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Negro Project Lauded

By Mandy Hawes

The primary purpose of Harvard Law School's Special Summer Program, financed by the Rockefeller Foundation, is to encourage Negro college students to enter careers in law, and follow-ups on the first year's group indicate good results.

Encouraged by the favorable response from the 1965 participants, the Law School

(Continued on page 6)

Women Sweep '66 Offices; Mrs. Dawson Foils Batman

Mrs. Alexandra D. Dawson won the coveted post of Class Marshal of the Class of 1966 in balloting last Thursday.

Harriet B. Marple was chosen Class Secretary while Elizabeth Croog, Michael F. Donlan and William P. Thornton, Jr. were named Class Committeemen. Members of the class also voted overwhelmingly to adopt the Class Constitution.

Batman, a candidate for Class Marshal, garnered only 11 votes, considerably less than the other candidates. A large poster of the candidate adorned Langdell North Middle, and another appealed "Elect Batman — Save Gotham City." (See page 13).

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.

U.S. Not Administrable from Center

State Fiscal Autonomy Urged by Economist

By John W. Losse

"The federal government gets the revenues of prosperity and the states get the problems." Does this sound like the sour grapes lament of a states' rights economist? Actually, it was made by Walter Heller, former Chairman of the Council of Economic Advisers under Presidents Kennedy and Johnson, as he delivered the 1966 Godkin lectures, held March 15-17 in Sanders Theater.

Mr. Heller, who is now Professor of Economics at the University of Minnesota, illustrated his remark by pointing out that "putting the Vietnam war aside, federal revenues are increasing faster than demands on the federal purse. In fact, at present

(Continued on following page)



Professor Walter Heller

Heller: State Ought to Retain Responsibilities

(Continued from preceding page)

growth rates there will be \$40 billion annual surplus of federal revenues over federal expenditures within five years, but just the reverse is happening to the states. That is, demands on state and local revenues are consistently outstripping their taxing capacity."

Mr. Heller then explained that the problem we face is whether to allow the national government to absorb traditional state-local functions, or whether to revitalize state and local governments. "Is there really a compelling case for the states? I think so. A continental country can be governed from the center, but it cannot be administered from the center. A governmental system requires diversity to dissent and to innovate. As Brandeis said, the states are still the laboratories of the federal system."

"Further, the growing demands on government are for better schools, medical care and other welfare programs, urban renewal, better transportation systems, and better sanitation. These are the reasonable aspirations of society, and they fall squarely within the sphere of traditional state responsibility."

Reapportionment Irony

Mr. Heller pointed out that a major impediment to imaginative and responsive state legislation was removed by the Supreme Court in *Baker v. Carr*, and he cited the recent "virtuoso performance" of the Michigan legislature as an example of the promise of reapportioned state government. "In fact, that decision, which was so violently attacked by states' rights groups, will actually raise the states' position in our federalism."

In order to "broaden the fiscal base of our federalism," Mr. Heller discussed the "Revenue Sharing Plan", a proposal which has been associated with his name over the past two years. Under the Plan, a percentage of federal income tax revenues would be set aside for the states. Its distribution would be on a population basis, thus tending to equalize the abilities of the states to finance their government.

Unlike present grant-in-aid programs, the money would be allocated by a state according to its own needs, subject only to such

minimal restrictions as Title 6 of the Civil Rights Act, thus promoting state fiscal autonomy. Since the Plan would tend to substitute the federal income tax for increases in state sales, property and excise taxes, it would be a relatively progressive tax. Further, its revenues would tend to grow about 1.6 times faster than the gross national product, whereas sales tax revenues merely keep pace with an expanding economy, and property taxes tend to grow only 0.9 times as fast.

Plan Widely Supported

Mr. Heller then asked himself "What could be wrong with it?", and answered, "First, you have to believe in a federal system and in the responsibility, or at least potential responsibility, of state governments. Both Senators Kennedy are for it, as are other Senators. Forty-nine of fifty Governors are for it, and the fiftieth doesn't understand it yet. The only major group opposed seems to be the national labor leadership, presumably because of their doctrinal preference for nationally administered programs. I think they are wrong, though, since they don't sufficiently appreciate the progressive substitution of the income tax for state taxes."



I'm looking for a measure of damages

Student Placement Reports Rising Salaries

By Steven A. Goddard

Spring is here, and no one is more thankful than Miss Eleanor R. Appel at the student Placement Office at 23 Everett Street. The Placement Office, which began as an easy-going affair under Dean Toepfer in 1946, now arranges hundreds of interviews each year as over 400 firms engage in a frantic talent search aided by Miss Appel's staff.

One sunny afternoon last week Miss Appel found time in her busy schedule to reflect on the past year's activities. "Approximately



Miss Eleanor R. Appel

250 students, less than usual, have reported accepting jobs so far," the pert Miss Appel announced. Clerkships are not necessarily draft deferred, so this number is also expected to be down.

"Due to the draft," Miss Appel sighed, "we never have a complete picture. It's hard to keep up with marriages and pregnant women."

"Salaries have been rising," Miss Appel reports. "Dewey Ballantine went up to \$9,000, and the prior top was \$8500." She expected some large California firms to meet this figure.

"The big firm offers top salaries and status," Miss Appel explained. "Graduates figure they can always move away from a large well-known firm to a smaller firm more easily than vice versa." According to a recent national magazine article only one man

in eight makes partnership status in the prestige firms.

"Few graduates open their own offices immediately," Miss Appel pointed out. "Most students are in debt after three years of law study, and just haven't the resources to open an office."

As to geographical distribution, she commented, "More Westerners are coming into the Law School, and Los Angeles and the West generally is sending more people to interview." Miss Appel noted that two Alaskan firms interview regularly. "There are a growing number of loyal Harvard graduates up there, all good men," she stated. The first Harvard Law man headed for that northern frontier in 1951.

Fabled Hawaii was the surprise. "There are more job openings in Hawaii," Miss Appel related, "than there are candidates. People have island-phobia just like they have claustrophobia."

"The best way to get a job," Miss Appel declared, "is to walk up and knock on the door. These students plan to do just that," she said, nudging a card file.

"A second-year student went to Florida recently, knocked on a door, and got a summer job," Miss Appel related. "Seeking it out shows the prospective firm that the student is truly interested, and the firm will have much longer than 20 or 30 minutes to look him over."

When asked if a summer job in law was a good idea, Miss Appel replied, "No, not necessarily. If a student hasn't worked in construction or traveled, these things may be better experience, more broadening than a summer at legal work. And, she pointed out, "he will get sun and exercise. In a law office one can learn the relevance of practice to study," she stated, "but this can be picked up anyway."

Miss Appel's work is not without its frustrations. "Due to the perversity of human nature," she sighed, "when you have someone who is superbly qualified the employer is likely to inform you the job has been filled."

"The satisfaction comes from the rare occasion when you have a unique opportunity and a candidate whose qualifications perfectly fit the opportunity."

Land Investor Advocates 'Playing Hunches'

by William P. Schwarz

Describing the human brain as superior to any computer when it comes to weighing a large number of uncontrollable variables, Mr. John Safer, LL.B. '49, advised Bull and Bear Club members last week that one has "to play his hunches" in any kind of investment situation, especially real estate.

Speaking on "Real Estate: Investment and Speculation," Mr. Safer, in his own words, "a moderately successful, overly conservative investor" from Washington, D. C., set forth general principles of investment and then applied them to his special field — investing in farmland near urban areas and selling it for city use.

Mr. Safer began his talk with the old story about the investor who, on being advised about certain stock asked, "Suppose it doesn't go up?" "Don't buy it," was the reply.

"To be a successful investor one must concentrate." When an investor receives information that a new bridge to a wildlife sanctuary is going to be built, he should ask

himself, "How can I turn this information to my own profit?"

Using some quotes from John Paul Getty, Mr. Safer illustrated the proper investment attitude. In an interview, Mr. Getty was asked if he likes to gamble. He answered that he likes to win, but that he would not gamble in a casino unless he bought the casino first. Mr. Safer characterized this as "a single minded resolve to always be a winner," a determination that every investor must have. Each investor must utilize all the assets he has to turn an opportunity into a gain.

"Always bet the odds," is the second thing to learn from Mr. Getty, according to Mr. Safer. An investor should enter things in which his knowledge and assets will count.

Mr. Safer described how to get started in his type of real estate investment, which he described as a reasonably safe one, in view of the fact that urban populations are increasing. "Pick an urban area with which you are familiar, draw a circle 40 miles

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Bureau Drafts Laws for Nationwide Clientele

By Jack B. Jacobs

The Legislative Research Bureau is in the business of solving problems through drafting legislation requested each year by a nationwide clientele. This year it has produced some significant results.

Among those who sent in drafting requests this year were Chief Justice Keniston of the New Hampshire Supreme Court, Governor Romney of Michigan, Mayor Collins of Boston, the California Law Revision Commission, and the AFL-CIO of Iowa.

The range of projects varies as widely as the geographic areas from which they come. Some of the more important problems concern urban development, compensation for physical and property damage, and the improvement of the legal system.

One of the persistent administrative problems of urban development is learning what services are needed, which groups should be helped, etc. Michigan requested the Bureau to draft a statute that would create an office in the state's executive department to keep the governor more closely informed about urban affairs. A second difficulty is in the area of urban renewal. The primary purpose of urban renewal is to create new income-producing property in a city. However, this purpose conflicts with the interest of aesthetics and health in having some attractive open spaces. The problem could be solved by providing economic incentive for the city to maintain open spaces within its confines. A statute giving such incentives has been drafted by the bureau.

It has lately been discussed whether the role of the state should involve more than prevention of crimes and detection and prosecution of criminals. Currently, the trend of thought is that the state also has a duty to make victims of crimes financially whole, especially since most such victims come from the low-income classes which can least afford the expenses of hospitals, loss of work, and medical bills. With these premises in mind, the Bureau has written a statute which compensates victims of violent crimes.

It is also dealing with another kind of compensation—that involved in taking of property by eminent domain. Often the group most hurt by such taking is the small

businessman whose fixed assets amount to very little, but who, because of his location, has acquired substantial goodwill over the years. A statute has been drafted which would provide compensation for loss of goodwill, as well as for sudden declines in property values due to a "leak" that the property will be taken by eminent domain causing the shopkeeper to realize only a fraction of the value of his investment when the taking finally occurs.

Two projects involve improving the integrity of the legal system, at least arguably. One establishes a psychiatrist-patient privilege for psychiatrists on the witness stand. A more comprehensive project sets up a Federal Law Revision Commission, whose function is to keep the federal law up to date by suggesting improvements in the application, enforcement, and drafting of the statutes under its jurisdiction.

The Commission would act either on its own initiative or upon the request of the legislature, and would consist of some proportion of judges, legislators, and law professors.

Each of these projects will be completed within the academic year, and all will be used by the persons requesting the services of the Bureau. Some will be published in the *Harvard Journal of Legislation*, a quarterly scholarly journal published by the Bureau.

Three Profs Earn Tenure

The faculty has recently granted tenure to Andrew Kaufman, LL.B. '54, Frank Michelman, LL.B. '60, and David Shapiro, LL.B. '57.

Each has served as a clerk to a Supreme Court justice. Prof. Kaufman was a clerk to Felix Frankfurter from 1955 to 1957 after serving as president of the *Law Review*.

Prof. Michelman clerked for William J. Brennan Jr. in 1961-62 and also for the tax division of Justice Department before joining the faculty. Prof. Shapiro practiced law for five years in Washington and then clerked for John Harlan in 1962 prior to his return to the Law School in 1963.

This Year's Internship Revamped Slightly

(Continued from page 1)

will offer a similar program for next summer. The courses and the faculty have already been organized, while the students are currently being recruited.

Of 1965's 40 interns, many decided on legal careers, and half of them declared the Special Summer Program had been crucial in this choice. Out of the twelve college seniors who participated, four are now at Howard University Law School, two are at Harvard and at least one member of the program has been accepted for next year's class here.

These figures, however, do not represent the only impact of the program, according to this year's chairman, Professor Frank E. A. Sander, and his assistant, Miss Patricia Wells. "Even if a given student never goes to law school, we can hope that if he ever meets an unfair practice amounting to a denial of due process he will recognize it and know how to object effectively," Sander remarked.

In terms of personal adjustment, Miss Wells observed that most of the students seemed to gain self-confidence during their eight weeks in the Harvard community, a result which, she noted, could quite easily have gone the other way.

Both referred with pride to a newspaper clipping sent to Dean Toepfer from Alabama's Tuskegee Institute, one of the program's participating schools. The article described a student-initiated procedure in which all persons called before the campus government's disciplinary board have an absolute right to counsel and the three available voluntary defenders are three Tuskegee students who were interns last summer.

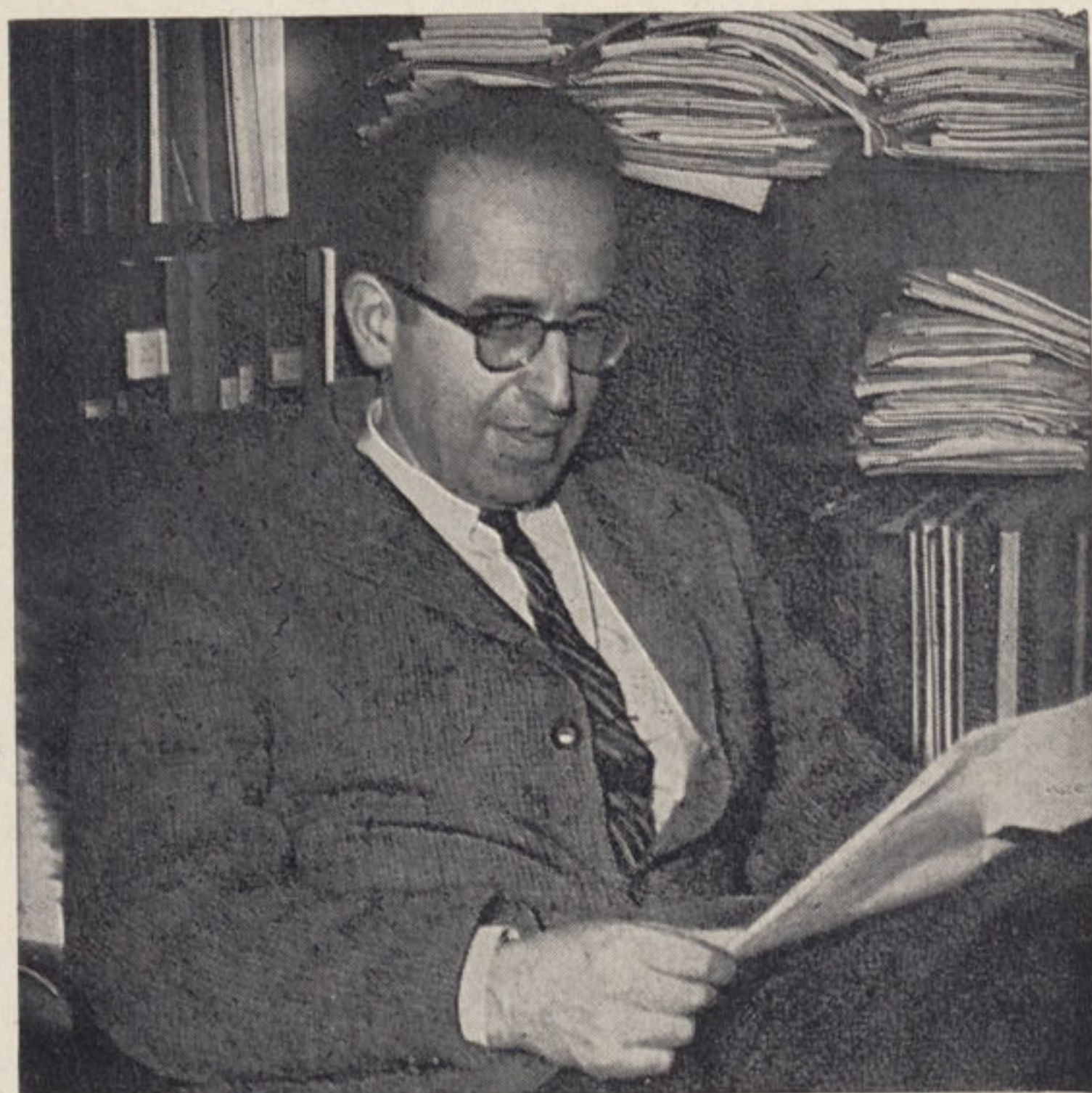
Four Law Courses Offered

But for minor changes in the method of selections, curriculum and faculty, the second summer of the Special Summer Program will be similar to the first. The program will start July 5 and run for eight weeks, with a curriculum of four law courses, a trial-related project and one elective at the Harvard Summer School. Courses on "The Role of the Jury" and "Basic Intentional Torts" will meet three times weekly in July as will classes in Contracts and Constitutional Law-

Criminal Justice in August.

The law school faculty will consist of Professors Robert Braucher, Clark Byse, Alan M. Dershowitz, Charles Fried, Mark DeW. Howe, Robert E. Keeton, Louis L. Loss, and Sander, plus two yet to be announced, one from the Harvard faculty and one from outside it.

To supplement the curriculum, Sander plans informal luncheons or afternoon meetings between the 40 students and a number of distinguished judges and lawyers. John



Prof. Frank E. A. Sander

Doar, head of the Civil Rights Division of the Justice Department, former Harvard Professor James Vorenburg, now with the National Crime Commission, and Judge Wade H. McCree, LL.B., '44 ('48) of the federal district court in Detroit have already agreed to come.

Selections for the program will be made in early April by a committee at the law school. Several Harvard faculty members, while teaching this spring at the University of Mississippi, will serve as recruiters at some of the participating Negro schools nearby.

One gap in the program Prof. Sander hopes to see filled is the need for full-time law students to converse with and advise the interns. Sander seeks the assistance of any interested Harvard students who will be in the Boston area this summer

Prof. Brown Wins Federal Double Jeopardy Case Argued Against Former Constitutional Law Pupil

By John Spitzer

The Supreme Court has recently denied *certiorari* to a double jeopardy case which Professor Ernest J. Brown argued and won before the 2nd Circuit on March 12, 1965.

Prof. Brown, who was appointed by the court to represent the defendant Hetenyi, commented that he was surprised to recognize in the courtroom a former Constitutional Law student of his, Michael H. Rauch, LL.B. '63, who turned out to be his opponent. "Mr. Rauch is Deputy Assistant Attorney General of the state of New York, and he did an excellent job," said Brown.

Briefly summarizing the facts of *United States v. Wilkins*, Prof. Brown recounted that the defendant Hetenyi had been in-



Professor Ernest J. Brown

dicted for first degree murder on the basis of circumstantial evidence surrounding the death of his wife. A jury verdict of 2nd de-

gree murder had been rendered at the 1st trial and later reversed, and Hetenyi was convicted of 1st degree murder at the 2nd trial.

The 2nd trial conviction was reversed because of the "prosecutor's repeated accentuation of the defendant's refusal to testify" and because the prosecutor accused the defendant of being a "renegade," "a man to whom religion is a fraud, who engages in it purely and simply for selfish reasons." No claims of double jeopardy were made on this appeal.

Hetenyi was convicted of 2nd degree murder at the 3rd trial, though indicted for 1st degree murder. Prof. Brown argued that this indictment of 1st degree murder was prejudicial since Hetenyi had impliedly been acquitted of this charge at the first trial. The 2nd Circuit agreed in reversing. Since the Supreme Court has now denied *certiorari*, a fourth trial will be held.

The 2nd Circuit opinion applied the due process clause to double jeopardy in state courts and stressed the policy reasons for preventing "insecurity and anxiety" to the defendant and curbing "opportunity for harassment" on the part of the state.

The court concluded by stating that "Ernest J. Brown represented his client with eloquence and perception, and we are indeed grateful."

Hope for Dorm Council

The Harvard Law School Dormitory Council elected officers for the coming year Monday afternoon. The new President is David S. Hope, 2L, of Coatesville, Pa. Hope was elected by acclamation of the council members. Hope, who succeeds Frank E. Morris, 3L, served as Treasurer this year. Other officers for the coming year F. Fred Kennedy, Jr., 2L, Vice-President; Jeffrey G. Liss, 1L, Secretary; and Robert L. Griffin, 1L, Treasurer.

The only contested office was the Vice-Presidency, but one nominee for the Presidency and one for the Vice-Presidency withdrew their nominations at the election meeting.

"the soul of democracy"

Attorney General Katzenbach's petition for an order to have the W. E. B. DuBois Clubs register as a "Communist-front organization" is the first effort to invoke section 7 of the McCarran Act since the Supreme Court threw out for lack of current evidence orders to register the American Committee for Protection of Foreign Born and the Veterans of the Abraham Lincoln Brigade last year. The constitutionality of the Communist-front registration requirement has never been finally decided, and this new case points up how antagonistic these provisions are to fundamental democratic safeguards contained in the U. S. Constitution.

Under the 1950 Act a political organization must register as a Communist-front pursuant to a finding and order by the Subversive Activities Control Board. The finding must be based upon evidence — hearsay and lay opinion, evidence usually inadmissible at a trial, are allowed — of "support, financial or otherwise" from a "Communist-action organization" and a coincidence with such organizations of membership, objectives, and policy.

Registration results in extensive government control over both the organization and its members, including submission of membership and financial information, limitation on use of the mails, and effective denial of security clearance to the organization's members.

These provisions of the Act are obviously designed to stifle free political association and speech, but Attorney General Katzenbach finds them no more onerous than the labelling provisions of the Pure Food and Drug Act. "Young people who might consider joining this organization," he announced, "are entitled to know its nature and sponsorship. This is disclosure, not a criminal action."

For an answer we need go no further than Mr. Justice Brennan's concurring opinion in *Lamont v. Postmaster General*, in which the Supreme Court unanimously voided a statute labelling certain mail as "Communist political propaganda": "But inhibition as well as prohibition against the exercise of precious First Amendment rights is a power denied to government." 381 U. S. 306 at 309 (1965).

If the DuBois Clubs were immediately threatening an overthrow of our government, the case would be different. But the list of their policy positions, contained in the Attorney General's petition, makes them appear no different from many liberal organizations. As proof of non-deviation from the Communist line, Mr. Katzenbach cites the Clubs' stands against nuclear testing, for diplomatic relations with Communist China and Cuba, and for lifting area restrictions on travel to Cuba, China, and North Vietnam. Are all groups with these goals now to be considered suspect?

The DuBois Clubs have been among the most active left wing critics of Administration policy on issues ranging from Vietnam to poverty, and the Justice Department's action is a patent attempt to silence them. We urge the Attorney General to heed the wisdom of W. E. B. DuBois himself, who, writing in another context in *The Souls of Black Folk*, observed:

Honest and earnest criticism from those whose interests are most nearly touched — criticism of writers by readers, of government by those governed, of leaders by those led — this is the soul of democracy and the safeguard of modern society.

TONGUE 'N CHEEK

By Fenno

Among the many benefits that accrue to us as students at the Harvard Law School, none is more underrated than our very own Austin Hall Health Service.

Last week, exhausted by the twenty-two hours a day I had been spending writing my memoirs, I fell ill. I coughed; I sneezed; my throat was inflamed; my temperature was 102. With my last reserves of strength I crawled through the tunnel to Austin.

"Helb me," I croaked. "I'm dying, and my memoirs aren'd done."

After a few minutes, I was ushered into the doctor's office. He immediately set to work with all the knowledge at his command. He measured my pulse, listened to my chest, read my blood pressure, and peered down my throat. When it was all over, the doctor reported, "Mr. Fenno, you have a virus!"

The magic word. An epiphany.

"A birus?" I quavered. "Whad can I do for thad?"

"Why, nothing at all," he replied, "except drink lots of fluids."

"Mosd of the things I dring are fluids," I said.

"Good! Good! You are bound to improve, Mr. Fenno. Come see me next Friday if you don't."

"But, dogdor, couldn'd I have some benicilin or something?"

"Penicillin! Piffle! I don't believe in penicillin. Never did anything for anybody. Useless!"

"Maybe I could see a sbecialisd at Holyoge," I offered.

"You certainly may! After all, what do you pay eighty-two dollars for? The throat specialist is filled up until May, but we could get you in on an emergency basis toward the end of this month."

"Neber mind," I gasped. "I'll juld go to the infirmary."

"I wish you could, Mr. Fenno, but your temperature is only 102. You need at least 103 to be admitted to the infirmary. Now, if you can raise that 102 a little..."

At least the nurse was cute.

Letters to the Editor

Baxter Calls Attention to New Legal Views on Viet War Legality

To the Editor:

It is meet and right that people should be thinking about the legal aspects of the war in Viet Nam, but it would be unfortunate if your readers were left with the impression that the only "sober and erudite" view on the subject is that set forth in the report of the "Lawyers Committee on American Policy Towards Vietnam," as your editorial of 10th March might suggest.

Recent "Briefs"

For the other side of the case, your readers might like to look at a rebuttal to the "Lawyers Committee" report in the form of a letter to the President of the United States published in 112 Congressional Record 3694 (daily ed. Feb. 23, 1966). I am also advised that the Department of State's 52-page memorandum of 4th March on "The Legality of United States Participation in the Defense of Viet Nam," a copy of which is before me as I write, will

soon be published in the *Department of State Bulletin*.

After all, the existence of the resolution of the House of Delegates of the American Bar Association in favor of our legal position in Viet Nam is not necessarily fatal to our case.

Yours sincerely,
Richard R. Baxter
Professor of Law

3L Queries Former Staffer's Defense of Warren Report

To the Editor:

The defense of the Warren Commission Report put forward by the letter of Richard M. Mosk in your March 10 issue comprises only the self-serving statements of the Report itself. To believe those statements one has to believe in the Commission and its Report. If one does not trust the Report in the first place, reading parts of it which proclaim it trustworthy is not going to help.

On the other hand, our trust in Anglo-American criminal procedure is mostly founded on our knowledge of the system's way of working. If we read of a convic-

tion for murder and conclude it to be just, that is because it was reached by a due process including twelve ordinary men deciding facts after watching two competent lawyers hound each other before an impartial judge according to a fair set of rules.

The Warren Commission's way of working was strange and secret. It also held an inquiry, as everyone knew, largely to find the guilt or innocence of one man, but he was tried with no one taking his side. A devil's advocate has been used in some pretty single-minded places, but not by the Commission. (We did get, at the end of February, 1964, the assurance of the president of the American Bar Association that he was to take the supposed assassin's side, but that assurance was withdrawn three weeks later. Why was it given in the first place?)

Secret Sessions

The Report asks us to believe a story written after an inquisition of secret sessions, and based on testimony which the writers later chose to release. The Commissioners themselves were a few politicians, plus a couple of the kind of guys who told us to go ahead at the Bay of Pigs and then later told us that the Dominican Republic was being taken over by known Communists, plus a judge.

The judge had, two days after the assassination, virtually disqualified himself from sitting on a tribunal considering matters relevant to the assassination, because he then gave his guesses about why it had taken place.

Then, after the Commission began to operate, and when the people in this country wanted nothing so much as the truth, and the cost be damned, the judge told us on February 4, 1964, that we would not be allowed to see the whole truth in our lifetimes. If the supposed assassin had lived to be tried, would the judge have agreed to

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Harvard Law Record

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Letters to the Editor

(Continued from preceding page) holding part of the trial in secret?

The Commission went on to the result we all thought it would reach. It held secret meetings and leaked the news. There are two ways someone can believe in that report: by finding that it agrees with what he has thought all along, or by finding that he trusts the report writers and their statement that they were finally releasing all of the testimony.

Protestations of Honesty

I believe them, but it is difficult to explain why I do. Mr. Mosk says he and the rest of the Commission's staff are honest, but I've never met them and I don't know. If I write a report stating that I

am honest, will he believe me on the strength of it?

This country has got somewhere by questioning august men, and by making them operate in the open. The cat is king here, and we are not used to being told that we should clam up our fears just because a bunch of bigwigs, riding herd on the evidence, has told us that they are honest and trustworthy and that we have nothing to worry about.

Sincerely,
Daniel Joseph, 3L

Editor's note: Mr. Mosk, LL.B. '63, a member of the staff of the Warren Commission, wrote in response to a review of a book (CF. RECORD, Feb. 10) which expressed

doubts about the Commission's conclusions. Following are excerpts from the letter:

"Even more shocking is your reviewer's statement that the book raises 'serious doubts as to whether the American people have learned the entire truth.' The Warren Commission stated that its conclusions 'represent the reasoned judgment of all of the Commission and are presented after an investigation which has satisfied the Commission that it has ascertained the truth concerning the assassination of President Kennedy to the extent that a prolonged and thorough search makes this possible.' (Page 18 of the Report)

"Surely people, after conducting their own investigations and after thoroughly digesting the Report may disagree. Unfortunately, however, many critics seem to imply that those of us who participated in the work of the Warren Commission are all members of a grand conspiracy to deceive the American public. Before your reviewer endorses such critics, I would hope that he would at least have taken the time to study the Report and the accompanying transcripts and exhibits."

Ex-Competitor Acclaims Ames Quarterfinal Judging

To the Editor:

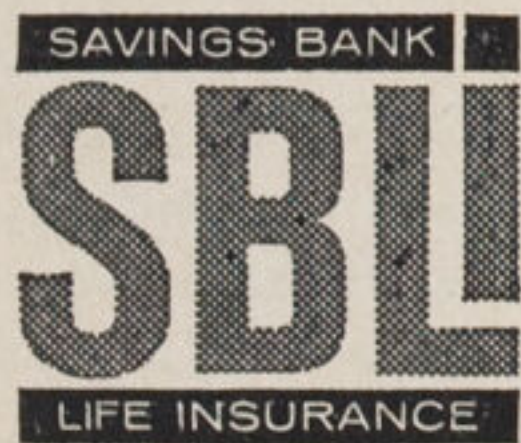
There are few events at the law school which could inspire me to write a letter to the editor. Monday evening, March 14, I witnessed one aspect of law school functions which I feel deserves affirmation.

This was the case of *Cannon v. Budd* argued in the first round of the Ames quarterfinals. To begin

(Continued on page 16)

\$10,000 life insurance for \$25.00 a year ... at age 25?

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Recent Book

Reaping the Harvest of the World's Oceans

The International Law of Fisheries. By Douglas M. Johnston. Yale University Press, 1965.

by Samuel A. Bleicher

Professor Johnston's book grows out of a thesis written for his Doctor in the Science of Law degree, and like most such works, it puts great emphasis on technical scholarship and factual detail. Included between these covers are a history of sea fishing that begins before the Sumerians; a classification of sea life into plankton, nekton (demersal and pelagic, anadromous and catadromous), benthos (including chanks and trepangs), and sea-mammals; a discussion of the world's fish-eating habits (including the views of Anaximander, Hippocrates, and Galen), and exhaustive summaries of the debates at the two United Nations Conferences on the Law of the Sea.

Ocean Fishing

Nevertheless, or perhaps by this very means, the author has made his book quite interesting. The law regulating ocean fishing is hardly a subject that inspires intense curiosity in the average lawyer, politician or diplomat. Yet anyone seriously concerned with the problems of long-range economic development, and the world's food supply must eventually consider the utilization and allocation of the world's greatest source of food: the sea. Professor Johnston begins by exploring the importance of the sea as a source of food and the urgent need for its development,

and the facts are impressive.

Although two-thirds of the world's population is already inadequately fed, in our life-time the number of inhabitants of the globe will double. There appears to be little hope of supplying their food needs with land agriculture, yet it has been estimated that ninety per cent of the world's potential food resources lies in the sea. The size of the ocean "harvest" of fish foods could easily be doubled on the basis of presently known stocks, and vast areas of the oceans, especially in tropical regions, remain unexplored for these purposes.

Scientific Problems

The obstacles to rational use of the world's fishery resources are formidable. The scientific problems alone require a difficult balancing of data. Unlike mineral resources, fisheries regenerate; and if properly handled, their yield, both immediate and long-run, can be increased. But conservation is not just a matter of preventing over-fishing. Protecting young fish, for example, may be helpful or harm-

ful, depending on factors which oceanographers have only begun to investigate.

Beyond the scientific complexities, the economics of the fishing industry must be considered. Fishermen are a divergent group ranging from subsistence "hunters" to professional operators of expensive "floating canning factories" that regularly travel thousands of miles to fish in the most desirable locations.

Restrictions on total catch, types of gear, or seasons will have very different effects on these very different operations. From a conservation standpoint, a fishery cannot logically be open to fishermen

(Continued on following page)

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Book Review

(Continued from preceding page)

from one nation and closed to those of another, yet their different national economies and investment must be taken into account. Furthermore, in our nationalistic world, nations are not primarily concerned with maximizing total world production but with protecting their national fishing industries.

Professor Johnston's functional approach demonstrates the inadequacy of the conceptualistic "law of the sea." The essential weakness is similar to the more familiar difficulties of the concept of "passing of title" that the U.C.C. has finally laid to rest. The traditional

law divides the sea into two geographic units: Territorial seas, controlled by the coastal state; and high seas controlled by no one. Thus problems of national security, enforcement of customs and immigration laws, and fishery rights were all regulated by the same physical limits. If a nation's defense appeared to require a broad belt of territorial waters, fishing boats of other nations were excluded. And regardless of conservation needs, fishing on the high seas was uncontrollable.

This traditional legal pattern has been substantially modified by bilateral and multilateral treaties, the establishment of regional fisheries commissions with some independent powers, and the United Nations Conferences on the Law of the Sea. But when nations with divergent interests and varying amounts of power try to reach agreement in either large or small groups, invocation of tradition is one of the important means of reconciling opposing views. As a

result, the classical law survives for lack of a world body with sufficient power to take and enforce more optimal decisions. Codification by the present methods of "parliamentary diplomacy" threatens to merely strengthen the traditional rules.

Professor Johnston's analysis sheds some much-needed light on this problem, and reminds us that international law, like any other, must ultimately be functional if it is to serve its makers properly. The book was a little disappointing in this respect because one feels that the author has opinions and recommendations which go far beyond those ventured in the text, and wishes that he had shared them with the reader.

Similarly, the rigid organization of the material suggests an over-emphasis on system. Thus the first chapter, "The Process of Use," and the second chapter, "The Process of Claim," each include four sub-headings entitled Objectives, Methods, Conditions, and Effects; and each of these in each chapter is divided into two sub-sub-headings, Exploitation and Conservation. This insistence on parallel construction tends to mislead the reader, who expects the substantive parallels to be equally marked, and may therefore ignore important distinctions.

All in all, however, Professor Johnston covers this important subject in a thorough and analytic way. He shows himself capable of finding and understanding the relevant facts, and presenting them intelligibly to the reader in a surprisingly interesting way. This alone makes the book worth reading, and those interested in diplomatic history and international law will be pleased by its wealth of information.

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Legal Aid Society Serves Poor People of Cambridge, Stresses the 'Human', Not the Legalistic, Side of Law

By John Spitzer

Quietly serving the poor in Cambridge for over 50 years, the Harvard Legal Aid Society continues to pull its oar on the "human" side of the law.

"There aren't any great legal problems involved in our cases," mused Bruce L. McDonald, 3L. "Usually it's a woman who tells us in highly emotional tones that her husband is an awful ogre, that he drinks and that he hits her. She probably doesn't know what she wants or what she wants us to do.

"There are a lot of false starts," continued the vice president of the Society. "We are not a crusading organization, so we refer most of the cases to social workers who try to patch up the difficulty or help the woman adjust to a broken home. If this doesn't work, sometimes she will come back but sometimes she won't—an awful lot are depressed and not able to assert themselves. Something blocks them up. It's probably the same thing that got them into the situation in the first place."

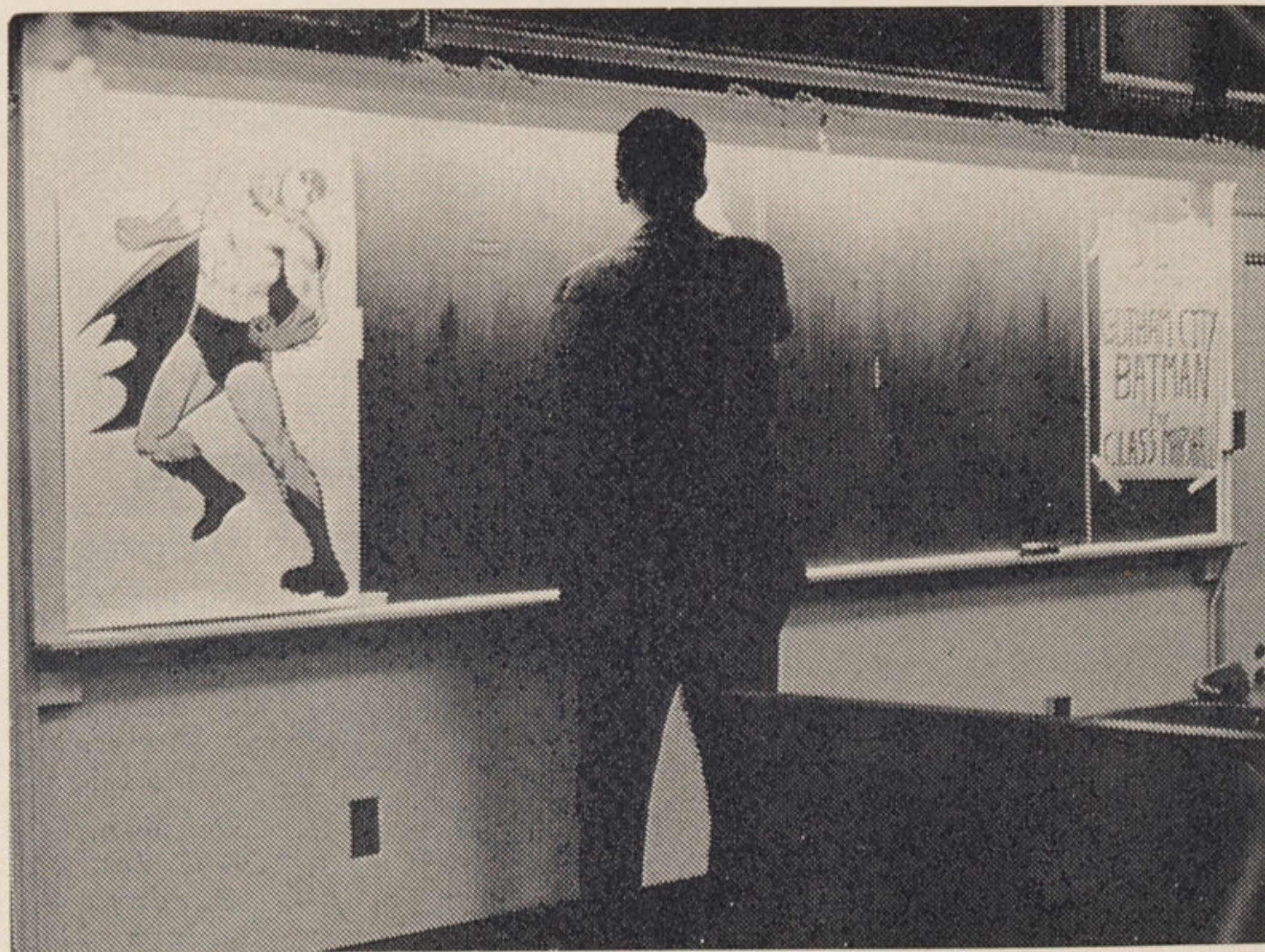
Massachusetts law requires physical violence for a divorce. Although bruises will usually meet the evidentiary requirements, injury to health unaccompanied by violence is not enough. Steven L. Gibson, 2L, for instance, has a client with ulcers. She claims

they were caused by her husband's cruelty and hatred toward her. "About the only thing we could do is hire a psychiatrist," said McDonald. "We simply haven't got the money."

A person must also come to divorce court with "clean hands." If they're both hitting each other, or one is hitting and the other is committing adultery, the court will generally leave them to fight it out between themselves. The courts take a similar attitude toward parties who participated in a "quickie" New Hampshire marriage to evade the strict Massachusetts marriage and divorce laws. How can they undo something which they don't recognize as legal in the first place?

The cases which go to trial are usually uncontested, because there are no large property claims, but the trial itself entails stepping lightly through a procedural maze. Jurisdiction must be established by a showing that the couple is married and that they have lived together in Massachusetts for a certain length of time. "This isn't as easy as it sounds," quipped McDonald. "Massachusetts is no Nevada."

Paradoxically, the budding divorce lawyer must then show that the couple has
(Continued on page 15)



Out of the forbidding Cambridge night, into the equally forbidding depths of Langdell North Middle—site of Business Planning and 3L class elections—it is none other than the campaign manager for that surprise last minute write-in candidate for class marshal, gray-caped BATMAN, surreptitiously posting an appeal for support.

Will Gotham City be saved? Will RIGHT triumph? See page 1, immediately! @ * !

On Playing Hunches

(Continued from page 4)

around the city, pick 6 or 7 suburban areas within the circle, and then go to real estate dealers." From real estate dealers, one becomes familiar with prices for farmland and factors influencing price — proximity to the cities, a "better" suburb, a shopping center, and good transportation. Using real estate agents in this way, one can become an expert on a particular area within a few months and thus find the right land for investment.

Being a somewhat conservative investor, Mr. Safer recommended that one should always maintain a hedge, which often means lower but still ample profits. One must always consider what will happen if things go wrong. Realizing what the risks are helps because "when the thing blows, you feel better." It is often preferable to have one or two persons in with you, he said, since they can help to determine the risks by seeing the situation in a different perspective, as well as provide more cash.

Even with all the information available, according to Mr. Safer, some of your hunches are going to be wrong. As an example he pointed out an investment opportunity he had at Cape Kennedy right after the first space shot. He went in because it did not seem likely that the space program would stop — only to find that the Air Force flew planes over his land to a new base, thus making it impossible for him to build on his land.

In answer to a question, Mr. Safer said that he felt that an investment in farmland would produce a greater return than the high flyers on the stock market. He emphasized that the type of land investment he recommends does not require too much time. He also advised against renting out the land until it is sold because there may be too many problems of management.

Since taxes on the land are not high, the investor can afford to sit tight, and when they start to increase, it is a sure sign that the investment is paying off. He also advised that participation in local zoning "is always helpful and sometimes necessary" to protect an investment.

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Divorce Cases Predominate in Group's Docket

(Continued from page 13)

lived apart for three months. The rationale is apparently that the court doesn't want a couple to have a fight and then get a hasty divorce which they may regret later. "The three month requirement is sort of a cooling off period after the spat," explained McDonald.

Then come the merits of the case or what is colloquially referred to around the Bureau as the "tale of woe." Tears are frequent at this stage. After plaintiff has told her story, a witness must testify that he or she actually observed the beatings. "This witness isn't as hard to find as you might think," commented McDonald. "Our people are poor enough so that they're living in droves."

Finally a military affidavit must be filed to show that the husband is not in the Army. This is a carryover from World War II legislation designed to minimize "Dear John" letters to loyal servicemen.

If everything has gone all right, the decree and support order are then issued. The last job of the lawyer in the case is to make a friendly call to the husband to tell him what happened since he usually isn't present during the proceedings.

Debt cases are also brought to the Bureau. While the divorces are usually brought by the women "because they have more initiative in these things," debt is a man's world.

"I've got all sorts of debts and I haven't got enough money to pay them," bemoans the harried debtor as he deposits a stack of bills on the desk, sometimes amounting to \$10,000.

"He's probably charged great hunks of furniture," commented McDonald. "But like the women having marital difficulties, he usually hasn't thought out what he wants to do. His response will be that he just wants to get these things off his back."

Bankruptcy proceedings involve filing "reams and reams of forms" and are usually a futile bother for these people since they probably won't be able to stay above water for the barred five-year period after bankruptcy anyway. "It's easier to blow the state," McDonald declared. "We generally just call the loan companies and pressure them to scale down the debts. Doctors and

hospitals will often cancel debts as part of their charitable practice."

Landlord-tenant problems are a third area of the Bureau's practice. Suits are brought to enjoin landlords from evicting penniless families in the middle of February, and also to compel the landlord to provide heat and make repairs.

Although frequently hampered by obsolete Massachusetts laws, members of the Bureau do not push judges to change the law. "We are only students and not lawyers," stressed Russell M. Coombs, 3L, President of the Bureau. "We are not controversial. We are just a steady organization trying to do something useful."

Casner Club Gains Victory In Second Ames Argument

The Casner Club was the winner of the second Ames quarterfinal argument, held last Thursday. The Howe and Sander clubs tonight will give the series' third argument in the Ames Courtroom.

In this evening's case, a drug manufacturer marketed an antibiotic, warning that the dosage should not exceed a stated maximum, but with the knowledge that the general practice of physicians was to double this dose. The court must decide whether the doctor in the case should be held liable, although he followed the prevailing practice, and also whether the drug company should be liable.

The winning oralists on Thursday were Charles L. Brock and David A. Cathcart. Ronald J. Bass, Hope B. Ehrlich, William H. Levit, Jr., Andrea I. Maharam, Paul T. Schonberger and Henry J. Steinglass assisted on the brief.

The argument, which dealt with a case in which the plaintiff law firm agreed to act as counsel for an injured worker for a 25 per cent contingent fee was before the Hon. Howard W. Alcorn of the Supreme Court of Errors of Connecticut, the Hon. Edward Gaulkin, of the Appellate Division of the Superior Court of New Jersey and Herbert P. Wilkins of the Boston law firm of Palmer, Dodge, Garner and Bradford.

Letters to the Editor

(Continued from page 10)

with, the case was well constructed to present fundamental questions underlying the role of courts in our legal system and substantive policy merits of particular rules of tort law. Further, because case-law was one-sided against the creation of a new cause of action, court and counsel dispensed with amassing and threading of precedent and instead grappled with broader issues.

Another element of the case struck me as also being of exceptionally high quality. This was the preparation, analysis, and rigorous alertness displayed by the three judges. Having participated in an Ames quarterfinal and having seen many such arguments where the court is comprised of working men who are invited in, I know how

much *one* sharp judge is appreciated by those who have prepared for weeks for this hour and a half confrontation. But to have *three* is a real windfall.

Judges and lawyers are busy men, and yet all three on Monday, two judges and one lawyer, obviously had made time to research each brief, analyze the issue beforehand, and pick out the difficult areas. All three posed questions and inconsistencies which kept counsel ever on the move and clearly showed the court's careful preparation of, and deep interest in, the issues presented.

The result was an enlightening, charged interplay of court and counsel, topped by a rare combination of discipline, reality, and levity, as illustrated by Judge Joslin, a stickler for precise timing, spontaneously appointing Dean Toepfer as guardian *ad litem* so

as to obviate a technical, time-consuming point, collateral to the central issues.

This was Ames at its best, and at its best I think Ames is a terrific experience, both for counsel and audience. The Board of Student Advisors, Mr. Semerjian, the judges, and counsel should all be congratulated.

Sincerely,
Burr Hollister, 3L

Brooke to Speak at Forum

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.

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