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Nazi Rockwell Disrupts Dems, Slurs Jews

Pressures to Cancel Speech Split Young Democrats

By Keith S. Watson

Although it is an election year, a small political party with minimal voter appeal has so far created more havoc for the Law School's Democratic Club than the Republicans.

No sooner had American Nazi Party chief George Lincoln Rockwell accepted the Harvard Law-Graduate Democratic Club's invitation to speak under its auspices than it was besieged with angry reactions from

(Continued on page 4)

Would Create Reservations For All Negroes

By John Spitzer

In a confused, rambling speech to a capacity crowd in Ames Courtroom Monday night, self-styled American Nazi "Commander" George Lincoln Rockwell had trouble deciding just who he hated the most — Jews, Negroes, or Communists.

He told the comparatively quiet assembly, sponsored by the Harvard Law-Grad Democratic Club, that he favors "recognizing the inferiority of the Negro in the Constitution." He added later that he would like to repatriate Negroes to Africa on a voluntary basis, putting the rest of them on reservations.

The 48-year-old Brown University graduate made his usual attacks on the Jewish people for sparking the Russian Revolution, controlling American industry, and monopolizing the arts. While conceding the "mental superiority" of the Jews, he based his dislike for "the race" on what he termed (without explaining) as their "moral inferiority."

As for the Communists, "McCarthy was too easy on them."

Meanwhile outside, 10 uniformed policemen turned

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Yale v. Harvard

By Tom Johnson

"Now I have the better part of two worlds," John Kennedy declared upon receiving an honorary doctorate from Yale, "a Harvard education and a Yale degree." The remark was characteristic of the perennial and usually good natured Yale-Harvard debate: its cleverness was manifest, its exact meaning dubious.

The latest addition to the literature that has developed on this subject, "The Yales
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"Rigorous and Majestic"

'This Article Perpetuates

(Continued from page 1)

vs. The Harvards (Legal Division)", an article in the September 11 issue of the *New York Times Magazine* by Victor S. Navasky, a Yale graduate, fits the classic mold well and perhaps for that reason has prompted mixed reaction among the faculty.

"A gross distortion of the facts as they are," Professor Vern Countryman (Yale Faculty, '48-'55) declared.

"Only a tongue in cheek job. Nobody took it seriously," Professor W. Barton Leach reported.

"Especially harmful to Yale," Professor Harold J. Berman (Yale Law, '47) protested.

"On the whole a pretty good article," Professor Louis Loss (Yale Law, '37) observed.

"I think we're entitled to equal time," Professor Benjamin Kaplan, (Yale visiting professor '57-'58) demanded.

Although hedging on nearly everything said, Mr. Navasky, who is now editor of *Monocle*, an occasional satire magazine,

"Harvard Law's tone is that of a stratified, majestic trade school."

concluded that "If Yale law exhibits the aura of a restless informal academy, Harvard Law's tone is that of a high powered, rigorous, impersonal, stratified and majestic trade school."

Prof. Countryman disagreed with the suggestion that the Harvard faculty is all but devoid of the sort of experts in the civil rights field with which the Yale faculty purportedly abounds. "Maybe people don't know where to look," he suggested, "but the experts are here. And when you stop to count them, there really aren't that many at Yale after all."

Prof. Loss also questioned the suggested distinction between the two faculties. "The differences are far greater within each faculty than between them," he said.

The suggestion that the Yale faculty has greater depth due to the presence of experts

in extra-legal fields was particularly

troublesome to many professors.

"Yale's resident experts are there all right,"

Prof. Countryman admitted.

"But they have contributed almost

nothing to legal education. The

law teacher who trains himself in

some other discipline — men like Turner in economics and Dershowitz with his knowledge of psychiatry — accomplish a good deal more."

Prof. Berman, the first Yale graduate to become a regular member of the Harvard faculty (there are now six, including Donald Turner, three of whom were former editors-in-chief of the *Yale Law Journal*) finds it "unfortunate that some Harvard professors have overreacted to the article on the false impression that it reflects an official Yale view. It seems rather, that the author has misjudged legal education at Yale."

Rather than over-react, some professors like Mr. Loss were not troubled by the article at all. Prof. Leach characterized it as an example of the professorial "horsing-around" between the two faculties. "Every



Professor Freund:
Seraphim and Cherubim

Myths About Both Schools'

now and then I'm invited down to Yale to give some sort of speech," Leach explained. "I know exactly what's expected of me. They want me to insult them and I'm only too glad to oblige . . . usually to my own accordian accompaniment. But, on the whole, there are far more examples of the friendship between the schools than hostility."

Of all the professors interviewed no one required an advance appointment, contrary to the Navasky article, and some, Professor Alan M. Dershowitz ("a fresh wind blowing through Harvard") and ("cheerful") Dean Erwin N. Griswold, declined comment.

The faculty seemed to agree that Navasky never actually identified the distinction between the two schools, and most believe that there is none, other than size. "The article perpetuates myths about both schools that have long since lost any correspondence to the truth," Prof. Berman explained. "To make a contrast between professional education and a sociological approach to law does a disservice to both. All good law



"Stratified and Impersonal"?

schools are trying to combine them."

Prof. Countryman could find no reflection of the difference in atmosphere that may have existed between the schools 25 years ago except in the respective law reviews. The students who run the *Yale Law Journal* have more imagination than their Harvard counterparts, he contends. "The Harvard editors are too hesitant to strike out on their own and cite conclusions which they can't bolster with footnotes."

Yale's Alexander M. Bickel concludes that Professor Paul A. Freund in his paper-back on the Supreme Court may have captured the real difference between the two schools in an encounter he describes between a minister and an elderly female parishioner who demanded to know the difference between the seraphim and cherubim. "Madame," the minister intoned, "there used to be a difference, but they have made it up."

Prof. Berman's view of the difference may be influenced by his background: "Yale has better students, Harvard better professors."

First Day of Classes

By Eugene Strassburger,
Yale '64

"So how did the first days of classes go?" I queried of the first year student at my law club smoker.

"Not very well. First, I was disappointed that I didn't have Professor Beale for any of my courses. I gather from the Times that he's the big name up here."

"Too bad about that. What else went wrong?"

"Well, I was wandering around trying to find my Group Work classroom—yes, I'm still going—when all of a sudden I discovered that I had walked right into a professor's office. I just don't think it's right that students should be allowed such close proximity to professors. At least two or three doors and a secretary are needed."

"Sort of killed the image, didn't it? Anything else wrong?"

"Yes, as a matter of fact. The very first case we had in Procedure, *Sibbach v. Wilson & Co., Inc.*, 312 U.S. 1, 61 Sup.Ct. (1941) or something like that, the professor refused to accept a characterization of Justice Frankfurter's dissent as Holy Writ. Isn't there any certainty in the world any more?"

"I agree that must have come as quite a shock."

"It certainly did, but even that wasn't the worst. Why some of the professors up here even marched in various protests. Oh sure, they're leading scholars and all that, so I guess you can forgive them, but I just wasn't prepared for any activists. I might just as well have gone to Yale Law."

Pressure to Cancel Nazi Splits Young Dems

(Continued from page 1)

various Democratic organizations and other sources. The result was a frantic series of communications, novations, explanations, and renunciations that has left many Democratic Club members confused, angry, and exhausted.

It all started when Club vice-president James Conahan, 2L, extended an invitation to Mr. Rockwell as a part of a speaker's series representing all sides of the political spectrum. To provide balance, the left wing has been given equal time with Socialist Party leader Norman Thomas and Communist Party theotician Herbert Aptheker scheduled to speak within the month.

With election day rapidly approaching, various Democratic groups made little secret of their displeasure at the Rockwell invitation. Reliable sources reported that the Massachusetts College Young Democrats threatened to expel the Harvard chapter if Rockwell appeared. However, the president of the Law Democrats, Robert Ronka, 3L, denied these reports.

Pressures Denied

Ronka was also contacted by members of the National Young Democratic Club. These individuals were reportedly reacting to the vehement protests directed to National Party headquarters by the American-Jewish War Veterans. Some supported the Club's position; other did not.

Following the program a peaceful confrontation occurred in front of Austin Hall between officers of the Democratic Club and men who represented themselves as representatives of the local Jewish War Veterans group. Robert Doty, 3L, declared that ex-

treme pressure had been brought by the Jewish Veterans. The local spokesmen denied the charge and affirmed the right of the student group to invite 'whomever it pleased.

Ronka insisted that the state and national party representatives were satisfied when Rockwell's appearance was explained as merely a part of a speakers' series representing all points of view.

Second Thoughts

In any event, the local Democratic Club began having second thoughts about the whole affair. First, the Harvard undergraduate Democratic group, a co-sponsor of the speech, decided to disassociate itself from the program after a unanimous vote of its 13-member executive committee.

This action was followed by a meeting of the Law Democratic Club's executive committee which issued a statement emphasizing its "complete rejection of Mr. Rockwell and the tenets of his organization."

Although the Club had originally agreed to pay the speaker's traveling expenses and a \$25 honorarium, the committee also decided not to pay Mr. Rockwell the latter item because increased security precautions had necessitated the expenditure of more funds than anticipated. Mr. Rockwell was informed of the decision and, according to Conahan, "graciously agreed to the novation".

As pressure apparently continued to mount, the executive committee met several days later to consider a motion to "disinvite" Mr. Rockwell. It failed to carry by a six-four margin. However, after heated debate, a motion not to reimburse Rockwell for his traveling expenses carried.

(Continued on page 15)

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Negro Summer Students Discover the Law

By Sam Rosen

"Learn, baby, learn" is the phrase that Martin Luther King wants to substitute for the cry "Burn, baby, burn." For the second consecutive summer a group of Harvard Law professors have helped 41 undergraduates from southern Negro colleges learn about law school and the role of the lawyer.

Professor Frank E. A. Sander, director of the program, said that many in the group would make fine law students at Harvard or other good law schools. Professor Clark Byse described the students as an "attractive and able" group of persons who were extremely interested and excited about all parts of the program.

"Please Don't Interrupt"

The program consisted of courses in torts and the role of the jury, taught in July, and contracts and Constitutional Law taught in August. Each course met three times a week.

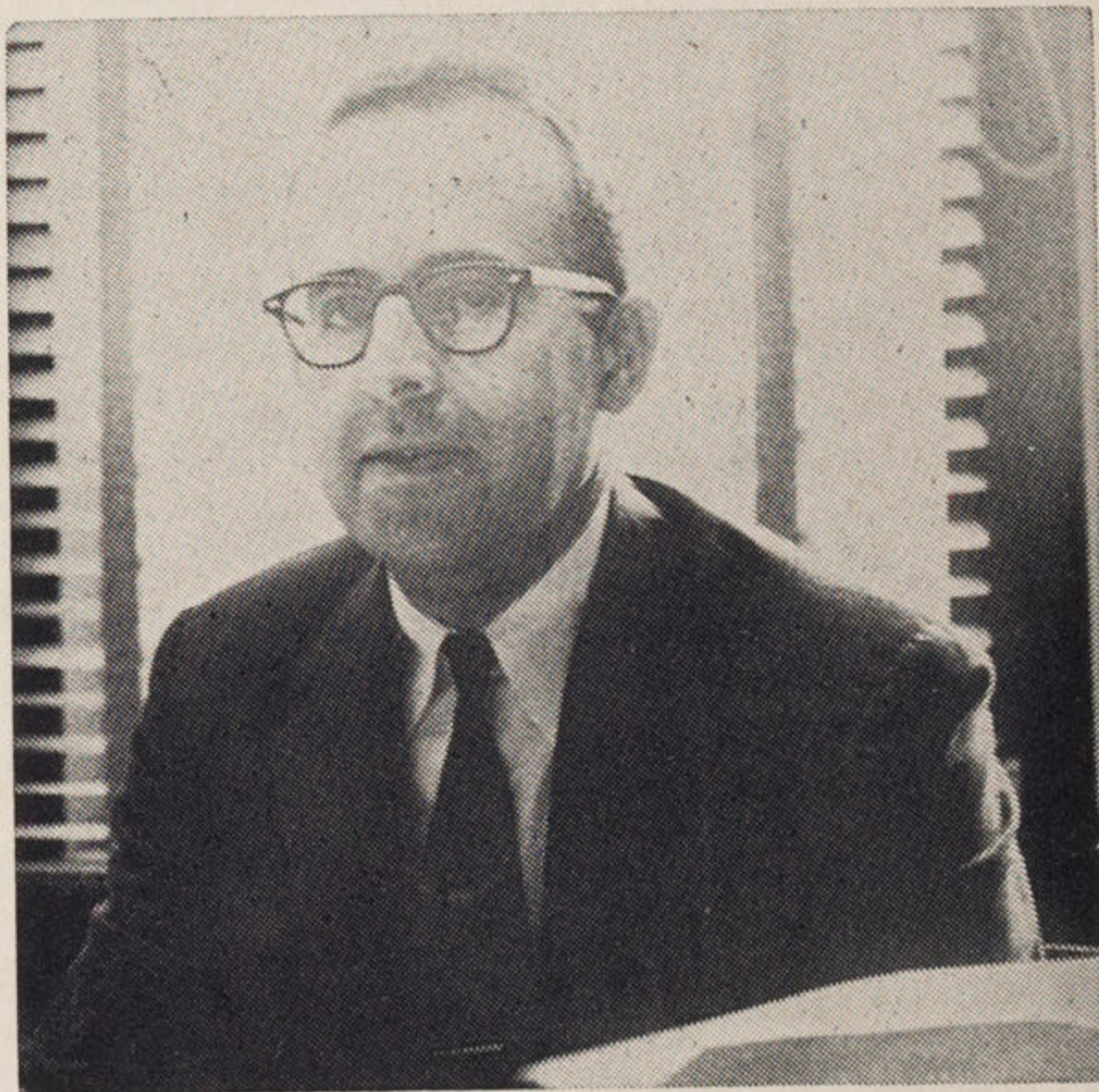
The students also took part in a mock trial and Ames-type appeal in which they were all given roles to play. At the appeal, one girl listened to the constant interruption of her colleagues as they presented their arguments. She then told the judges—a thought which must cross the mind of every first year student in his Ames argument—"I'd appreciate it if you would not interrupt me and not ask questions." The judges, being no more nor less sympathetic than Ames judges, did not accede to her request.

Prominent Speakers Appear

One of the most popular parts of the program was the informal discussions the students had with leading Negro and white attorneys. The speakers included Alabama attorney Fred D. Gray, who is now seeking a contempt citation against Governor Wallace for failure to integrate the Tuskegee schools; Thurgood Marshall, Solicitor General of the U. S.; and Floyd McKissick, National Director of CORE. Mr. McKissick was invited before the current controversy over black power because of his background as a leading southern Negro attorney.

All those involved in the program want to

see it continued. "Its objectives are being accomplished," said Professor Robert Braucher. "The students are being shown what law school is like and what lawyers do. Upon their return they tell their friends what they have learned. This year's increase in Negro applications and acceptances at Harvard is an indication of the success of the program."



Professor Sander

According to Professor Clark Byse, "It is important to indicate to these students that there are opportunities and responsibilities in the legal profession for Negroes."

All the students in this year's program were juniors, a change from the previous year, when there were some seniors, so as to allow them to return to their colleges and tell their classmates what they had learned in two months at Harvard.

Participating besides Prof. Sander, were Assistant Dean John P. Wilson, who was Assistant Director of the program, and Professors Braucher, Byse, Dershowitz, Charles Fried, Mark DeW. Howe, Robert E. Keeton, Leon Letwin (visiting from the UCLA Law School), Louis L. Loss, and Lloyd L. Weinreb.

Four students from the program are entering this year's starting class at Harvard Law, compared to two last year.

Ames Prize Awarded To Ex-Visiting Profs.

The faculty of the Law School has awarded the Ames Prize, given every four years "for a meritorious essay or book on some legal subject," to Professors Grant Gilmore, of Chicago Law School, and Herbert L. A. Hart, of Oxford.

Prof. Gilmore received his part of the award for his two-volume work, "Security Interests in Personal Property" (1965), Prof. Hart for his book, "The Concept of Law" (1961).

The Ames Prize was established in 1898 by Julian W. Mack, '87, to honor the memory of James Barr Ames, a Harvard professor and Dean. The award consists of a bronze medal, and this year the sum of \$1,500 for each scholar.

Both professors have been visiting professors at the Law School.

Student Advisors, Legal Aid Accept 31

The Board of Student Advisors accepted 11 new members this fall, and the Legal Aid Society accepted 20.

The students invited to join the groups this year bucked the trend slightly against Ivy League schools as only 14 of the 33 were from such institutions.

Student Advisors

Third Year

Surkin, Eliot M. Princeton
Van Loan, Eugene M. III .. Yale

Second Year

Auspitz, Jack Columbia
Cion, Richard M. Princeton
Dyer, Boyd K. Stanford
Graham, Philip L. Indiana
Gregg, Geraldene M. Stanford
Irving, Richard H.
..... Northwestern
Krieger, Sanford Cornell
Pederson, William F. Jr.
..... Harvard
Sutton, Mark H.
..... U. of Michigan

Legal Aid

Third Year

Cross, Bruce M. Dartmouth

Second Year

Aron, Mark G. Trinity
Baker, Robert L. Williams
Beasley, James W. Davidson
Fink, Sheldon Yeshiva
Flanzraich, Neil W. Harvard
Georgantas, Louis P. Yale
Hayutin, Marc I. Stanford
Howerton, Herman H. Fresno
Kirp, David L. Amherst
Lapin, Jay F. Yale
Mitzner, Michael J. N.Y.U.
Moskowitz, Ronald B. Williams
Reinstein, Robert J. Cornell
Richard, Howard M. Cornell
Salon, Joel A. Reed
Siemer, Deanne C.
..... G. Washington
Watson, William D. Princeton
Wells, Benjamin G. Columbia
Wolff, Bruce S. Amherst

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Dean Finds Asians Interested in Suspects' Rights

Decision by the Supreme Court on the right of the accused to counsel made news not only in the United States. According to Dean Erwin N. Griswold, who spent one month in the Far East this summer, the *Escobedo* and *Miranda* cases are much discussed, even in parts of Asia.

Because the rights of the accused in those countries are more circumscribed, he ex-



Dean Erwin N. Griswold

plained, Asians are especially interested in developments in the United States in this field.

In contrast, Dean Griswold noted that there were very few questions from his audiences about the American presence in Vietnam, though he is not sure whether to attribute this to the politeness of the Orientals or to some other factor. He recalled, however, that in the Central Park in Seoul, there was a display of photographs illustrating Korean troops at work in Vietnam and there was a small group of people looking at it.

Dean Griswold traveled under the auspices of the Cultural Affairs Bureau of the State Department to meet with lawyers, judges and law students as well as to lecture to the

general public. Just as many Asians come to the United States, both to study and to become more familiar with Americans and their way of living, he explained, the State Department felt that it would be good policy for noted Americans to go abroad and spend some time learning how others live and what they think.

While in Asia, Dean Griswold visited six countries, the Philippines, Singapore, Malaysia, Taiwan, Korea and Japan. His visits to the first five, however, were limited to the capital city and surrounding area, while in Japan he was at Kyoto and Kobe, as well as going to Tokyo.

Overt Anti-Americanism

The talks which the Dean gave dealt primarily with various aspects of American life and political thought, such as civil rights and what he termed the "continuing American Revolution."

When asked how Asians regard the United States, he reported that he found some overt anti-Americanism. Illustrating this, he said that the night before he was to speak in Kuala Lumpur, all the windows of the American Embassy there were broken by a mob. In spite of this, the Dean noted that his talk was attended by the Malaysian Minister of Justice, Attorney-General and Chief Justice of the Supreme Court. He theorized that they were there to express their disapproval of the previous night's incident.

No Racial Hostility

When he asked a friend in Malaysia what the window-breaking was meant to protest, and why the mob was so anti-American, he was told that the outbreak was not really meant against the United States. Since anti-government rallies are forbidden, the friend explained, the mob uses this means to protest against its own government without fear of legal or other reprisals.

Dean Griswold also said that he noticed no hostility on color or racial grounds. Although it probably exists to some extent, he noted, at least it is not evident in the universities and in the professions.

Sorry Spectacle

The decision of the Young Democrats to sponsor a speech by George Lincoln Rockwell and their later reactions to pressures opposing this decision do not speak well for the Club.

One can certainly find no fault with the sponsorship of a speakers' series whose purpose is to present views from every point on the American spectrum. The representatives of the left, Norman Thomas and Herbert Aptheker, are men of great intellectual depth whose appeal is based on reason. Mr. Rockwell, by contrast, is an often crude and crass demagogue who presents spectacles, not speeches, and it was an insult to the extreme right to present him as its representative.

But once the decision was made to invite Mr. Rockwell, the actions of the Young Democrats in attempting to avoid the consequences of their decisions struck a serious blow against the cause of civil liberties.

True, Mr. Rockwell did ultimately appear, but this was through no fault of the Young Democrats. The Club began by attempts to discourage Mr. Rockwell himself by first reducing and then eliminating the funds they had agreed to pay him. When this failed, it attempted to pass the buck to the Forum, but that group wisely declined the honor. Finally, it seriously entertained a motion to repudiate its invitation: the motion lost by only two votes.

Throughout the entire sorry episode, the Young Democrats were apparently under great pressures to cancel the program. The precise source and nature of the opposition to the Rockwell speech is impossible to ascertain from the conflicting reports of the individuals involved. But in view of the extensive preparation and publicity that the speakers' series has been given by the Young Democrats, claims by the Club's president that the change of heart was prompted by a sudden interest in the November elections falls upon incredulous ears.

Harvard Law Record

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TONGUE 'N CHEEK

By Fenno

A hideous giggle echoed through the halls above as I crouched in the darkness behind the Xerox machine in the distribution center.

"It must be the Slurk," I thought stoically.

Suddenly the double doors caved in and the horrible beast, not unlike a tyrannosaurus rex, began pawing at the materials in the cubicle labeled Dershowitz's "Prediction and Prevention of Anti-Social Conduct." It stuffed great reams into its jaws and masticated them with vicious cross motions.

Ditto Diet

"So this is where all the stuff disappears," I pondered, hoping that this organic anachronism had ceased being carnivorous in favor of a steady diet of ditto paper.

What amazed me was its neatness. When a flurry of paper scraps would shoot out from its jaws with a belch, they were quickly consumed by a blast of fire.

The Slurk devoured a bunch of Chayes' pulpous foreign policy legislation reports—choking momentarily on all the staples—then moved in for the kill on Cohen's "Compliances and Releases" before munching on Fuller's "Jurisprudence." A bilious green glow from the monster added to the horror of the situation.

Discrimination?

It soon struck me that there was a system to this feast. Rather than take a load off the top of each pile of materials—which surely would have been more equitable to the professors involved—it chose to pass over some entirely like Dawson's DLI materials while continuing to wreak havoc with the rest of Chayes' issuances.

Vagts' Corporation assignments were polished off as a kind of afterthought before the Slurk went crashing off into the darkness, not to be seen again in the halls of Langdell until it catches the scent of next season's yield of supplemental materials.

Letters to the Editor of the RECORD

"Crackenthorps" Lauded by Texas Prof.

To the Editor:

I note with interest in the RECORD for April 14 that the Law School basketball championship has been won by "the Crackenthorps." Basketball has always seemed to me a boring and pointless sport, but even it is not without slight redeeming social importance when it serves as a means to keep alive in Langdell Hall the memory of Sir Montague Crackenthorpe, Q.C.

His forceful views on the benefits and beauty of common law pleading, reported and editorially endorsed at 10 Harv. L.Rev. 238 (1896), endure as a constant rebuke to those who think Rule 8 of the Federal Rules of Civil Procedure is the embodiment of all wisdom, and fully entitle him to a share of the acclaim which history has reserved for Baron Parke.

I could wish, however, that the RECORD—or the young men who honor Sir Montague by throwing basketballs at hoops—would spell his name correctly.

Charles Alan Wright
Austin, Texas.

Ed. Note: Prof. Wright now teaches law at the University of Texas. He was a Visiting Prof. at the Law School in 1964-65.

"Record" Alumnus Alleges Lax Citatitions in Review

To the Editor:

I was pleased and gratified to find that generous portions of a story I once wrote for the Harvard Law School RECORD about Professor Seavey were quoted by Livingston Hall in his Seavey memoir in your May 1966 issue (Warren Seavey and the Age of the Restatement, 79 Harvard L.R. 1329) because, of course, my story was originally written as a kind of

tribute to Professor Seavey.

I was a little put out, however, by Professor Hall's vague identification of the source of the story as "one such student dream of glory", because another dream of glory which I harbored only through my first term at Harvard Law School, was that some day my name would appear in the Harvard Law Review. I would let the whole incident pass without comment, except that two of my partners who are former editors of the Review (Wilton S. Sogg, 1959 and Sheldon B. Guren, 1947) insist that attention must be called to what appears to be a lowering of citation standards by Review editors.

Not only have Review editors permitted Livingston Hall to quote extensively from an article without giving the author's name, but they have let pass a reprint citation ("Reprinted in the Harvard Law RECORD of April 28, 1955") when the original source (The Harvard Law School RECORD, November 20, 1946) was readily available.

Furthermore, the story was never known as the "Adventures of George Priddy" as Livingston Hall indicates, at least not when it originally appeared or in its first reprinting in the Harvard Law School RECORD, October 17th, 1951. I had not known of the April 28, 1955 reprint.

In any case, George Priddy is pleased to be in such distinguished company and after these years to be able to extract a small measure of revenge from the Harvard Law Review.

Kenneth G. Weinberg, '48
Cleveland, Ohio

Ed. Note: Although the above

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letter was addressed to the 'Law Review,' a copy was forwarded to the RECORD by Mr. Weinberg.

Legality of American Presence In Vietnam Questioned

To the Editor:

I do not think that Professor Baxter should have chided you, however gently, because you have not praised the State Department Memorandum of March 4 ("The Legality of United States Participation in the Defense of Viet Nam") as "sober and erudite" as you had praised the Memorandum of Law of the Lawyers' Committee on American Policy Toward Vietnam.

The Lawyers' Committee Memorandum had criticized United States involvement in the undeclared war in Vietnam as in violation of the Constitution and of the Charter of the United Nations, of the Geneva Accords, and of long-established principles of international law. The issuance of the State Department Memorandum therefore represented a welcome effort by our government to justify its actions in Vietnam under accepted principles of international law. Since many believe that the United States is engaged in an abhorrent and dangerous policy of foolish aggression in Vietnam, a real service would have

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Mrs. Richard H. Field

Mrs. Caroline Field died in Weston last Friday after an illness of several months. Her husband is Professor Richard H. Field of the Law School.

In addition to Professor Field, Mrs. Field is survived by three children and eight grandchildren.

Services for Mrs. Field were held on Monday at the First Parish Unitarian Church in Weston. According to the family, memorial gifts may be made to the American Cancer Society.

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Events of Note

Mrs. Erwin N. Griswold will give a tea next Wednesday afternoon, October 5th, from 4:30 to 6:30 p.m. at The Large Meeting Room of Harkness Commons at Harvard Law School in Cambridge, for all wives of law students, women law students, wives of faculty and staff members.

* * *

The International Law Club Writing Program will hold an organizational meeting tonight at 8 p.m. in the Wheeler Room in Holmes Hall. Sponsored by *International Law Journal*, the program is open to all interested in the field. The papers will be used in the winter issue of the *Journal*.

The Club will also sponsor a talk by Professor Abram Chayes today at 4 p.m. in Holmes Hall.

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Presented by the American Risk and Insurance Assn., the award carries an honorarium of \$500, of which Prof. Keeton will get half.

* * *

The Board of Student Advisors has elected new officers this fall to fill the ranks left by last year's elected officers who were invited to join the *Review*. The new officers, all 3L, are Harvey S. Berenson, Chairman; C. Christopher Hagy, 2nd Year Chairman; Robert E. Lieblich, Williston Chairman; and William C. Lieblich, 1st Year Chairman.

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Recent Book

A Critical Probe of the American Soul

The Corrupted Land. By Fred J. Cook. New York: The MacMillan Co., 1966. 352 pages. \$5.95.

By H. Peter Young

When the \$64,000 Question was answered once and for all in the late Fifties, it became fashionable among those who write for the popular media to deplore modern morality.

The result of this collective search of the American soul was the sudden "discovery" that morality is not merely an individual problem, that society itself might breed immorality — for did it not poke out its ugly head with astonishing regularity in the strangest places, indeed, among the very guardians of the American conscience — government, big business and television?

White-collar Crime

The exposés of TV quiz scandals, white-collar crime, petty shoplifting and pilfering, college cheating, police rackets, the girlies of big business who really believe in free enterprise, ad nauseam, came one after another.

The Corrupted Land is not just another of those catch-all exposés. Sure enough, Mr. Cook gives us an in-depth account of recent departures from the Golden Rule (immorality à la Bobby Baker and Billie Sol Estes gets two chapters) — but it is studded

liberally with the findings and analyses of sociologists and psychologists, and is followed by a brief annotated bibliography for each chapter.

Where the others stopped short with an indictment of American society, Mr. Cook — a well-known journalist who is a three-time winner of the New York Newspaper Guild's Page One Award and author of *The FBI Nobody Knows* — goes on to condemn it to a most terrible death.

Superhuman Effort

This is Rome all over again; America is on the verge of drowning in its own wealth and greed; nothing short of a "superhuman" effort will save it.

This, Mr. Cook says, is a society "in which man has lost himself, in which he has surrendered his inner identity and honor to the organization, the group; a society in which, as a consequence, his guidelines derive not from inner conviction but from the performances of the mass power structures to which he belongs; a society that absolves him, the individual, because he is so tiny and so insignificant that he can hardly be blamed for his own acts, especially when 'everybody else' is doing the same or much worse.

"It is a society that justifies man's biting man, man's biting

the organization hand that feeds him — even man's biting his own self."

The causes for his concern number at least four. "A society is threatened with disintegration when its best, not its worst, elements turn to crime." Dishonesty at the top spreads downward "like a catching disease." The boss sets the example for those under him and thus the corporate president who cheats on his expense tab shouldn't be surprised when his secretary calls in sick and spends the day at the beach; the department store manager who uses company men and equipment to redecorate his new home has no gripe with his employees when inventory doesn't match sales reports.

Cops Playing Robbers

Society has been remarkably complacent about it all. "We attach no opprobrium to thefts that victimize institutions rather than individuals" and "the embezzler is often treated almost as a hero, a kind of Robin Hood." The newspapers and magazines were all too ready to forgive those Air Force Academy cadets for cheating — and to forget that they had turned their cheating into a tidy little racket, turning over stolen exam papers to other students for a healthy fee.

"Civilizations are in deep trouble when the forces of law become lawless. Such an inversion of values is usually the final sign that internal rot has bitten so deeply into the fabric of society that the pattern of disintegration is virtually irreversible." Cops are playing robbers more and more frequently.

Finally — and perhaps worst of all — the guilty don't feel guilty. Thus the fellow arrested

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State Dept. Fails to Justify

(Continued from page 9)

been served if the Memorandum had established its case.

However, the Memorandum fails to accomplish this objective even though its treatment of the law and the facts is slippery and shoddy. These faults are so large and so evident that even so ardent a supporter of the present policy in Vietnam as Representative Laird of Wisconsin was impelled to say on the floor of the House that he was "grieved" to find that in this Memorandum the State Department "chose to distort history" and that the Memorandum "ignores completely some highly relevant facts," and conveys "a false impression of [the] import" of "the declaration which it cites." (Congressional Record—House, March 15, 1966; p. 5558).

This criticism was well deserved. The Memorandum recognizes that by its signature to the United Nations Charter the United States has pledged itself not to use force against the territorial integrity or political independence of other states, not to interfere in their internal affairs, and to leave international peace-keeping to the United Nations. It argues, however, that Article 51 of the Charter provides an exception "for the inherent right of individual or collective self-defense if an

'Its treatment of law and facts is slippery and shoddy.'

armed attack occurs against a Member of the United Nations." Since Vietnam is not a member of the United Nations it is outside of the exception. The State Department Memorandum attempts to avoid this difficulty by stating, without supporting citation, that Article 51 "does not

impose restrictions upon or cut down the otherwise available rights of its members."

The validity of this claim underlies the whole argument of the Memorandum. But the statement is untenable on its face. The exception created by Article 51 does not exist if an armed attack occurs against "any nation," but only if it occurs against "a Member of the United Nations." . . .

Refrain from Force

Moreover, Article 51 creates an exception to the prohibition against the unilateral use of force, not a restriction. If Article 51 does not govern the situation — as the Memorandum contends — then the United States is bound by the fundamental obligation of all members to "refrain in their international relations from the threat or use of force against the territorial integrity of any state" (Ch. I, Art. II(4)), and (Ch. VII, 39) that

"The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression . . . [and] decide what measures shall be taken . . . to maintain or restore international peace security."

But even if the Charter were by-passed, as the Memorandum argues, the State Department still fails to justify the legality of our military intervention under international law. It undertakes to show that under international law (1) that "the Republic of South Viet Nam is a separate international entity, (2) that South Vietnam is the victim of an "armed attack" from the North, and (3) that the United States is "committed" to the military defense of South Vietnam.

Despite artful phrasings and astute half-truths, the Memorandum fails to establish any of these premises:

1. For example, the Memoran-

dum states (at p. 12) that "The Republic of South Viet Nam in the South has been recognized as a separate international entity by approximately sixty governments the world over," and (at p. 14) "As stated earlier, South Viet Nam has been recognized as a separate international entity by approximately sixty governments."

These statements are unsupported by documentation or citation, and they are at best half-truths. It is not true that there exists a separate international state of South Vietnam. Historically Vietnam has always been a single nation, not two. By

'It is not true that there exists a separate state of South Vietnam.'

the Geneva Accords it was temporarily divided into North and South military zones pending elections to be held in June 1956. Section 6 of the Accords is explicit that the military demarcation line "should not in any way be interpreted as a political or territorial boundary," and Section 7 provides that the political settlement shall recognize "the independence, unity, and territorial integrity" of Vietnam.

80% For Ho

The elections were not to determine whether the country should be unified, but what the government of the unified country should be. President Eisenhower has told us that they were not held because of the conviction of all persons "knowledgeable in Indo Chinese affairs" that "possibly 80% of the population would have voted for Ho Chi Minh as their leader." ("Mandate for Change: The White House Years, 1953-1956" (London, 1963, p. 372).

Thus in asserting and defend-

Legality of Vietnam Position

ing the existence of a separate international "state" of "South Viet Nam" the United States is clearly acting in defiance of the Geneva Accords, not in consonance with them, as the Memorandum maintains. . . .

2. The crux of the State Department argument is the existence of an "armed attack" against the state of South Vietnam. But it fails to furnish the facts or the details concerning such an attack and says that it is unable to indicate when or where such an "armed attack" began because "of the guerilla war in Viet Nam," i.e., the indigenous character of the conflict. It rests the claim, however, upon "infiltration" as the equivalent of an "armed attack," claiming that "by the end of 1964, North Viet Nam *may well have* moved over 40,000 armed and unarmed guerillas into South Viet Nam". (emphasis supplied).

Right to Travel

The Memorandum does not indicate how the State Department distinguishes between an "unarmed guerilla" and a Vietnamese national. The lumping of "armed and unarmed guerillas" into one figure thus sheds little light on whether an "armed attack" has occurred by the introduction of armed forces. Moreover, the Memorandum fails to explain why the introduction of "armed guerillas" from the North into the South is not evidence of a civil war, not of an armed attack by one state against another.

Vietnamese nationals have an inherent and fundamental right to move about in Vietnam. The Geneva Accords pledged the parties to help to vindicate this right and to assure to the Vietnamese the right to enter and to live in whichever zone of Vietnam they wished. On the other hand, Article 4 of the Accords prohibit "the introduction into

Vietnam of *foreign* troops and military personnel", and Article 5 prohibits in Vietnam any "military base under the control of a

'It is the presence of 250,000 American troops not the presence of the Vietnamese in Vietnam, which violates the Geneva Accords.'

foreign power" (emphasis supplied).

North Vietnam is not a foreign nation in Vietnam; it is an integral part of Vietnam and has an organic relation to South Vietnam. Thus it is the presence of 250,000 American troops and the installation of massive military bases under the control of the United States, not the presence of Vietnamese in Vietnam, which violate the Accords. At least such was the conclusion of the International Commission for Supervision and Control in Vietnam in June, 1965. In a Special Report to the Co-Chairmen by India and Canada, dated June 22, 1965, the Commission stated

"The Republic of Viet Nam [note: not the Republic of South Viet Nam] has violated Articles 16 and 17 of the Geneva Agreements in receiving the increased military aid from the United States . . . [and in permitting] the establishment of a United States Military Assistance Command in South Viet Nam, as well as the introduction of a large number of U. S. military personnel . . ."

3. The Memorandum is especially misleading and does a grave injustice to Presidents Eisenhower and Kennedy in claiming that they committed the United States to the military defense of South Vietnam. Presi-

dent Eisenhower offered only economic aid to the Diem regime and only on condition that it would effect reforms in Vietnam. He has stated that he made no commitment "in terms of military support whatsoever." President Kennedy insisted that the war in Vietnam was "their war" and promised only equipment and military advisors, not troops.

The argument according to SEATO, the most recent of the ever-shifting reasons offered up by the State Department, has been effectively demolished by Arthur Krock ("The Sudden Rediscovery of SEATO," New York Times, March 6, 1966). And, of course, the Constitutional safeguard that only Congress has the power to declare war is eviscerated by the claim that we are not really in a war in Vietnam, although the President says that we are.

No War Declared

It is regrettable that the Memorandum has failed to justify the actions of our government in Vietnam under international law even though in the effort to do so the Memorandum has not scrupled to avoid additional distortions too numerous to detail in a letter. Under the circumstances, many thoughtful lawyers will continue to view with anguished doubts the continuation of a war which Congress has not declared but which has already resulted in more American combat dead than those Americans killed in three previous wars in which Congress did make the fateful decision, which the Constitution provides that only it may make, as to whether or not the country shall go to war.

Harold I. Cammer, '32
Cleveland, Ohio

Ed. Note: The above letter was received in April, 1966, too late for inclusion in the last issue of the spring semester.

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Government Jobs Discussed

By Raymond T. Sawyer, III

Agreeing that the practice of government law offers an attractive and rewarding "live option," Professors Archibald Cox and Adam Yarmolinsky discussed their recent government experience last Friday in the first of a series on "Careers in Law" sponsored by the Placement Office.

Enormous Variety

Both professors made frequent comparisons with private practice. Prof. Cox spoke of the enormous variety of opportunities available in government work, but noted that specialization in a government office is likely to occur sooner than in a private firm. On the other hand, he pointed out that the chances for handling work of more significant substance requiring greater responsibility, are much greater in government. He added that the mobility of a Washington lawyer is a further antidote to specializing.

While Prof. Cox spoke highly of career opportunities as well as an "in-and-out" experience, Prof. Yarmolinsky put a premium on avoiding a long-term job with the government. He said that the impersonality, repetition, potential changes of attitude upon a change in administrations and the "faithful clerk syndrome" all outweigh the initial advantages and challenges of the work after more than a few years. Prof. Yarmolinsky further suggested that a lawyer should look for jobs in government not strictly legal in character. The jobs, as troubleshooting assistants to major officers, while few and obtainable only through contacts, give opportunity for work at policy-making levels with great responsibility, he said.

Servants of the People

Professor Cox worked for a number of agencies during World War II, chaired the Wage Stabilization Board after the war, and served as Solicitor General under Presidents Kennedy and Johnson until June, 1965. Professor Yarmolinsky, new to the faculty this year, has been a Special Assistant Secretary to the Secretary of Defense and the Deputy Director of the President's Task Force for the War on Poverty in the last two administrations.

Probe of American Soul

(Continued from page 11)

after he bungled a bank job explained with an air of virtue that he only wanted to get enough cash to pay off his bills and said: "Everybody's robbing banks these days. I'm an honest, law-abiding citizen." And a student caught with his pants down in a college teaching episode was most indignant—and if any action is taken, he threatened, he would go to the newspapers and start a scandal.

Ethical Collapse

We are witnessing, Mr. Cook concludes, "the ethical collapse of a civilization, the kind of collapse that occurs when man embraces delusions that are at war with realities." The problem is that Americans have not recognized that we cannot run "all the intricate industrial machinery, all the massive power complexes of the latter 20th century, on the structure of an 18th century private-profit ethic that is an anach-

ronism in the oncoming age of cybernetics."

If we continue to "cling with the fanaticism of religious bigots to the shibboleths of free enterprise and rugged individualism and laissez faire (apparently these served rather well when man faced an "uphill battle" in "past centuries"), the chief goal in life, "man's only hope," will lie "in getting a grip through 'inside' knowledge, favoritism, espionage, blackmail—any and every device—upon some handle of the mass power structure," and "private greed" will rule and dominate.

Jungle Fight

In the society of abundance, one man's well-being can be increased only through the increase in the well-being of all others. If the Great Society is to subdue the forces of the Jungle, there must be "a stronger role for government, a much stiffer regulatory role to curb some of the more buccaneering excesses of the present private power structures."

After all this, Mr. Cook sums up with: "The choice is between a liberated and more ethical society on the one hand, a racket-ridden and corrupted society on the other."

One wonders if he overplays the dramatic, or if we've really become too thick-skinned to worry. It's a well-written book; too many might say "enjoyable."

Pressures . . .

(Continued from page 4)

Some members of the committee expressed the view that the latter vote constituted breach of a valid contract which left the Club and perhaps the Law School open to suit. Ronka said that he has doubts about the validity of the agreement and insisted that even if legally valid, "it was a bad contract" because it offered financial support to the Nazi Party.

Despite Club efforts, Mr. Rockwell was not made aware of the denial of expenses until his arrival in Cambridge. He traveled here from Party headquarters in Arlington, Virginia.

Only several hours before Mr. Rockwell's arrival, the Democratic Club made one last attempt to escape its fate by offering the entire speakers' series to the Harvard Law Forum. The Forum's governing board declined the honor "with thanks" by a vote of seven-to-two. The Forum has rejected suggestions to invite Mr. Rockwell on several occasions in the past.

Ronka was quick to point out that Mr. Rockwell's appearance was not without great value. Ronka said that the reaction to the Nazi Party by white residents in the recent Cicero, Illinois disturbances indicated that Mr. Rockwell's philosophy must be studied and reckoned with.

Some observers believed that the Club's actions were prompted by "pressures" upon them.

Ronka, however, insisted that the change of heart resulted only from the realization that the Club should use its energies to aid the Party in November, not to organize a speakers' series.

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Nazi Leader Slurs Jews, Would Segregate Negroes

(Continued from page 1)

away about 500 people — eventually retrieving two students standing on the roof looking in the windows on the west side of the courtroom and also two students perched high up in a nearby tree.

Twelve men in plain dress outside Austin identified themselves as Jewish War Veterans who said they were there to prevent any trouble. Four members of the Anti-Defamation League were present for the purpose of discouraging the press from giving Rockwell publicity.

No Harvard faculty members were seen in attendance. The Administration was represented by Vice Dean Joseph E. Leininger.

A card signed by "Concerned Citizens" was circulated in the audience beforehand which urged that "George Lincoln Rockwell

and Nazism are not a joke. Less than a generation ago, his political philosophy claimed twelve million lives." The card requested no "hissing, cat-calls, booing, laughter, applause — *nothing*."

Despite the card, there were outbreaks of laughter in the audience between the doldrums when Rockwell would make such off-the-cuff statements as:

"They (the Negroes) are rapidly reducing the white people to impotency."

"The Blackout we experienced was a rehearsal." (After he had alluded to a vast plot by the Negroes and Jews to take over the country by urban guerilla warfare during such blackouts.)

"The country has become a vast insane asylum."

"Picasso is the patron saint of screwball art."

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