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FIFTEEN CENTS

Stagnation, Profiteering Mark Student Groups

Student Bar Gets Dues, No Benefits Offered

By Tom Johnson

"Harvard does not need a Student Bar Association," Bar President Gerald Chaleff, 3L, declared recently while attempting to explain the total lack of membership activity of his group this year.

According to Chaleff, the activities normally sponsored by the Student Bar have in recent years been assumed by other student organizations, and this coupled with a lack of member support resulted in a non-active year for the Harvard organization.

Chaleff observed that a total re-evaluation of the role of the Harvard SBA is needed and urged that next year's officers assume such a task. The officers this year have not done so.

Last year the Student Bar was very active under the presidency of William Rubenstein. Prison and Court tours were well attended and a speakers' series was sponsored. In addition, two films were shown and a successful cocktail party was held.

Chaleff reports that, other than collecting dues, no activities were scheduled this year although at one time resumption of the court tours was considered. Ceaper A. Mabande, 2L, perhaps the only other officer, stated that he scheduled a general membership meeting in October or November to dis-

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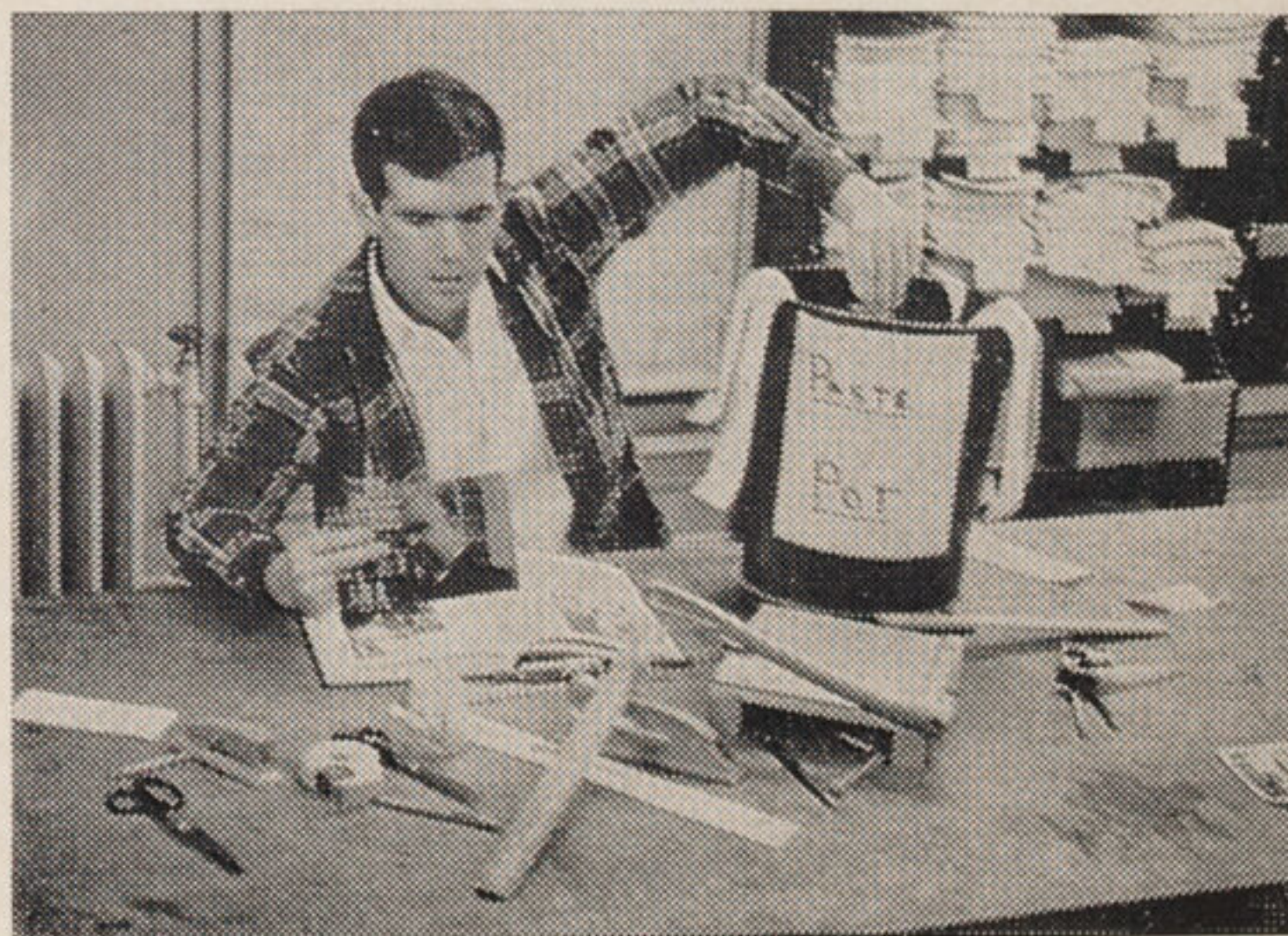
Yearbook Editors Pocket \$2.62 Each Tome

By Paul M. Branzburg

The top officers of the Yearbook staff have found themselves the uneasy heirs of a system for compensating Yearbook editors.

Although the arrangement once yielded reasonable remuneration for those performing an admittedly thankless task, increased circulation and improved business management have resulted in profits for the editors which many regard as altogether exorbitant.

It was learned this week that the staff of



Pasting-up the '66 Yearbook

the 1966 Yearbook will receive over \$4,000 in profits, most of it going to the Editor and Business Manager. This means that out of the \$6.95 which most of the 1525 purchasers

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Flagging Interest Plagues Student Bar Efforts

(Continued from preceding page)

cuss the court tours, but he was the only person who attended.

According to Mabande, black-board notices announced the meeting. It was scheduled for the SBA office, a small room at 23 Everett Street which can hold no more than 6 people and is used predominantly as a staff lounge and interview room by the Placement Office.

Mabande, who serves in a dual position as vice-president and secretary, reports that there are about 200 members. He stated that early in the year he billed the members several times for the yearly dues of two dollars, but that only 41 have paid. Most of these are first-year members who paid during registration.

Normally the Student Bar sends a delegate to the national convention of the American Law Student Association, which coincides with the annual meeting of the American Bar Association in August of each year. The 1965 convention was held at Miami, but Harvard was not represented due to a lack of funds. Joseph Callahan, an evening student at Suffolk Law School and out-going National ALSA Vice President for this circuit, reports that Harvard was the only school in the five

member circuit not represented.

Chaleff said he called 3 or 4 people who lived near Miami but was unsuccessful in finding a delegate. Last year the meeting was in New York and representation was easily arranged. Callahan said that the expenses of delegates are normally paid by the SBA or the law schools. Suffolk sent three delegates this year.

However, Harvard was represented at the meeting of the first circuit which was held in Boston March 4, 5, and 6. Chaleff and Mabande alternated in attending the meetings, making only one reservation. Callahan said that most schools have more representatives at the meeting, particularly if someone from that school is a candidate for the national vice presidency of the ALSA.

This year Steve Juman of Boston University became the circuit's National Vice President. He was unopposed. Last year William Rubenstein, of Harvard, held the office, and a Harvard student was eligible to run this year, Callahan said.

The Student Bar has a bank balance of about \$300, Chaleff said. In addition to dues, the association has an independent income from the rental of two sound films which it

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RECORD Election

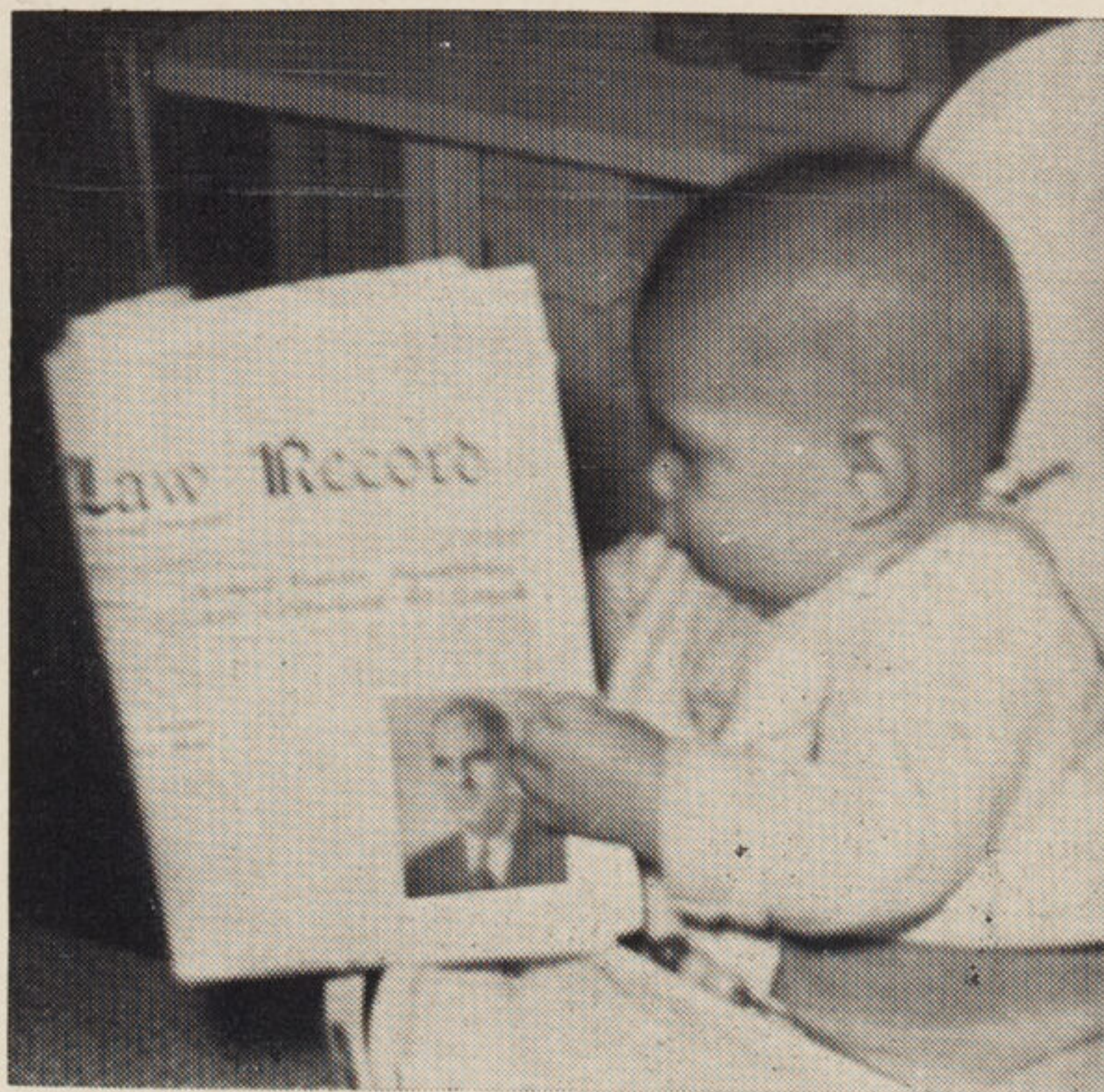
Keith S. Watson, 2L, has been elected President of the RECORD by a unanimous vote of the Board of Directors of the Harvard Law School Record Corporation. He is a resident of Bronxville, New York, and received a B.A. in History from Trinity College, Hartford, Conn., in 1964. At Trinity, Mr. Watson was a member of the Editorial Board of the school newspaper.

During the summer of 1963 he served on the staff of the Financial News Department of the New York Times.

Elected to the Board of Directors were Ray Andrews of Hartford, Conn., and John Spitzer of Toledo, Ohio.

William P. Schwarz, 2L, of LaSalle, Ill., was re-elected Business Manager.

The next issue of the RECORD will appear in September, the good Lord willing.



President-elect Watson
Showing Early Interest In RECORD

HARVARD LAW RECORD



Justice Clark at Reception
Prior to Ames Final Round

Clark Presides

Griswold Equity Victorious

By Steven Goddard

"If the only way this publication can maintain itself is by the present editorial policy of 'hitting where it hurts'", Barbara M. Jacobs of Griswold Equity asserted, "perhaps it would be in the public interest to see this publisher go under."

The Court seemed pleased with this and other arguments advanced by Miss Jacobs and her colleague Daniel M. Armstrong, 3L, as it awarded Griswold Equity a unanimous victory over Morgan-Brown in the Ames Final Tuesday night, April 11, in the Ames Courtroom.

The Honorable Tom Clark of the U.S. Supreme Court presided as Chief Justice, with Justice Paul C. Reardon of the Supreme Judicial Court of Massachusetts and Justice Reuben Oppenheimer of the Maryland Court of Appeals as Associate Justices.

The case, *Jupiter Publications, Inc., v. Granger Johnson*, involved the football coach of a private university who had been libelled by a story charging the coach with fixing a championship game. The magazine that had printed the story had an avowed policy of "sophisticated muckracking" and at the time of trial was faced with five other libel suits.

The jury had awarded Mr. Johnson \$60,000 damages and \$3,000,000 in compensatory damages. The trial judge remitted the punitive damages to \$500,000. The Court of Appeals affirmed. Jupiter Publications then appealed to the U.S. Supreme Court.

Martin Kasindorf of the Morgan-Brown Club presented the first oral argument for the Petitioner. His main point was that this football coach should come under the classification of a public official engaged in a public act. According to a recent Supreme Court decision in *New York Times v. Sullivan*, the coach could not claim the protection of libel laws after being subjected to false criticism unless he could show that the attacks were malicious.

Mr. Kasindorf argued that the Court should use a functional approach in defining what constituted acts by a public official. He suggested price fixing by Roger Blough would be such an act, while an illicit love affair wouldn't. In applying this functional approach Mr. Kasindorf suggested "judges should be men of common sense."

Justice Clark asked, "But if we hold this

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Blackstone, Howe Win

The Blackstone Club and the Howe Club were victorious in the last two quarterfinal rounds of the Ames Competition. The previous two rounds were won by the Kaplan Club and the Casner Club.

Semifinal rounds will be held during the forthcoming fall semester, with the final arguments coming the following spring.

Jack F. Fallin and Alton B. Harris were the oralists from the Blackstone Club who defeated the Field Club. Assisting them on the brief were George Deptula, Timothy Egan, John Haner, Kenneth Johanson, Jeffrey Pass and Irwin Shechtman.

The Howe Club's oralists who defeated the Sander Club, were S. Andrew Schaffer and Anthony J. Steinmeyer. R. Lawrence Ashe, Jr., Joel Eigerman, Richard Howe, Nicholas Puner, Nancy Schectman and Harold Somerset assisted on the brief.

Among those judging the two arguments were H. Ammi Cutter of the Massachusetts Supreme Judicial Court, Edward Gignoux of the U.S. District Court of Maine, and Cornelius Moynihan of the Massachusetts Superior Court.

Prof. Byse Elected Head of AAUP, Outlines Goals

Professor Clark Byse has been chosen as President of the American Association of University Professors and will take office May 1, at the group's annual meeting. Prof. Byse will serve a two-year term.

There are many problems which the group will have to face during the coming years, Prof. Byse believes. One of these is finding a way of making the group's censure of an institution more effective. In censuring, he explained, the AAUP tries to perform a dual purpose — raising the level of higher education and improving the university, as well as fighting for the rights of the individual who has been dismissed improperly.

Another challenge facing the association is trying to extend the tradition of academic freedom, and a faculty role in the governing of the institution to junior and community colleges. Prof. Byse noted that in a number of these, the standards used may sometimes be those of a secondary school rather than those of a college.

Since the number of these institutions is rising rapidly, the AAUP, he believes, must move equally quickly to make sure that their professional standards remain high.

Finally, he said he would have the group study what assistance can be rendered to Negro colleges in the South, which have their special problems. Prof. Byse called the recent dismissals at St. John's University in Brooklyn, N.Y., the most immediate question facing the AAUP, noting that its impact will be felt for many years to come.

At Harvard, he said, most of the main problems faced by the group — academic freedom, tenure, and the faculty's role in governing the institutions — are not very pressing. In spite of this, however, a large number of the professors at Harvard belong to the group to help others achieve these rights as well. "Unfortunately," he said, "in my opinion, far too many do not recognize their obligation to the profession and are not associated with the AAUP."

Prof. Byse explained that the faculty of the law school has always been well represented, recalling that Roscoe Pound, late

Dean of HLS, was one of the founding members of the Committee on Academic Freedom and Tenure, and the late Professor DuBois Beale was one of the first to call upon professors to join the group, when it was founded around 1913.

He noted too that Professor John Dawson is currently First Vice-President and that Professor Emeritus John Maguire served for many years as counsel to the Committee on Academic Freedom and Tenure. Professor Paul Freund is currently president of the Harvard chapter of the AAUP.

Prof. Byse received the LL.B. from the University of Wisconsin, and the LL.M. and J.S.D. from Columbia University. Having been an Instructor and then Assistant Professor at the University of Iowa, in 1946, he joined the law faculty at the University of



Prof. Clark Byse

Pennsylvania, where he rose to the rank of full professor. He has been a professor at HLS since 1958.

Before being elected President, Prof. Byse served as General Counsel of the group and has been a member and chairman of first the Committee on Professional Ethics and then the Committee on Academic Freedom and Tenure.

Three Students Win White House Fellowships After Grueling Interviews on Virginia Farm

By Jack Jacobs

Three Law School students have received highly coveted White House Fellowships for next year. The recipients, William S. Abbott of Lexington, Mass., 3L, Richard D. Copaken of Kansas City, Mo., 3L, and Sanford D. Greenberg, 1L, of Buffalo, N.Y., were the only law students of the 18 chosen for the award. The occupations of the other fellows ranged from attorney, management consultant, and investment banker, to professor, engineer, physicist and Air Force Major.

A White House Fellowship is actually a misnomer, because the award is not a fellowship at all. Instead, it is an opportunity to serve as assistant to various cabinet and White House officials. The stipends range from \$7,500 to \$12,000 for the year, and are financed jointly by the federal government and the Carnegie Corporation.

The purpose of the program, now in its second year, is, according to Secretary of Health, Education, and Welfare John Gardner, an opportunity for "the best and brightest people in our society [to be exposed] to leadership positions in government."

The duties assigned the Fellows vary in degree of importance, but are all of interest. Last year one Fellow assembled biographical data on Patrick Nugent, fiance of the President's daughter. Another wrote a memorandum, read by President Johnson, stressing the educational value of the hearings on China by the Senate Foreign Relations Committee.

Attorney General Katzenbach has said that because of the broad exposure to all phases of government offered by the program, the Fellows "get their moneys worth. . . . They probably know more about how the whole government operates than I do."

The selection process used to choose among the candidates for the 18 positions is rigorously selective. This year, of the 600 applications received, only 36 got by the screening of the various regional committees conducting the interviews. Designed to test the candidates' skills at analyzing problems of topical importance, such as the Vietnam war and financing of Medicare, the regional inter-

views were used only to select the national finalists.

The 36 finalists, in turn, were taken to a farm in Virginia, where for several days they were interviewed by a constant round of notables, including Judge Hastie of the



White House Fellow Sanford Greenberg

Third Circuit; C. Douglas Dillon, former Secretary of the Treasury; a member of the editorial board of the *New York Times*; and the Dean of the Stanford Business School.

"The people we met, both interviewing and interviewed, were so accomplished, that the days in Virginia were as tense as they were awesome," remarked one of the winners. "Each of the finalists was so outstanding and had done so much in so short a time, that no one could tell what the basis of selection would be."

While in high school Mr. Copaken was student body president, a third place winner in the National Science Fair, and valedictorian of his class. Entering Harvard College as a National Merit Scholar, he served on the *Crimson* editorial board, won the Detur Prize, was elected to Phi Beta Kappa, and received a B.A. in Social Relations *summa cum laude*. At the Law School he became an editor of the *Harvard Law Review*, and during the summer clerked for Covington and Burling in Washington, D.C. Mr.

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Student Bar

(Continued from page 2)

owns, one of the Supreme Court and the other on birth control. Both films were shown here last year, but due to the limited attendance then, it was decided not to show them this year. The films were produced by CBS news and are rented to other schools for \$50 each.

Chaleff said that no speakers were scheduled this year because none volunteered. In the past, requests to speak here have been referred to the SBA by the Dean's office but only one such request was received this year, and that possibility did not materialize. Last year ten requests were received. No speakers were invited on the association's own initiative.

Unidentified Officers

Apparently there are 3 other officers, although no one knows for sure who they are. When asked for the names of other officers, this reporter was told that he was listed as one. Although he was a member last year, the reporter declined Rubenstein's request to run for office.

Samuel I. Doctors, 2L, said that he might be an officer, although he has been unable to discover for sure. He said also he accepted Rubenstein's offer to nominate him but heard no more of the matter. He asked Mabande early in the year for some confirmation, but Mabande was unable to identify the other officers.

Mabande reported that according to his records Michael Greene, 3L, is treasurer, but Greene said that although he once held the job his term of office ended 11½ years ago. Mabande purports to know the names of the

other two officers but refused to identify them without permission of the executive committee. The executive committee apparently consists of the officers.

Chaleff said that this year's officers were appointed last year by William Rubenstein. Although Mabande, who has the only copy of the group's constitution, refused to disclose its contents to the RECORD, independent investigation indicates that it apparently provides for 5 officers to be elected by the membership at a general meeting in April of each year.

"Didn't Want Job"

Chaleff stated that he is willing to call such a meeting if anyone is interested. If such a meeting is called, Chaleff declared that any student, whether or not a member, will be eligible to vote and seek office.

Chaleff observed that the student bar is a cyclical organization that depends upon the interest of the officers. "I didn't want the job this year," he explained. "Last year Rubenstein wanted it and did a good job."

Chaleff said that the association would return the dues to any dissatisfied student who could prove that he had paid them.

Voluntary Membership

Callahan reports that Harvard is one of the very few law schools in the country where membership in the Student Bar is not compulsory. At other schools the dues of students are paid from an activity fee. But here, the student bar is not one of the student groups that receives a direct university subsidy. However, Mabande said that Vice Dean Louis A. Toepfer has advised him that the School would stand behind the group if it gets into financial difficulties in good faith.

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Divinity Professor Supports Legal Abortion

By James W. Eighmie

"I personally believe that no woman should be forced against her will to bear a child." With this observation, the Reverend Doctor Joseph Fletcher of the Harvard Divinity School opened this year's last meeting and discussion of the Harvard Law Wives on April 13 concerning the subject of abortion. Dr. Fletcher is a member of the Board of the Association for the Study of Abortion, a national organization concerned with both the medical and philosophic problems of abortion.

Recently, he pointed out, much of both the general and technical debate on abortion has

"There is no moral distinction between abortion and contraception."

centered about a report by the Model Codes Committee of the American Law Institute. In 1956, this group proposed a relaxation of state laws in this area, most of which if they permit artificial termination of pregnancy at all, do so only when it is required in order to save the life of the mother. Although the committee did not adopt Dr. Fletcher's view that termination at will should be allowed, it did say that abortion should be permitted in cases of rape or incest and also where the physical or mental health of the patient would be endangered. At present, only about 8000 of the estimated one million annual abortions are performed in hospitals and under legal conditions.

Questions frequently arise, Dr. Fletcher said, as to the position of the Bible and of the various faiths on abortion. The New Testament says nothing about it and the Old Testament merely forbids termination of pregnancy against the mother's will. Only the Roman Catholic church, among those in

the Judeo-Christian tradition, condemns abortion as murder and forbids it under any circumstances whatever. Most non-Catholic churches would permit it to save the mother's life and some even for the benefit of her health.

Dr. Fletcher stated that in his view, there is no moral distinction between sterilization or contraception as means of preventing birth, and abortion. Although abortion is by far the most undesirable and dangerous method of preventing birth, it is as *moral* as any other.

Essentially, the moral issue centers about the question of when a human life has actually come into being, making its destruction an act of murder. Catholics believe that this occurs at the moment of conception and that thereafter a human life exists, endowed with a soul. This is a relatively new position for the church as it was adopted less than 100 years ago at the first Vatican Council in 1869. At that time, Pope Pius IX ended a debate on the subject by declaring that the soul enters the body at the moment of conception.

Dr. Fletcher's view is that there is no soul present, or in non-theological terms, no human being endowed with human rights exists, until the baby is actually born. Recognizing that all life is a continuum and that his position is perhaps no less arbitrary than the others, he argues that there is still no reason why society as a whole should be bound by the strict Catholic ideas on abortion, any more than by Christian Scientist views on surgery, or the beliefs of Jehovah's Witnesses on transfusion.

When the Biblical injunction against killing in the Ten Commandments was mentioned, Dr. Fletcher said that there was no such injunction; that the correct translation from the Hebrew was a prohibition only against unlawful or unjustified killing.

Asked whether, if it were freely allowed, many people would make a decision to undergo abortion that would result in emotional disturbance, and that they themselves would later regret, Dr. Fletcher responded that this was still no reason for forbidding the practice. Mistakes and unwise decisions are inevitably a part of any human freedom.

Ripon Society Asks New Policy Toward China

By John Spitzer

A recently released policy statement by the Ripon Society urged the government to take off its blinders and see China as the mammoth power that she is.

Seven out of ten members of the group's Executive Board are students at HLS, as are forty-four per cent of the members of the Boston Chapter.

The statement was essentially middle-of-the-road. While advocating a continued firm stance against China's military adventures, it argued that "China will have a major impact on our planet in the decades ahead" and that we should try to meet the belligerent nation half way by freer trade policies and admission of China into the United Nations.

"The United Nations is not an exclusive club of moral nations," continued the statement. "The Charter is not so much a standard against which outsiders are judged as it is a goal to which members aspire. Membership in the United Nations should be an encouragement to more responsible behavior

rather than a reward for such behavior."

The scholarly research project by the Republican group took the position that the United States would not lose prestige in reversing its attitude toward China's admission to the U.N. since "a great and secure power does not fear the participation of its detractors in this international organization. Such an action would be much like last year's decision to drop our insistence that peace-keeping dues be paid to the United Nations by all member nations."

The group buttressed its position with a restatement of the generally prevailing view that there is little hope that Nationalist China on Formosa will ever reconquer the mainland.

Although the group has a national membership, the impetus for the research done for the Republican Party emanates largely from HLS. According to Vice-President Christopher Bayley, 3L, "Even a national political party can be significantly affected by a small group of people dedicated to implementing their ideas through political action."

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—GOP Political Leader Predicts:—

"Republicans Can Win Congress in 1966"

By Bert Liebmann

A national Republican leader has asserted that his Party could win control of Congress in the 1966 elections, especially if voters in the South turn away from "the old cliquish power structure." Raymond V. Humphreys, Director of Education and Training for the Republican National Committee, also told an April 12th meeting of the Law-Graduate Republican Club that the Democratic party's attempt to "manipulate the poor-white bloc and the Negro bloc" in the South would fail.

Pointing to the great need for political management, Mr. Humphreys noted that while the Republican National Committee and the Campaign Committees are concentrating on about 125 "marginal" districts in 1966, most Republicans are predicting only a thirty to fifty seat gain in the House of Representatives. "If we could find enough good, practical political managers," Mr. Humphreys remarked, "we could pick up eighty seats, enough to control Congress."

Unholy Alliance

Commenting upon the Democratic Party in the South, Mr. Humphreys stated that such an entity has never existed. What has ruled the South, he stated, has been a coalition of interest groups, such as the ADA, COPE, the Farmers' Union, and "courthouse cliques." This "unholy alliance" has manipulated the economically deprived voters, heretofore consisting mostly of "poor whites," to vote en-bloc to maintain the system, he said. Low voter registration in the South points up

what such a system does to the democratic process.

"Without an opposition party, thinking persons, having no place to turn, stayed home. Times are changing," noted Mr. Humphreys, "but the courthouse cliques aren't". They are trying, in the wake of the Voting Rights Bill, to manipulate a "Negro-bloc" vote as well as the traditional "poor white" one, and are trying to do it in the same way. It may work for a short time, he mused, "but wait until Negroes start asking to be put on the ticket. The coalition will crumble."

While expressing concern about a few local Republican organizations, he noted that the real focus of the new Republican Party in the South was one of providing a haven for thinking persons and political moderation. "The people now have a place to turn when they tire of the old cliquish power structure."

Returning to mechanics, Mr. Humphreys urged the young future politician to pick communities where he would like to live, where people, especially young people, are likely to agree with his political ideals, and where there is some chance for someone in his party to win. For Republicans he suggested the expanding "bedroom communities" of the East-coast megalopolis.

Having picked a community, he advised, one must choose a "plan of action." If one picks a sensible plan and works hard at it, he may soon find himself in public office, "as exciting and fascinating a life as a man could want," he concluded.

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Sir Thomas More wrote that utopians would "have no lawyers among them, for they consider them as a sort of people whose profession it is to disguise matters." It is probably true that the conduct of a small minority of contemporary lawyers will confirm More's observation, but it has been disconcerting indeed for the RECORD to report this week that two student organizations at the Harvard Law School have been flying flags of the wrong color. (See page 1)

The Student Bar Association has done absolutely nothing this year except to collect dues. Its president has allowed the organization to fall into a state of total disrepair. If he truly believes that there is no need for a student bar association at HLS, he never should have accepted the top post. Moreover, if he had no intention of organizing an acceptable student bar program, he never should have collected dues from unsuspecting first-year students.

The top officers of the Yearbook have engaged in unbridled profiteering at the expense of the student body. The RECORD has learned that the Editor and Business Manager of the Yearbook have already pocketed a total of \$2500.35 in profits. They and other Yearbook staff members will receive over \$1500 more before the term is over. How sublimely hypocritical it was, therefore, for these individuals to note on page 209 of the 1966 Yearbook, "In every category revenue has exceeded by wide margins that of any previous year. Although a major accomplishment, the increased circulation was also a practical necessity as the financial innovation of this edition was a significantly lower price to students." If the Yearbook staff had refrained from working a profit into the price of the Yearbook, the 1966 annual could have been priced as low as \$3.00 instead of \$6.95.

If the law school administration, which is vaguely aware of the Yearbook situation, does not crack down on such profiteering, the RECORD urges all students to refuse to purchase the 1967 Yearbook.

Harvard Law Record

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TONGUE 'N CHEEK

By Fenno

Another glorious year is ending at Harvard Law School. For some of us it will be the last year, and we are sad to think of leaving our safe, warm home. So perhaps we can be forgiven one short wallow in nostalgia.

First of all, we remember how thrilled we were to be studying law in this city. Boston has long been famous for the integrity and progressiveness of its government. Corruption and graft were eliminated from this area years ago. Groups like the Dorm Council were able to profit greatly by the example.

Nothing in Law School has impressed us as much as our studies. Who will forget the Professor in Torts who made each class an intimate conversation between himself and his necktie? Or the thrilling lectures when we memorized the table of contents of the UCC? And we know how empty life has been since we stopped receiving our very own CCH loose-leaf tax supplement each month.

One memory we will always cherish is of the wonderful gourmet dining at Harkness. If we had apple pie on Monday we could always be sure there would be apple crunch Tuesday, apple sauce Wednesday, and apple jam for Thursday breakfast. And if you paid with coupons it almost seemed free.

And in the spring we were all so excited to find that there really *was* a sidewalk under all that sand and mud.

There were dear old Coke machines that never worked, Dorm Council boondoggles, and our do-it-yourself-paste-in yearbook — a \$3.00 value for only \$7.00. Do you remember the day the maid threw away half your Third Year Paper by mistake? Or when all your books were stolen? Of course you do!

But if it saddens you to think of leaving, just remember the salary you are about to earn, and things won't seem so black. Besides, you can always be a 4L.

Events of Note at the Law School

The Amicus Populi Club will hold a series of lectures on "Lawyers and Computers in the Twentieth Century." Mr. Robert Bigelow, a lawyer from Boston, who is currently writing a book on lawyers and automation, will speak on May 6 and Mr. Roy Fried, General Counsel to Computer Control Co., will speak May 20. The talks will be given in the Guest Dining Room in Harkness Commons at 1 p.m. All interested students are invited to attend.

* * *

Mrs. Jerome Cohen will speak at the Harvard Law Wives Luncheon which will be held April 23, at 1:30 p.m. at the Chez Dreyfus. Tickets for the luncheon are \$2.50.

* * *

Students planning to be married over the summer are asked to send the names and addresses of their brides to the Harvard Law Wives, so that they may be invited to a buffet held for new wives this coming fall. The information should be sent to Mrs. Paul Ruden, Apartment 3, 36 Highland Ave., Cambridge.

* * *

All students subject to the draft should be sure that the local board has their very latest address.

Some students are being reclassified IA and the notices are being sent to faulty addresses. This can be disastrous because an appeal from such a classification must be filed within ten days of the classification notice.

Failure to receive the notice may not extend the ten day period. Secretary Bruce's office has a memorandum outlining the procedures that students may wish to follow in the event that they are reclassified 1A.

Rackets Restrung

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The *ad hoc* Committee to Improve the Physical Condition of Law Students has announced that the Whiffle Ball season will open this Saturday. Usually reliable sources indicate that this semester's tournament will be held in Kranepool Stadium, between Shaw and Story.

* * *

Today, at 8 p.m. in Harkness,

our own Harvard Law and Graduate Democratic Club will meet the Yale Law School Democratic Club (sssss!) in a debate over U. S. participation in the Vietnam War.

* * *

With apologies to those students with Thursday morning classes, the RECORD hereby ceases publication for the semester.

Letters to the Editor

Grad Questions RECORD On Frankfurter Date

To the Editor:

I wonder whether the statement that Mr. Justice Frankfurter was an Editor of the *Harvard Law Review* in 1918 is correct. I, myself was an editor in 1909 and 1910 and my impression was that the editors were students and not professors. As Mr. Justice Frankfurter was a member of the Class of 1906 would he have been a member of the 1918 Editorial Review Board?

I read the RECORD pretty carefully and if you have time I will be interested to hear what you have to say re above.

Sincerely yours,
Francis R. Appleton, Jr.,
LL.B. '10

Mr. Appleton appears to be

correct. According to the Harvard Law Review records, Mr. Justice Frankfurter was a member of the Review Board from 1904 to 1906. However, Mr. Justice Frankfurter's name appears in a list of Review editors in 1918. He was a member of the Law School faculty at that time, but the Harvard Law Review informs us that faculty members have never served as editors.

The RECORD welcomes a solution to this mystery from other careful RECORD readers. — Ed.

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Student Groups Hold Elections

Student Advisers Elect Mode Chairman

Paul J. Mode, 2L, has been elected chairman of the Board of Student Advisers for the forthcoming academic year.

Other new officers are David C. Elligers, first-year chairman; Lewis B. Kadin, second-year chairman; and Robert E. Lieblich, Williston chairman. Mr. Lieblich and Harvey S. Berenson will share with the officers responsibility for supervising the writing and editing of new and revised cases and Williston problems.

The Board's main activity is supervising the James Barr Ames Competition.

Trooboff Named New President of ILC

The Harvard International Law Club at its annual elections meeting on April 12, elected Peter D. Trooboff, 2L, President.

Other officers elected were: David C. Siegfried, 2L, Vice-President; Olivia C. Plantinga, 2L, Secretary; and Timothy J. Egan, 2L, Treasurer.

Newly appointed committee chairmen are Dennis M. O'Connor 2L, Program Chairman; Jane C. Wright, 1L, Social Chairman; Robert Terrence Galvin, 1L, Associate Program Chairman; and Gerald K. Gleason, 1L, Law Exchange Chairman.

Select Fellows For Next Year

Gary Lee Anderson and Donald Howard Berman have been named Teaching Fellows at the Law School, beginning July 1, 1966.

Mr. Anderson has been County Attorney in Union County, Iowa, since Jan. 1, 1965. Before that, he was in general practice in Creston, Iowa, his birthplace. Mr. Anderson received the B.S. degree from Iowa State University at Ames, Iowa, and the degree of J.D. in 1962 from the University of Iowa Law School, Iowa City, where he was a member of the board of the Iowa Law Review.

Mr. Berman was law clerk to Judge John V. Spaulding of the Supreme Judicial Court of Massachusetts for the year 1962-63. He then practised law in Lewiston, Maine, his birthplace, and is now with the Boston law firm of Sullivan and Worcester.

After graduating from Harvard College in 1957, he served for two years as a line officer in the U. S. Navy. He then came to Harvard Law School, where he was a member of the Board of Student Advisers and received the LL.B. degree in 1962.

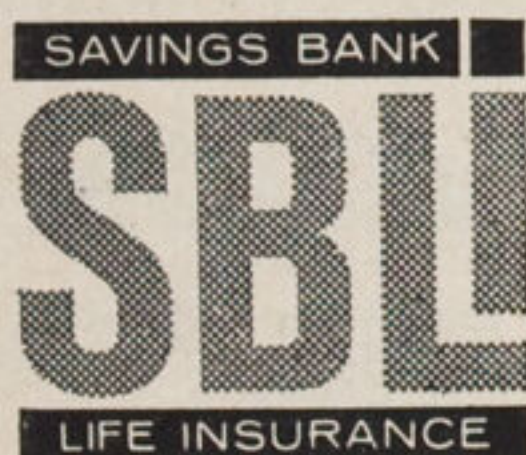
Law Exchange

The Law Exchange Program has possible job opportunities in Colombia, Chile, and Spain for second-year law students who speak Spanish, and also in Germany for a 2L fluent in German. The job conditions vary but most require that the student pay for his own transportation while the firm pays at least living expenses for the term of employment. If interested, call David Siegfried, 864-3210.

Mr. Siegfried has been very successful in placing law students in the past. Through his efforts Samuel A. Bleicher, 3L, has been offered a position in a law office in Japan for the year following his graduation in June.

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Fleet Students Compete in Marathon

Five law students competed in the annual Boston Marathon on Tuesday, April 19. Running under the banner of the Gordon Glidden Athletic Club were Leslie ("Lead-foot") Buch, 3L, and Christopher ("Fleetwood") Coggeshall, 1L.

Alumni to Meet

The traditional annual meeting of the Council of the Harvard Law School Association will be held here Saturday April 30.

The day's activities will begin with a breakfast at 8 a.m. in the Mallory Smith Room, to be followed by an assembly in the Pound Room at 10. Edward S. Pinney, President of the Council, will preside over committee reports.

After lunch, the Council will reconvene at 2 for a report from Robert Amory, Chairman of the Sesquicentennial Fund. Professor Charles M. Haar will make a special trip to the Law School to give a talk at this meeting. Prof. Haar is currently serving as an Assistant Secretary in the Department of Housing and Urban Development.

In the evening, new members will be introduced in the Harkness Meeting Room and Professor Richard R. Baxter will deliver a speech entitled "Legal Aspects of the War in Vietnam."

Other participants were James A. Guest Jr., 2L, Eugene M. Van Loan III, 2L, and Wesley C. Williams, 2L.

The group joined over 500 other entrants from all over the country, as well as many foreign nations, in the traditional 26 mile jaunt, which starts at Hopkinton and ends at the Prudential Center in Boston.

As expected, none of the group won the race, but they all report that they enjoyed the beef stew served at the end of the route and had lots of aching bones to show for their efforts.

Preparation for the big race began early in the year, with training practices covering ten miles or so several times a week. A favorite of the Glidden A.C., which at one time boasted a half-dozen members, stretched from Dane Hall — where the harriers live — to Science Park and back, along the banks of the scenic Charles River.

Asked why he did it, Buch replied: "I needed the publicity. Sullivan & Cromwell wasn't interested in me during the fall interviewing season, and I thought this might help."

Kennedy Scholar To Study at ILS

Jeremy Burford has been selected by the Trustees of the Kennedy Memorial Fund in England to be one of the first Kennedy scholars. Mr. Burford will work in the International Legal Studies Program at HLS.

In all, ten Kennedy scholars have been selected, seven of whom will attend various departments at Harvard University, and three of whom will attend M.I.T. Each scholar receives \$4,000 above tuition.

Mr. Burford is a member of the Inner Temple and was President of the Cambridge Union Society in 1965.

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Editors Inherited Present Compensation System

(Continued from page one)

will pay for the Yearbook, roughly \$2.62 or 38 per cent will be pocketed by the Yearbook staff.

Those familiar with Yearbook affairs placed no blame on either the Editor or Business Manager. These observers argued forcefully that the Yearbook editors had merely inherited an organization whose mechanism for compensating editors has slowly gotten out of hand.

It has been no secret that for many years the Yearbook has been "presented to the Harvard Law School community as one of the services of the Law School Committee of Phillips Brooks House." (See 1966 Yearbook, p. 1) PBH acts as surety for the Yearbook, which is in splendid financial condition. In return for this service, the Yearbook makes a substantial annual payment to the PBH Law School Committee which uses the money for the Loan Library and the Telephone Directory. (See 1964 Yearbook, p. 183)

Gerard J. Carpency, 3L, the chairman of the PBH Law School Committee, told the RECORD last week that "PBH owns the franchise to the Yearbook. The Committee has only two sources of income. It gets some income from the advertising revenue of the directory and the rest from the Yearbook. With this money we run a loan library for law students. This year approximately 500 books were loaned to students at 50¢ per book."

Mr. Carpency disclosed that he had purchased about \$1,500 worth of casebooks this year. He predicted even higher expenditures next year.

The PBH chairman said that the Yearbook financial statement of January 4, 1966, indicated that of its total unadjusted profit of \$6,266.75, PBH would receive \$1,986.68 and the Yearbook \$4,280.07. The total Yearbook income is \$13,850.86 and total expenses come to \$7,584.11, resulting in an unadjusted profit of \$6,266.75.

The adjustments, according to the January 4 statement, included color photography expenses of \$504.25 and cover improvements of \$202.50. Each of these expenses was

shared by the Law School Committee and the Yearbook.

Mr. Carpency revealed that after adjustments, the total profit as of January 4 was put at \$5,560.00, with PBH receiving \$1,686.68 and the Yearbook \$3,873.32. It was estimated at the time that the Yearbook would receive \$920 more in revenue and incur \$205 more in expenses, resulting in \$715 more in income, to be split between PBH and the Yearbook.

The Yearbook's basic publishing cost this year was \$6,226.00 and, as of January 4, it had \$8,438.30 in the bank.

According to Mr. Carpency, the January 4 financial report indicated that the President and Business Manager of the Yearbook had, at that time, only taken \$11.25 and \$120.00 of the profits respectively. However, the RECORD learned last week that the Editor has thus far pocketed \$1,312.79 in profits and that the Business Manager has received \$1,187.56.

Although Mr. Carpency declined to comment any further on Yearbook profits, he noted repeatedly that the PBH Law School Committee could make good use of more money. "Were enough funds available to purchase more books," he said, "PBH would be able to provide all the casebooks for all students on financial aid."

Sources close to the Yearbook argue that no blame ought to be placed on the individuals involved. They say that Yearbook editors ought to receive some compensation, but they also think that the profits of the Yearbook staff have skyrocketed out of control. The best solution, it is said, is to have the Law School administration place a ceiling on profits for students.

Other observers feel that the proper solution is to reduce the price of the Yearbook to the point where *all* profits would be eliminated. This group points out that if the \$6,000 in profits which is shared by the Yearbook and PBH were channeled into a lower Yearbook cost, the Yearbook would have cost about \$3.00 instead of \$6.95.

Photographs Outstanding

Penny Pinching Handicaps Fine Yearbook

By Paul M. Branzburg

The 1966 Yearbook is a fit subject for both praise and complaint, with the latter equalling the former.

Once again the presentation of the Law School Committee of Phillips Brooks House to the Law School community is graced with the fine faculty photographs of Editor Beardsley Ruml, 3L. Although many of these portraits will be familiar to those who have seen the two previous editions of the Yearbook, there are quite a few new and improved photographs, such as those of Professors Dershowitz, Bok and Haar.

Another interesting innovation has been Ruml's use of the fisheye lense for the two-page spread photographs introducing the faculty section (pp. 22-3), the student section (pp. 82-3), and the activities section (pp. 188-9).

Perhaps the chief complaint with the new Yearbook is the color photography. The color photographs on the third, sixth, and eleventh pages add bright relief to a black and white landscape, but it took high-handed effrontery to give students color prints of Dean Griswold and Professor Williston and tell them to paste the pictures on pages 25 and 215 respectively.

Students who picked up the Yearbook in Harkness were confronted with a cardboard sign: "The color print of Dean Griswold should be trimmed and pasted on page 25. The print of the Williston portrait should be attached to p. 215."

The RECORD has learned that it would have cost the Yearbook an extra eight cents per print to have the manufacturer paste them into the book. Since 1525 copies were ordered, it would have cost \$244 to have the 3050 prints "tipped" in. The Yearbook could easily

have afforded this, but instead they decided to raise their profits by \$244. (See story on page 1)

Another problem of the 1966 Yearbook is the new "Humor Anthology"—an essay made up of old RECORD Fenno columns, a collection of cartoons the majority of which have already appeared in the RECORD, and a spoof of the *Harvard Law Review*. If one of the purposes of a Yearbook is to stir the nostalgia of alumni at some older time, then the Yearbook staff erred in substituting a "Humor Anthology" for the usual ten pages of photographs depicting the world of the Harvard Law School. A classic example of achieving this end through the use of splendid photography and imaginative layout is the Brandeis Yearbook of 1964.

Editor Ruml, a gifted photographer, could easily have taken and published photographs of life at the Law School. Here again, profit considerations may have come into play: a page of photographs is often more expensive than a page of print.

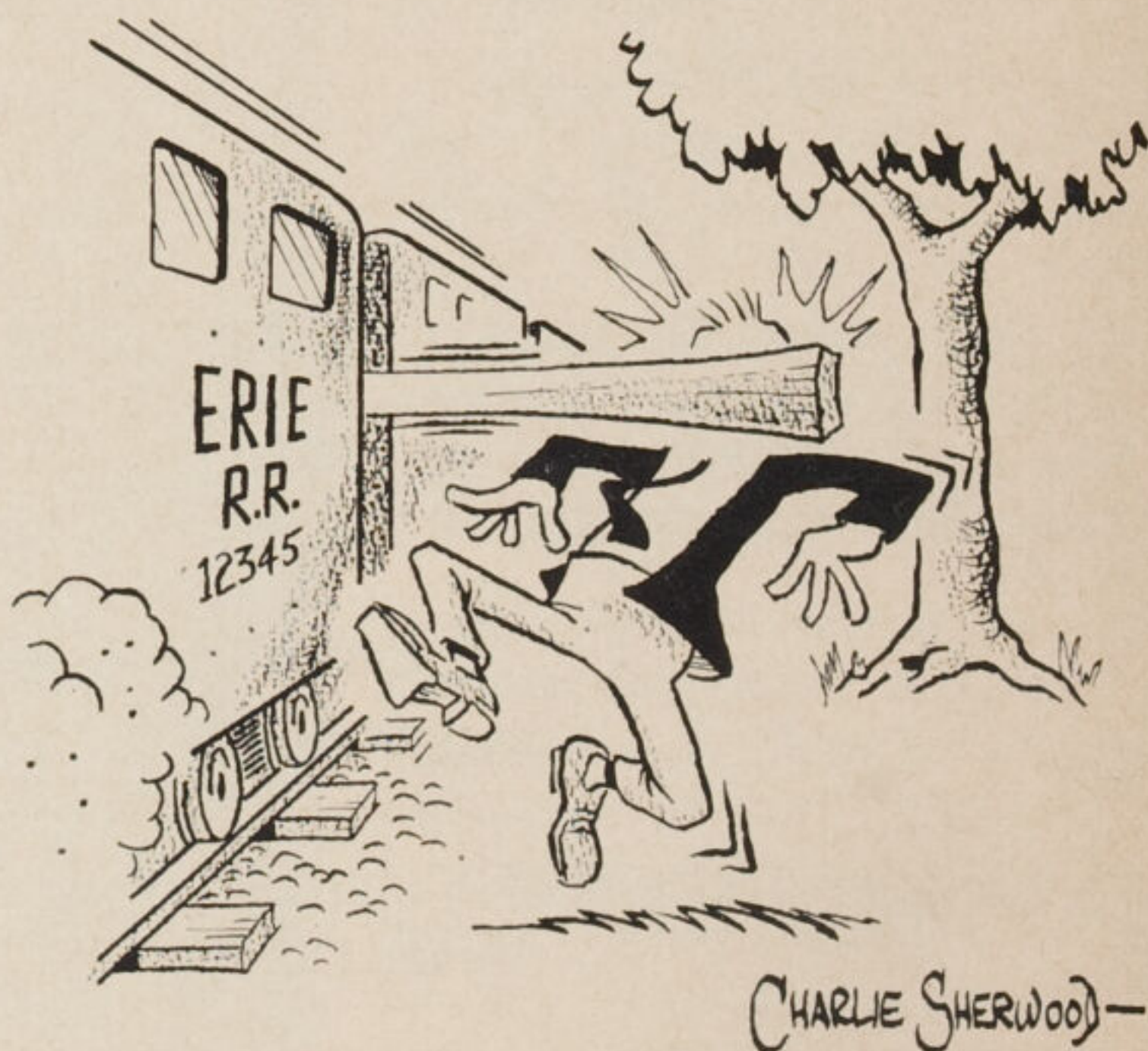
Gone also is the handy student index. Now the student must search through three sets of pictures to locate a person whose class he does not know.

Old traditions, however, still persist. The arrangement of the faculty photographs is still thoroughly unalphabetical. (Are they arranged according to a hitherto unknown pecking order?) And the same horrid notes are being used to introduce each class. The page preceding the Class of 1966 photographs, for example, enlightens the reader with the illuminating observation that "The third year student has an opportunity to prepare for either a specialized or a general practice, since all courses in third year are elective. Aside from the total credit hour limitations, the only specific requirement is The Paper."

Page 209 informs us that since "a graduate of Harvard College was editor, the cover has returned to the crimson shade not seen for the past five years." Irrespective of the reason for the change,

(Continued on page 20)

Erie Railroad
v. Tompkins
304 U.S. 64,
58 S.Ct. 817
(1938).



Ames Competition

(Continued from page 3)

man is open to false libel, what would be left of libel laws?"

Mr. Kasindorf suggested garbage collectors as one class who would still be protected.

Mr. Baron, the second Morgan-Brown oralist, then advanced the argument that libel should be distinguished from other torts, and that punitive damages shouldn't be allowed. He gave a metaphor of an automobile driver and a publisher, maintaining that over-cautious drivers would be beneficial to society, while over-cautious publishers would encourage corruption in high officials.

This use of vague analogies and examples seemed to weaken the Morgan-Brown presentation throughout.

In opening the argument for the Respondent Mr. Armstrong of Griswold Equity outlined, point by point, the legal arguments supporting their cause. This technique, combined with well-developed logical arguments,

produced the impression of great legal strength.

Mr. Armstrong listed three reasons why Mr. Johnson, an athletic director and regent at a private university, shouldn't be considered a public official. Although some of the distinctions he drew seemed dubious, the succinctness of his analysis left little opportunity for questions from the Bench.

In the final presentation, Miss Jacobs argued that, in this case, malice existed as a matter of law, therefore the jury could legally award punitive damages. The test for malice, as set forth in the *New York Times* case, is a "deliberate or reckless disregard for the truth." Miss Jacobs pointed out that Reporter Mozart, who wrote the story, made no effort to verify the facts in his story.

Miss Jacobs delighted the audience by using the *International Union, UAW v. Russel* case from her opponent's brief to support a point. One of her opponents and the Court had early failed to locate the case while searching under the name of *Russel*.

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Editor Seeks Censorship of Erotic Numbers

By John Spitzer

Dirty words come naturally to Paul Krassner, but he proved to a delighted audience Friday night in Ames Courtroom that he could rise above his favorite expressions and entertain with versatility and wit.

The boyish, ebullient editor of the *Realist* kept turning to the moderator to ask what he was supposed to talk about or what he had been talking about before he got off on a tangent. Remarks ranged from suggestions of burning photostat draft cards or subpoenas "as a kind of chicken protest," to a quip that the most useful thing he could do at a White House Press Conference would be to hang one of his celebrated red-white-and blue "anti-Communism" posters on the wall.

Comments on the recent obscenity ruling of the Supreme Court were the most caustic. He stated that he was one of the most firm supporters of Ralph Ginsburg ("Mainly because I'm selling one of the books they sent him up for").

"What are they so worried about prurient interests for?" he lashed out in quiet tones. "Why I know some mathematicians who are aroused by a combination of numbers. And *Eros* isn't titillating to the average member of the community. It's only titillating to perverts.

"With all these obscene words banned, the ordinary words are becoming obscene. I get guilt feelings every time I read about a 'joint session of Congress.' Even 'S.E.C.' sounds vulgar to me now."

Yet he was hopeful that the decision might have some useful side effects, for instance a sensationalistic advertising

campaign to bring out the phallic qualities of atomic weapons so that the Supreme Court would "Ban the Bomb."

Mr. Krassner recounted a number of run-ins he had had with the law. After watching the "Loneliness of a Long Distance Runner" one night in New York City, he emerged from the theater and felt so good that he started running down the street. Stopped by a policeman with a drawn revolver half a block later, he sheepishly explained that "I'm just running. I don't get enough exercise." The policeman finally let him go but only after stern admonitions that he almost fired a warning shot ("the first shot that misses," commented Krassner.)

He added that at one time he was lucky enough to have his phone tapped. "A real status symbol," emoted the easy-going speaker. "I used to stop my conversations from time to time to ask them if I wasn't going too fast for them to get it all down. It was convenient too. When I went out to lunch, I would pick up the phone and ask them to take any messages."

Humor was the keynote of the evening, but serious thought frequently ran underneath "It's not so much President Johnson that I'm worried about. It's the country. He's fooled us all and we're going along with him."

The prolific editor is supporting Madalyn Murray in her series of attempts to limit privileges of the Church in the United States. He referred to her as "paranoid and confused as ever," and gave a rambling account of her crusading legal battles.



Paul Krassner

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Presidential Fellowships

(Continued from page 5)

Copaken is married and has a daughter. Eventually he plans to return to Missouri and enter politics.

William Abbott graduated from Harvard in 1960 *magna cum laude*, and was elected to Phi Beta Kappa. After college he served as a Lieutenant in the U.S. Navy for three years on a Destroyer, and received a Letter of Commendation. After the Navy, he came to the Law School, where he became an editor of the *Law Review*. During the summer he clerked for Ropes and Gray in Boston. Active in local politics, Mr. Abbott was elected to the Watertown, Mass., Town Committee, and has run some of the town meetings. Mr. Abbott eventually will return to Boston to practice.

Dr. Greenberg received a B.A. degree from Columbia College in June, 1962, and an M.A. and Ph.D. degree in Government from Harvard University in 1965. While at Harvard he received both a Woodrow Wilson National Fellowship and a Woodrow Wilson Dissertation Fellowship.

During the academic year 1964-65, he worked towards the Bachelor of Letters degree at Oxford University. After his return to the United States, he served as Assistant Professor in the Department of Public Law and Government at Columbia University, while he studied Business Administration at Columbia's Graduate School of Business. He will receive an M.B.A. this coming summer.

During his junior year in college, Dr. Greenberg contracted glaucoma, and became totally blind for four years. While he was in England, he underwent the last in a series of eye operations which resulted in the restoration of partial vision.

Dr. Greenberg has completed several articles for publications and is working on a book, *U.S. Policy Toward the Republic of South Africa*, which will be published soon.

During the past few years, Dr. Greenberg has founded and helped direct the work of International Communications Associates.

He is also the Executive Director of Research and Planning at the Charles River Academy, a remedial school for boys, in Cambridge.

Nine New Courses to be Offered Next Year

Courses dealing with criminal and international law provide six of the nine newest entries in the curriculum of HLS.

"Chinese Attitudes Toward International Law," to be given by Professor Jerome Cohen, will examine Chinese communist doctrines and problems ranging from participation in the United Nations to the scope of national sovereignty over natural resources to the treatment of aliens. There is a real lack of reliable information, since "China is a very well insulated country," according to Prof. Cohen, and therefore the course will use mimeographed materials rather than a single text book.

Prof. Cohen was given a four-year grant in 1959 by the Ford Foundation to conduct studies in Southeast Asian affairs, and spent the last year of the study interviewing refugees and getting a closer look at China. The intent of the grant was to prepare professional lawyers for future negotiations with China.

Visiting Professor James Anderson will give a course in "Islamic Law" and explore the nature and content of Islamic law and its relevance in the contemporary world as well as the ways in which it is currently being reformed in Moslem countries.

The legal and related problems of businesses that characteristically operate in a number of countries will be considered in "International Business Organizations," given by Professor Abram Chayes. Professor Chayes is returning to HLS after an absence of several years during which he was Legal Advisor to the United States State Department.

Possibly to counteract the feeling among law students that criminal law is less significant than other branches of the law, three new courses in the area will be given this fall. Assistant Professor Lloyd Weinreb will teach "Criminal Process," an advanced course focusing on the process of a criminal case from the commission of the crime to the imposition of punishment and/or treatment and its aftermath.

The course on "Juvenile Delinquency" will investigate the existing theories about what causes delinquency as well as the role of courts and lawyers in dealing with delinquents. According to Professor Livingston Hall, who will teach the course, some class time will be devoted to discussions with psychiatrists, psychologists, sociologists, judges and probate officers.

Anti-Social Conduct

Assistant Professor Alan M. Dershowitz, in "The Prediction and Prevention of Anti-Social Conduct," will explore the possibilities of, conditions for, and limitations on, predicting anti-social behavior and evaluate the advantages and disadvantages such devices have over an exclusively retrospective focus on consummated harms.

Three other new courses, "Corporate Finance," given by Visiting Professor M. H. Cohen, "Human Relations Problems in Legal Practice," given by Professor Frank Sander, and "The Impact of the Federal System on the Conflict of Laws," taught by Professors Donald Trautman and Arthur von Mehren, will also be given for the first time next year.

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Book Review

(Continued from page 15)

many will agree that the switch from green to crimson was felicitous and that the gold Harvard seal on the cover is decidedly sharp.

The 1966 Yearbook has not deviated from the tradition of offering a bountiful supply of proofreading errors. On page 37 we learn that Professor Milton Katz has become "Director of Internal Legal Studies." Page 50 discloses that Professor Phillip E. Areeda once served as Special "Councel" to the President. Professor Sohn's name is spelled "L. B. Swahn" in the frontispiece, and the school is renamed "harvardlaw" on the first page.

Other interesting bloopers include the substitution of a blank space for the picture of Stephen C. Beeler, 3L. Joel R. Levine, 3L, was shocked to learn that he is a member of the *Law Review* staff.

The criticism is admittedly of details. Anyone who glances through the last twenty years of Yearbooks will immediately recognize that the 1966 annual is among the best of the lot, largely because of the color photography and the faculty photographs. However, for turning the 1966 Yearbook into a "do-it-yourself project", the Yearbook editors deserve something less than congratulations.

Writing Program Issues Publication, Expects More Expansion Next Year.

By Michael Lowenberg

Harvard Legal Commentaries, the annual journal of the Second-Year Writing Program, will be ready for distribution early in May. Copies of the *Commentaries* will be available at the distribution center and the Langdell receptionist's desk.

Most of the articles deal with areas of the law studied in the second-year courses, and a considerable number of the topics were originally suggested by teachers of second-year courses.

Although the Writing Program was begun only two years ago, the final publication this year contains twice as many articles as volume one.

Participants in the program wrote several short memoranda and the final major comment

under the supervision of third-year students drawn from last year's program and the *Harvard Law Review*. This year, for the first time, these editors received \$250 compensation from the Law School for their services. The editorial board will invite a number of second-year participants and several *Law Review* members to serve as editors for next year's program.

The Writing Program has stirred a great deal of interest and excitement among Law School alumni, and many have indicated that participation has made recent graduates more valuable to their law firms. Fifty-nine students participated at various stages this year, and the Law School hopes to continue to expand the program next year.

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Dulles, Eleanor Lansing, editor

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Fleming, R.W.

"The Labor Arbitration
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Fox, Sylvan

"The unanswered questions
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