of the study in Hong Kong interviewing refugees and getting a close look at China. In commenting on the lack of reliable information on which to base policy decisions, he said, "China is a very well insulated country. We don't know anything, anything at all about the next generation of Chinese leaders."

In response to a student's question, Prof. Cohen agreed, "We can't afford to continue our present course." He favors a negotiated settlement similar to that in Laos, if possible. Our present deep involvement, he feels, is largely due to a lack of sound long-range planning dating back to 1952.

Reflecting on the realities of U.S. politics,
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Nader Charges Women Hired to Entice Him

(Continued from page 1)

lems. Several years later, he published a lengthy article in the RECORD on the same subject. Finally, when Grossman Publishers of New York released *Unsafe At Any Speed* on November 30, 1965, the sparks began to fly (cf. RECORD book review, December 16, 1965, p. 13).

Mr. Nader first thought he was being watched on January 10 in the Kirkwood Hotel at Des Moines, where he had gone to testify before an inquiry by the state attorney general into traffic safety. In the weeks to come his suspicions were confirmed. On the night before his Ribicoff subcommittee testimony, he received six calls, the last at 4 a.m. One voice asked, "Why don't you go back to Connecticut, buddy-boy?" (Nader's hometown is Winsted, Conn.).

On the day after his testimony, Mr. Nader went to the New Senate Office Building for a television interview. After the interview, the building guards told him that two men who had said that they had been following Nader around the country, had inquired about where he had gone in the building. When a lieutenant on the Capitol police force found out about it, he ordered them to leave. There is reason to believe that the two then followed a newspaperman they had mistaken for Mr. Nader.

In the following week, Mr. Nader's landlady and stockbroker in Washington, D. C. were questioned about his financial standing, and personal habits. Professor Harold Berman was called by a man who said that Mr. Nader had given his name as a reference for a job. This was a lie: Mr. Nader is not looking for a job.

A man who said that Mr. Nader was being checked for a job recently appeared in the offices of the Harvard Law RECORD and examined copies of everything that he had written for the newspaper.

The man left after purchasing two copies of the RECORD which contained articles by Mr. Nader on automobile safety.

On the evening of February 20, Mr. Nader was approached in a drugstore by a young, attractive brunette who invited him to her apartment to participate in a discussion group on foreign affairs. He refused. Several days later a blonde girl in slacks approached him in a supermarket and asked him to help her move something heavy in her apartment. After Mr. Nader repeatedly refused, she walked out of the store even though many others were about who might have helped.

On the same day that Mr. Nader was followed onto a United Air Lines flight from Philadelphia to Washington, D. C., Mr. Frederick H. Condon, LL.B. '58, assistant counsel and assistant secretary of United Life and Accident Co. of Concord, N. H. was contacted at his home in East Andover, N. H. Mr. Condon, a former editor of the RECORD, was partially paralyzed in an automobile crash and it was to him that Mr. Nader dedicated his book.

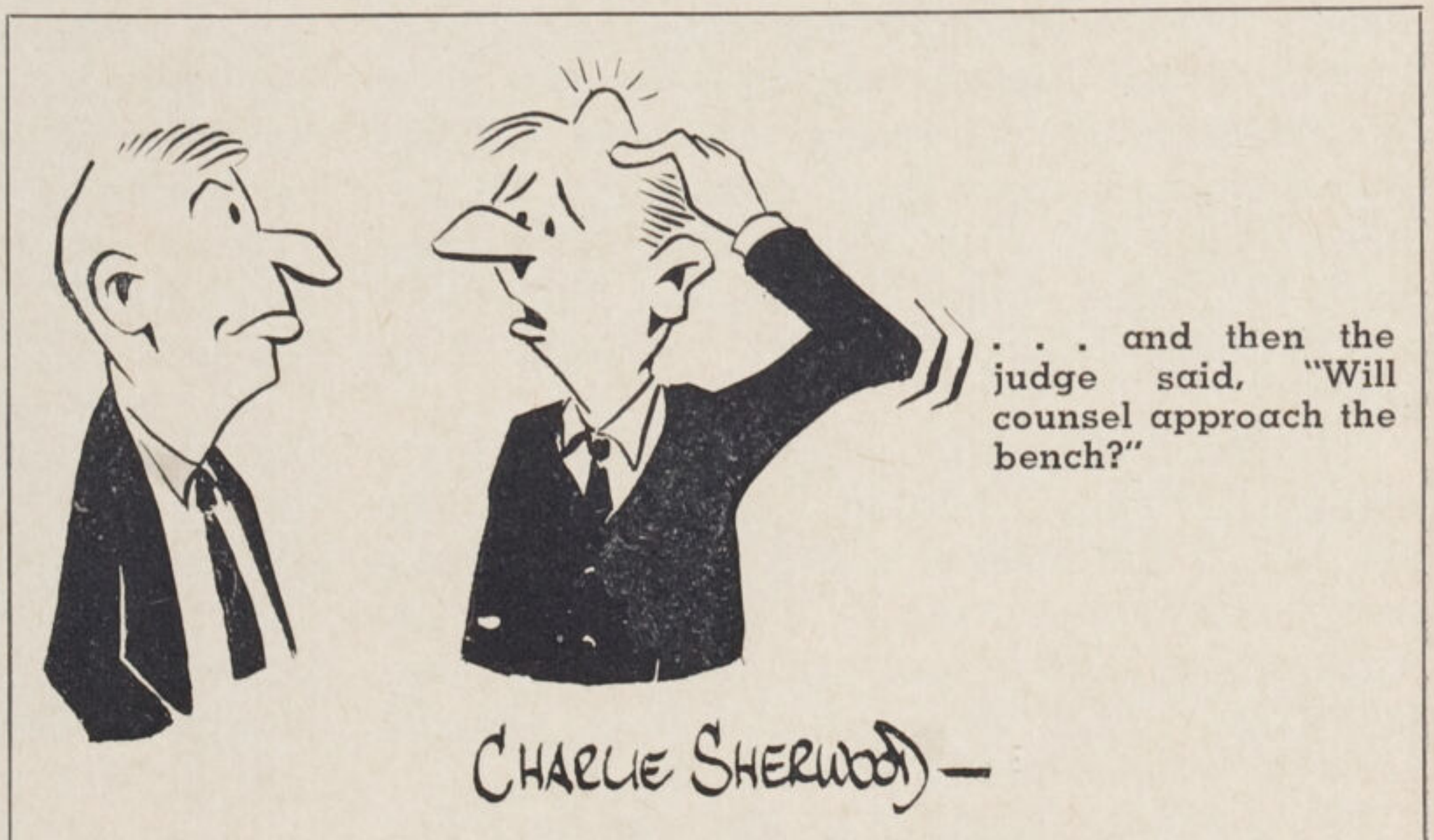
A Mr. Gillen, insisting on holding an attaché case on his lap, questioned Mr. Condon about a variety of things, including whether Mr. Nader owns a car,

whether he has a driver's license, whether Mr. Nader's Lebanese ancestry indicates anti-Semitism, and whether Mr. Nader is guilty of any sexual perversions. Gillen explained that he needed the information because Nader was applying for a job.

Finally the newspapers got wind of what was happening, and extensive accounts of Mr. Nader's investigation appeared in newspapers around the country. Mr. Gillen, of Vincent Gillen Associates of Manhattan and Garden City, New York admitted that when he had investigated Mr. Nader he found himself "tumbling over investigators all over the place," but refused to identify his employer. All of the automobile manufacturers—including General Motors—expressly denied that they knew anything about Mr. Nader's harassment.

However, after Senators Ribicoff and Nelson demanded an investigation by the Justice Department and Senator Ribicoff pointed out that intimidation of a Congressional witness is a violation of Federal law punishable by a five-year prison sentence and a \$5,000 fine, General Motors admitted that it was conducting a "routine investigation" of Mr. Nader.

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Faculty Approve Small Experimental Classes

By John Spitzer

An experimental program of small first-year classes for next year was approved by the faculty on March 8. In addition to the four large sections, there will be three small classes of 35 students each in civil procedure, criminal law and torts.

"We want to compare the results of a small class to those of a large section," explained Associate Dean A. James Casner. "No student will be in more than one of the small classes and selections will be made by lot."

In response to the question of how the results will be evaluated, Dean Casner admitted that "this is one of the things that worries us." But he added that the professors of the small classes will all have taught large sections in the courses before so that they should be able to make a comparison.

The faculty also announced the appointment of Professor Adam Yarmolinsky, who will come to the Law School from a career in the Defense Department in Washington. He will teach criminal law and a seminar in land use planning.

Visiting professors next year will include Prof. Robert H. Cole, from the University of California at Berkeley, who will teach torts and evidence; Prof. Harold Marsh, from the University of California at Los Angeles, who will teach a new section in corporate reorganization; Prof. Gareth H. Jones, from Trinity College, Cambridge, who will teach trusts; and Prof. Norman Anderson, from the University of London, who will teach a new course in Islamic law.

The Thayer teaching fellow will be Clifford L. Pannam, from the University of Melbourne in Australia, who is to conduct a seminar entitled "The Legal Effects of an Unconstitutional Statute."

Professor Abram J. Chayes, who is returning to the faculty from government service, will teach a course in international law, and Prof. Peter F. Coogan will return from Yale Law School to teach a seminar in the Uniform Commercial Code and the Bankruptcy Act.

Professor Richard R. Baxter will be on sabbatical leave next year, as will be Professors Louis L. Jaffe and Oliver Oldman the second semester. Professor Vern Country-

man will have research status all year and Professors Charles Fried, Albert M. Sacks and Donald T. Trautman will have research status half of the time. Professor Derek C. Bok will be on part-time leave to do work for the Rockefeller Brothers' Fund.

A number of new courses and seminars will be offered next year. Among them are "The Prediction and Prevention of Antisocial Conduct" (Dershowitz), "Human Relations Problems in Legal Practice" (Sander), and "International Business Organizations" (Chayes). New seminars will include "Juvenile Delinquency" (Hall), "Eminent Domain" (Michelman) and "Comparative Economic Planning" (Berman).

Penn Starts New System For Grading Law Students

Should law schools continue to evaluate students' work in terms of number or letter grades? This question was recently discussed at the University of Pennsylvania Law School, and the answer came out "no."

In an interview given to the *Philadelphia Inquirer*, U. of P.'s Vice Dean Theodore H. Husted, Jr. emphasized the homogeneity of the students. There is, he asserted, "no real difference" among students who may be as many as forty places apart in the class standings.

The new system at Penn, replacing the orthodox one of numerical averages and class standings, will be similar to the one adopted at Harvard Law School this year for the grading of first year practice examinations. Papers will be given category designations of distinguished, excellent, good, qualified, and unsatisfactory.

This system will make it difficult for an employer to determine the precise class standing of any student. The school will also be able to answer requests for class standings by saying that it is simply impossible to compute them.

The new grading system will be introduced one class at a time over the next three years. Students now in their second or third years will not be affected by the new system, but it will apply to first year examinations this spring.

GM Claims Nader Linked to Corvair Suits

(Continued from page 4)

Just before 11 p.m. on March 9, when it was too late to get a story into the morning papers, General Motors reported that the Washington law firm of Alvord & Alvord had handled an investigation to determine if there was any connection between Mr. Nader and plaintiff's counsel in the dozens of lawsuits against General Motors for accidents allegedly caused by unsafe design of the Corvair's rear-suspension system. One source has revealed that Mr. Gillen was employed by Alvord & Alvord.

General Motors has denied any knowledge of harassing phone calls and attempts by women to lure Mr. Nader into compromising situations. The nation's largest manufacturing enterprise claims that it can prove Mr. Nader's connection with lawyers handling the Corvair suits, and that when the President of General Motors, Mr. James M.

Roche, appears before the Ribicoff subcommittee on March 22, he will present such evidence.

GM did not explain what the questions about Mr. Nader's personality and sexual activities by Vincent Gillen Associates and two other detective agencies had to do with the Corvair litigation.

Mr. Nader told the RECORD in a telephone interview on Sunday evening that the General Motors statement was "pure bravado." He hotly denies any connection with the lawyers handling the Corvair suits and is quite confident that General Motors, having bungled its way into an embarrassing mess, is now trying to bungle its way out.

Before the Ribicoff subcommittee hearings on March 22, the Federal Bureau of Investigation will seek to determine if there has been intimidation of a Congressional witness. Although the subcommittee will deal with this issue,

Senator Nelson has said that the subcommittee should also investigate the possibility that Alvord & Alvord, the Washington law firm, was in contempt of Congress for conducting the investigation.

Mr. Nader is expected to appear before the Senate Commerce Committee when it holds hearings on the Administration's highway safety bill. On Sunday evening, he told the RECORD that the bill has "all the essential ingredients of a no-law law" and that, as it is drafted, "it is an expression of the powerful interests in the auto industry."

The critic of the automobile industry is particularly disturbed by the fact that nearly all of the important provisions of the Traffic Safety Bill of 1966 are discretionary instead of mandatory. "About the only thing in the bill

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Prof's Plan to Reorganize UN Wins Support

By Keith S. Watson

A revolutionary plan for reorganizing the United Nations formulated by Professor Louis B. Sohn has recently received widespread publicity and support.

A full-page advertisement in the *New York Times* of February 27 called for the adoption of Prof. Sohn's plan for a world legislature. In this body, a nation's voting strength would vary with its population, and representatives would be popularly-elected. It would act as a lower chamber, much like the United States House of Representatives, and approval of the General Assembly on a 'one nation-one vote' basis would still be necessary to pass United Nations resolutions and statutes.

The proposal, often called the "Clark-Sohn plan", was first suggested by Prof. Sohn and Mr. Grenville Clark in 1958 in their book *World Peace through World Law*. Prof. Sohn holds the Bemis Chair of International Law at the Law School. Mr. Clark, a 1906 Harvard Law graduate, was a consultant to Secretary Stimson during World War II.

Prof. Sohn indicated that, so far, the Philippines is the only nation to announce its support for the plan. It is opposed by the United States State Department on the ground that any system of weighted voting would give the Communist bloc more strength than it now has in the Assembly. Prof. Sohn termed the U.S. view "short-sighted" because the real problem of the United Nations concerns the relationship between large and small countries, not that between the East and the West.

According to the *Times* advertisement, whose language Prof. Sohn supports "with some minor reservations," the United Nations as presently organized is unable to deal with problems like the Vietnam question because two major nations disagree about its solution. The Security Council is "muscle-bound" by the veto, and the General Assembly has no power because its representation is unrelated to population. Because the people of the world cannot look to "such untrustworthy bodies" for protection, they must rely on their countries and those countries' alliances.

The Clark-Sohn plan does not call for

exact proportional representation in the proposed lower house. Rather, seven population categories are established: in the largest, those nations with over 150 million people—China, India, Russia, and the United States—each would receive 30 representatives, even though, for example, China has many times the population of the United States. The 10 nations in the second category from 50 million to 150 million would have 12 representatives each, and so on down the scale. The house would be composed of about 550 persons.

The representatives to this world parlia-



Professor Louis B. Sohn

ment would not hold office by appointment, but by popular election, with the duty to vote according to their consciences. They would be chosen either in national elections or by the national legislature—in much the way that Senators were chosen before the 17th Amendment.

Prof. Sohn insisted that these representatives would likely exercise independent judgment and would not be bound by the foreign policy of their nations. He noted that in the Council of Europe, which acts upon economic and social questions, the mere seating of the representatives alphabetically instead of by nation has led to a significant breakdown of national bloc voting.

Eminent Support for the J. D.

The RECORD's crusade for awarding the degree of Juris Doctor (J.D.) to law school candidates has gained so much momentum recently that it threatens to eclipse the "split infinitive issue" in the beating-a-dead-horse department.

Rejecting the pleas of those who observe that those pursuing a doctorate are more susceptible to the military draft than bachelor degree candidates, the RECORD patriotically reaffirms its support for the J.D. and notes that the upcoming 150th anniversary of the Law School would be an appropriate occasion to abolish the useless LL.B. tradition.

In recent weeks, the Columbia Law School *News* and the American Law Students Association have added their voices to the cries for reform. But the rapidly-expanding list of converts should not mislead traditionalists into believing that this is another revolutionary movement of the current decade. Tireless RECORD research has revealed the following editorial comment by the editors of the 1918 Harvard Law *Review*:

"With the enrolment of each new class in the Law School, attention is forcibly called to the anomaly of requiring a bachelor's degree for admission, and granting only a degree of the same nature at the end of the three years course. It is hard to see any reason for discriminating between certain other graduate departments of the University and the Law School, which maintains an admittedly equivalent standard. And, as has been well said, 'If the standards of a professional school are so high that graduation means the successful completion of a collegiate as well as a professional course, it is for the interest of the University to emphasize this high standard by a degree which from its form suggests that it is a second degree.'"

Although written nearly a half century ago, the logic of the comment is without a flaw. It should also be noted that the 1918 *Review* editorial board included Mr. (later Professor) Edmund M. Morgan and Mr. (later Justice) Felix Frankfurter.

Harvard Law Record

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TONGUE 'N CHEEK

By Fenno

If it has done nothing else, the war in Vietnam has caused many Americans to revise their thinking. In the crucible of war, new emotions are forged. A burning national ardor replaces the old cynicisms of peace. In short, we become patriotic.

Contrary to popular belief, Harvard Law School does not lag behind the rest of the country in this respect. In fact, it might be said that Harvard has an overabundance of patriots.

There is, for example, the loyal group that gathers around the TV set in Holmes every evening to watch the news broadcasts. Only last week one of these fine lads was heard to say, "You mean to say we only got twenty of those * * * with the green hats? It's too bad there weren't a dozen or so more killed!" Isn't that noble?

And, as might be expected, Harvard is a leading contributor of men to the fighting services. Of course, there are some who will not be able to serve. But this is not for any lack of genuine patriotic feeling. At Harvard, future Chief Justices fight for positions with the Judge Advocate General because they are dedicated to the ideal of military justice. Others apply for teaching jobs in obscure towns because all their lives they have thirsted for an academic career. They all deplore the fact that their positions may keep them from military service.

A number of steps have been taken to put the Law School on a war footing. Fascism has been declared the number one enemy. Several law clubs were reported ready to give themselves new names like Aptheker Club, Julian Bond Club, or Cassius Clay Club. Ceremonial matches will be distributed to all those who wish to burn their draft cards.

So, you see, we at Harvard are very patriotic. We are not sure which is our *patrie*. but we are patriotic.

Letters to the Editor

Alumnus Questions Record On Seavey Arrival Date

To the Editor:

I noticed in your February 3, 1966 issue that Professor Warren Seavey had died and in the write-up, it was stated that he returned to Harvard Law School in 1927.

In my first year at the Law School, which started with the fall of 1911, Professor Seavey taught us our course in pleadings. I can't remember his initials; but either it was a different Seavey or somebody in writing up this article missed the boat.

I realize that it doesn't make much difference, one way or the other; but I thought you might enjoy a little fan mail; so I am submitting my observations herewith.

Very truly yours,
Prescott W. Cookingham,
LL.B. '14

P.S. At that time, the gossip went around that Professor Seavey had acquired a mark of ninety-two in his courses and that was at a time when it was practically illegal to get eighty or more.

(Mr. Cookingham is correct — Ed.)

Young Democrats Smashed For Undemocratic Procedure

To the Editor:

Last night I attended my first and last meeting of the so-called Democratic Club. Regular members of the club seem to have felt a pressing need to add their unsolicited advice to that of thousands of unheeded amateur policy-makers on the well-worn subject of Vietnam.

The position of the Administration, whose party the club purports to represent, was dismissed as too extreme to merit consideration. Then followed the summary passage *in toto* of the somewhat less-than-temperate resolution which has adorned Harvard bulletin boards in recent days.

At the conclusion of the voting

I moved that insofar as only 31 members were present of a club whose membership numbers about 250, and insofar as only 17 members seemed to favor the entire resolution, it would be appropriate to publish the number in attendance as a part of the resolution.

"Defenders of Democracy"

But the defenders of American democracy who feel such moral indignation at what they consider to be government "management" of the news, who clamor for a government in Vietnam (South only) which is "truly representative of the people," were aware of no inconsistency when they defeated my motion.

So I ask that the "resolution" passed in the name of the Harvard Law-Graduate Democratic Club be taken for what it is, another redundant protest by 17 disgruntled students.

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Scott R. Lowden, 3L

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Students in Hastings Hall will have to put up with some inconvenience as a result of a recent law. Under the law, the double-hung sash adjacent to fire escapes in Hastings must be replaced with casement-type windows.

The Law School has requested that all major construction work for any one room be completed in one day, although the workmen may have to return again from time to time. Work will begin at 8 a.m.

At present, there is no schedule as to which rooms will be repaired first, but an approximate schedule will be available from the foreman once work has begun.

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Ralph Nader

(Continued from page 6)

which is mandatory," he said, "is a clause prohibiting the use, by parties involved in criminal or civil litigation, of government accident investigation reports. This means simply that an investigation by the government that revealed that four people were sent to their deaths because of a defectively designed braking mechanism could not be used in an action against the manufacturer of that car."

Mr. Nader was also concerned by the lack of response from the academic world to the problem of automobile safety. Although 50,000 people die on the highways every year and 4,000,000 are injured annually, he said that no law professor except Mr. Jeffrey O'Connell of the U. of Illinois has done work on auto safety legislation.

"It seems that the attention of law professors in the field of torts and automobile accident law is wholly restricted to dealing with the problems after the blood is shed instead of trying to give full play to the creativity of the law in preventing such bloodshed."

Mr. Nader will address a banquet of the Student Legislative Research Bureau on March 25.

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Events of Note at the Law School

Walter W. Heller, former chairman of the Council of Economic Advisors, will discuss "New Dimensions of Political Economy" tonight, at 8 p.m., in Sanders Theatre, in the last of this year's Godkin Lectures. All three lectures will be broadcast on Channel 2 on the three Wednesdays beginning Mar. 16, at 10 p.m.

* * *

A panel discussion on "The Crisis in Rhodesia," will be held on Sunday, Mar. 20, at 8 p.m., at the International Student Center. The panelists will include Rhodesians who are in favor of unilateral independence as well as those opposed to it. The center is at 33 Garden St., Cambridge.

The "Crisis in the Two-Party System" will be discussed by Massachusetts Attorney General Edward Brooke, Massachusetts Democratic State Chairman Gerald Doherty and Prof. George C. Lodge, on Mar. 25, at 8:30 p.m., in Ames Courtroom. The panel, presented by the Law School Forum, will be moderated by Prof. Derek C. Bok.

* * *

John M. Fox, president of the United Fruit Co., will speak about "Bananas and Other Things," Tues., Mar. 22 at 1:30 p.m., in the Wheeler Room, Holmes Hall. All interested students are invited to the Bull and Bear Club talk.

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Recent Book

The Leaden Prose of Law's 'Golden Age'

The Golden Age of American Law
Selected & Edited with an Introduction & Notes by Charles M. Haar. New York: George Braziller, Inc., 1965, pp. 533.

By Alexandra Dawson

This is a massive collection of excerpts from opinions, articles, speeches, etc., by or about lawyers in the period 1830-60. Each excerpt has a short explanatory note, and each of the five sections has a substantial introduction, by the editor.

For an anthology, the book is rather intensively organized. The theme is a study of the period and the role of lawyers, judges and legal thinking in teaching the young American idea to shoot. Part I deals with the legal profession; Part II with separation of political power; Part III tackles law and reform; Part IV concerns early cases and problems in economic development; Part V tries to show the origin of some native American legal principles.

Sociological Charm

Part I has considerable sociological charm. The legal education of the period was informal, to say the least. The range in the profession was great—from the aristocrats so well observed by de Tocqueville to the gallus-snappers of the hinterlands. Galluses and spittoons seem to have gone out nowadays.

In Part III we get more of the aristocratic law—the thinking man's reform. But most of the reform in Part III takes place within the law—pleadings and codes and so on. The social reform in Part III does not make much of a showing. Against the Dred Scott case we have, in effect, not a lawyer but Thoreau. There is Sumner's fine argument in an early Boston school-segregation case (*Roberts v. City of Boston*, 5 Cush. (Mass.) 1849). But he lost the case.

If I understand Professor Haar's argument to be that at the founding of the Republic the bar

was in great repute but had lost public confidence by 1830, I suspect he has been misled by the wistful retrospections of the time. The same is said now of that "golden age" of which he writes. In truth the profession has always been accused of supporting vested power by oratory, legalistic gobbledegook, and fancy footwork (viz. Cicero's summations against Senator Cataline). It is an occupational hazard, like the low salaries of teachers and the midnight calls of doctors. Of course lawyers were leaders of society in 1775, and in 1860, but primarily with the leadership of rationalistic conservatism.

Deep Thinking

There is a fair amount of real reform—in the sense of original thinking—in Part V, but the most interesting efforts of the bench to think new problems through show

up in Part IV, in the economic area. How fascinating (and, as the editor remarks, how unlikely) to find Lemuel Shaw declaring in 1842 that the Bootmaker's Union of Boston was not a conspiracy (*Comm. v. Hunt*, 4 Metc. (Mass.)). I have had Shaw, J. urged on me on numerous occasions (Professor Berman once brought a marble bust of him to Torts, which did not help) but have always found him unassimilable.

Sodden Style

The weakness of the book (aside from a wobbly laboring oar in depicting a progressive bar) lies in the prose style, not of the editor but of the period. Whatever it may have been to American legal thinking, 1830-60 was *not* the golden age of American prose.

In schools where extensive read-

(Continued on page 16)

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Hayden Sees Communists Best for Vietnam

By Frank R. Parker

"Most Vietnamese have lost something from the French and Americans and have gained as a result of Communist assistance." Thus Thomas E. Hayden of the Students for a Democratic Society characterized the war in Vietnam largely as the attempt of the poor and underprivileged in Vietnamese society to gain social justice through the National Liberation Front.

Speaking recently before a sympathetic Vietnam Study Committee audience in Langdell South Middle, Hayden in a quiet way described the South Vietnamese revolutionary movement as a personal response of the individuals involved based upon their own experiences.

To make his point, Hayden, who visited Hanoi and parts of North Vietnam in late December and early January, contrasted developments under the Diem regime with

progress in the Communist areas. "Under Diem, education was neglected, Buddhists persecuted, and land reforms actually set back," he maintained.

On the other hand, according to Hayden, literacy in North Vietnam is very high, land reform programs have been implemented, and Buddhists and Roman Catholics are "free to worship," although he conceded that North Vietnamese relations with the Vatican are "somewhat irregular."

Because of the promises of the Liberation Front, Hayden declared, South Vietnamese peasants believe they have a stake in the outcome of the war. "The view of peasants as a neutral majority subjected to terrorism from both sides is ridiculous."

Hayden believes the reluctance of the Communists to negotiate a termination of the war is based both upon their bitter experiences under the American-supported

Diem regime and upon the view that they were betrayed by all the great powers, including Russia and China, at the Geneva Conference.

This lack of trust was recently encouraged, he submitted, when the United States increased its troops in Vietnam while at the same time conducting a spectacular "peace offensive." Discussions with North Vietnamese officials convinced Hayden that "the North Vietnamese judge American intentions by our deeds."

Hayden, whose passport has been "temporarily cancelled" by the State Department because he traveled to North Vietnam, had the most difficulty answering two questions about what he had been told by the North Vietnamese Premier Pham Van Dong. The Premier told Hayden that there were no North Vietnamese troops in South Vietnam and that the United States government had not had any direct

(Continued on page 16)

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Yarborough Opposes Abolishing NDEA Aid

By Lowell R. Wedemyer

"I am strongly opposed to the recent suggestions in the Congress that the National Defense Education Act loans to students be discontinued," declared Senator Ralph Yarborough (D.-Texas), a co-author of the act, to the Democratic Club.

"These loans have been the most successful educational aid ever," he said. "Before the Act only 100 colleges had student loan funds; now 1,600 colleges and junior colleges have established such funds. Discontinuance of the Federal aid would seriously cripple these loan funds and would be particularly damaging to the new colleges which have been established with the expectation that this type of aid would continue to be available."

The Texas Democrat noted that the National Defense Education Act as originally submitted to the Congress called for scholar-



Senator Ralph Yarborough

ships rather than loans and that the change to loans constituted a major weakening of the bill. "The discontinuance of the loans altogether would be a major blow to the effectiveness of the act," he warned.

On the topic of "The Far Right," Sen. Yarborough declared that the extremists of the Far Right such as the Minute Men and the John Birch Society constitute a continuing menace to a democratic society because "the Radical Right stirs up, but never discourages violence. While these groups seldom

engage directly in the violence, they give moral support to those of their members who engage in such activities."

Noting that most of the money which supports extremist publications comes from "big money families," he expressed support for the recent Internal Revenue Service policy of declaring such publications political rather than educational, thus making their operations taxable. Pointing to the 1964 Republican Convention as an example, the Senator asserted that the Radical Right is capable of taking over political control of some counties and "perhaps even some states," much the same as the Ku Klux Klan once did in the South.

He warned that the John Birch Society puts special emphasis on capturing control of school boards. "The 1964 election showed that there is no danger of the Radical Right taking national power, but they still have the ability to disrupt the fabric of American society."

Law Wives Select Officers

The Harvard Law Wives elected their officers for 1966-67, on Mar. 9. Mrs. Gerald Boston was named president of the group.

Mrs. Richard Rolapp and Mrs. Perry Lerner were elected first and second vice president, respectively, while Mrs. Jennings Newcom was selected as hospitality chairman.

Recording secretary for the coming year will be Mrs. David Romney, and Mrs. John Clark will serve as Publications Secretary. Mrs. John Wallace was chosen treasurer. Mrs. Paul Ruden, Mrs. Michael Curtis and Mrs. Alan Palmer were named public affairs chairman, social chairman and special events chairman, respectively.

The members of the Nominating Committee for the coming year will be: Mrs. Franklin Cable, Mrs. Robert Creamer, Mrs. Charles Flyn and Mrs. Thomas Thompson.

The annual Spring Fashion Show, sponsored by the Law Wives, will be held Mar. 23, in Harkness Commons. Fashions from Franklin Simon and Stork Time will be featured. The admission fee of \$1.50 includes a chance at about 20 door prizes.

Kaplan Club Captures Ames Mann Act Case

The Kaplan Club was victorious in the first quarterfinal argument of the Ames Competition argued this past Monday. The second argument will be held this evening, at 8 p.m., in the James Barr Ames Courtroom.

The argument this evening deals with a case in which the plaintiff law firm agreed to act as counsel for an injured railroad worker for a fee of 25% of the sum recovered. The Learned Hand Club is counsel for the appellant railroad company and the Casner Club represents the appellee legal firm.

The issues presented on Monday were whether the mother of an illegitimate child may recover under the Mann Act, and whether the child can recover for being born illegitimate. The Kaplan club represented Myrna Cannon and her son, while the Choate Club represented the father, Roger Budd.

Winning oralist for the Kaplan Club were Robert E. Currie and Charles B. Updike, while Daniel C. Bond, Jr., Christopher H.

Buckley, Jr., David P. Griff, Ronald K. Lachner, Michael S. Moore and John Tuohy assisted on the brief.

Cohen on China Policy

(Continued from page 3)

Prof. Cohen asserted, "The present Administration is politically committed to winning the war in Vietnam." He does not envision any change in U.S. policy before 1968 or 1972.

Commenting on the possibility of talks, he stated, "We have come as close to completely alienating the Chinese as we possibly can, and while Mao Tse-tung is in power the chances for fruitful exchanges are nearly zero."

Prof. Cohen illustrated this by citing a labelling of Mao's as a Hitlerian regime, and declared, "The least we can do is clean up our language and show moderation toward the Chinese."

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3L Class to Elect Officers Today

Members of the Class of 1966 go to the polls today to elect class officers.

The balloting itself will be held in business planning classes. Students not currently enrolled in that course may cast their ballots at the receptionist's desk in Langdell Hall between 9 a.m. and 5 p.m. Alexandra D. Dawson, Dale G.

Griswold Nominated for ABA Governing Board

At the mid-winter meeting of the American Bar Association, which was held in Chicago on February 21 and 22, Dean Erwin N. Griswold was nominated by the State Delegates to be the member of the Board of Governors of the Association for the First District, covering Maine, New Hampshire, Massachusetts, Rhode Island and Puerto Rico.

Under the procedures of the Association, this nomination leads directly to election at the Annual Meeting of the Association next August. This will be for a three year term running from August 1966 to August 1969.

Dean Griswold was in Chicago as State Delegate for Massachusetts, and a member of the House of Delegates. Professor Livingston Hall also attended, as a Delegate of the Massachusetts Bar Association.

Other members of the Faculty in Chicago included Professor Casner, who was introduced to the House of Delegates by Ross Malone, a former President of the Association, and was presented with a complete film of his famous picture on The Revocable Trust. Vice Dean Toepfer attended as a member of the Managing Committee on the Fund for Legal Education.

Professors Andrews and Westfall were there at a meeting of the Advisory Committee on the American Law Institute's Federal Estate and Gift Tax Project, for which Associate Dean Casner is the Reporter.

Higer and Stephan J. Murray are seeking the office of Class Marshal and Laurence J. Bloom, Robert J. Kafin and Harriet B. Marple are vying for Class Secretary. Nominees for Class Committeemen are: Elizabeth A. Croog, Michael F. Donlan, Mark Gasarch, John F. Kehoe, Michael G. Shaikun and William P. Thornton, Jr.

Robert R. Elliot was the only student proposed for Class Jester.

As the ceremonial head of the class, the Class Marshal acts as master of ceremonies at all class functions and as the chairman of the Class Committee. The Class Secretary maintains liaison with the Alumni Office and is responsible for initiating reunions at five-year intervals. He also prepares an annual newsletter concerning the activities of class members.

The Committeemen serve as the regional representatives of the class. The duties of the Class Jester have not yet been determined.

Dems Plan Irish Blast

The Democratic Club's annual St. Patrick's Day Party will be held Saturday, Mar. 19, from 6-8 p.m., in Harkness Commons. Edward McCormick will be among those listening to John Maguire, from County Cork, telling Irish political stories. The admission fee is 50 cents for members and dates and \$1 for non-members and dates.

Pardo Chosen SLRB Head

Recent elections by the Harvard Student Legislative Research Bureau yielded the following new slate of officers: President, Richard D. Pardo, 2L; Director of Research, Gerald W. Boston, 2L; Journal Editor, Jeffrey A. Lowin, 2L; Secretary-Treasurer, Eric H. Steele, 2L. Terms of the new officers will begin March 25.

Several appointments were made by the new officers. Named as assistant journal editors were Paul E. Arneson, 2L; and Michael A. Broomfield, 2L. Bruce M. Cross, John M. Hyson, and Michael S. Sorgen, all 2L, were appointed to the Board of Review.

Gellhorn Discusses U.S. Ombudsman



Prof. Gellhorn

"Ombudsmen and All That," will be discussed by Professor Walter Gellhorn in the Oliver Wendell Holmes Lectures, on Mar. 28, 29 and 30. Prof. Gellhorn is Betts Professor of Law at the Columbia University School of Law.

The individual talks will be entitled "Confining Public Administration Without Crippling It," "Watchmen in Washington," and "Where a Feller Needs a Friend: State and Local Affairs." They will be delivered at 8 p.m., in the James Barr Ames Courtroom in Austin Hall.

Prof. Gellhorn is presently president of the Association of American Law Schools, and is a director of the American Civil Liberties Union and the N.A.A. C.P. Legal Defense and Education Fund.

Golden Age

(Continued from page 11)

ings in classical prose had fallen off, Rhetoric was yet taught. What unleaded density of argument! What metaphors ("This is no moment to seize the reins from the organs of government")! What depths of bombast! What lascivious curlicues of Latinization!

The 18th century prose of Marshall is like clear, cool water. The muddiness of the 19th is not a defect of the legal mind—the quotes from James Fenimore Cooper and various political broadsides beggar description. Lincoln comes off well of course; and Thoreau sounds perhaps better than he deserves. The humorous writing of the period was abysmal, but I recommend Henry James's crepuscular recollections of his incomprehending attendance at Har-

vard Law School lectures—a very special renvoi problem.

Although the judicial opinions of the period are known to lawyers, and the political speeches to students of government, such a large collection of source materials on legal thinking in this period has not to my knowledge been made before. I recommend the book for its thoroughness.

Defenders Choice

Annual elections were held by the Harvard Voluntary Defenders on Sunday, March 6, 1966. The results were as follows: President, H. Whitney Durand, 2L; Vice President (Operations), Robert A. Engle, 2L; Vice President (Research and Appeals), David S. Mortensen, 2L; Vice President (Training), Jack T. Litman, 2L.

Visit to Hanoi

(Continued from page 12)

contacts with the North Vietnamese government.

The first statement Hayden interpreted in the context of a withdrawal from combat of North Vietnamese troops in South Vietnam, which had been reported in American newspapers, during the cessation of the bombing of North Vietnam after Christmas. As to the second, Hayden referred to a possible communications lag between the reported American informal contact on Dec. 29th and the date of the interview with the Premier, Jan. 5.

Hayden traveled to North Vietnam with Herbert A. Aptheker, prominent American Communist, and Staughton H. Lynd, professor at Yale University.

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