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Group Reports:

No H.L.S. Backlash

By John Spitzer

Although the glamor seems to be wearing off the civil rights movement, the Law School's Civil Rights organization is bucking the trend with record membership, more legal research projects, and an aggressive *Civil Rights Law Review*.

Sam Thomas, 3L, President of the Civil Rights Research Bureau, acknowledged that a number of factors are discouraging many students from the active participation characteristic of students several years ago:

1) The Vietnam War is "sapping the energies of protest" and crushing others into quietism.

2) White backlash. "Not a significant factor at the Law School, however," added Thomas.

3) The excitement of a novel issue is wearing off.

4) Many white students are finding out that they have little in common with Negroes living in ghettos.

5) The issues are getting

(Continued on Page 10)

Student-Faculty Unit Studies Law School

By Keith Watson

A joint faculty-student committee has been established to serve as "a useful channel of communication" between the professors and the student body.

In announcing the appointments of six students and six faculty members to the group, Dean Erwin N. Griswold also said that the committee would have jurisdiction to consider "any question of common interest" and to make reports and recommendations. He then indicated that such recommendations will be given "careful consideration" by the Faculty and the Administration.

Professor Clark Byse will act as the Chairman of the committee, which is known officially as the Joint Committee on the Law School. According to Prof. Byse, the formation of the group answers a long-recognized need for a vehicle to ascertain student views. He also indicated that a recent editorial and a letter to the editor appearing several weeks ago in the RECORD had been influential in action being taken at this time.

(Continued on Page 15)

McNamara Visits Seminar



Robert S. McNamara, Secretary of Defense, responds to a student's question at Monday's off-the-record meeting of a Law School seminar on national security policy; Professors Henry Kissinger and W. Barton Leach (both at right) acted as host for the distinguished guest.

'Consciousness Creates Everything'

By John TePaske

"I am God," Dr. Timothy Leary, the outspoken and controversial spokesman for hallucinatory drugs, calmly told an overflow Law School Forum audience last Friday, "but you are God, too. The outside belongs to Caesar," he admitted, "but what is within is God's."

Assuming the absolute duality of this metaphysical construct of man in society and God in man, Dr. Leary concluded, "Taking tobacco or cyanide is nobody's business but your own. Suicide is not society's business!"

The former Harvard lecturer's very long hair and unconventional, relaxed pos-

typical, curious onlooker — "I created this room by accepting the invitation. Anything is possible because your consciousness creates it all."

In a return to more conventional concepts, Leary classified the use of LSD as a religious sacrament, a



visible technique for taking one close to divinity. If successful, he said, these sacraments "change the inside," but they also tend to disassociate one from society and weaken his response to usual rewards and punishments.

Although defending the absolute freedom to use LSD, Leary did recognize society's legitimate concern about where LSD is used. "What is appropriate for the home," he admitted, "might be questionable in Harvard Square or a kindergarten

room." Referring to these appropriate places, he said, "What we do outside, let man govern — what you do inside is your divine right."

Not surprisingly, Leary minimized the dangers involved in the use of LSD. Compared to Viet Nam, racism, and pollution, he said, LSD constitutes a small threat to our external security.

Quoting a few suicide statistics, with a notable omission of any mental damage findings, he concluded it is safer to take LSD than to go to college. "In fact," he theorized, "taking LSD may even prevent suicide."

"The real drug abuse," he argued, "is a drug in the hands of society being used on others. The only cure to these problems is knowledge, and the only danger is ignorance."

Although seeing knowledge as the cure, Leary adamantly opposed any systematic LSD research. Considering the threat of federal LSD experimentation, he lamented, "It would be like a government center for losing your virginity. LSD is a completely private, personal experience — your own business!"

Moderator Neal Chayet, medical-legal expert and professor at Boston University, then questioned, "How will we get the needed knowledge about the effects of LSD?"

"Take a census," was the

**'The real drug abuse
is a drug in the
hands of society
being used on others'**

ture on stage served to reinforce the beat-generation, social-rebel, thrill-seeking image often associated with LSD. In unexpected contrast, his talk was subdued and sermon-like.

At times it ranged beyond the comprehension of the

Leary Tells Audience

unconcerned reply.

Throughout his talk, Leary emphasized the "religious and divine" motivations behind his LSD sacrament. Harvard psychiatrist and mental health expert, Dr. Norman Zinberg, on the other hand, preferred to classify drug takers as "oblivion seekers" or "experience seekers."

With a history of social deprivation and juvenile delinquency, the oblivion-type, hard-core addicts are not hard to spot or classify, he said. Experience seekers, he noted in contrast, rarely become heroin addicts. "They are motivated by a fear of missing something," he stated, "and their controlled use of marijuana, LSD, and barbituates challenges the old chain-reaction theory of drug addiction."

Instead of addiction, experience seekers face a high incidence of psychosis. "Although specific LSD figures are not available," Zinberg reported, "some 8 percent of psychotic admissions have

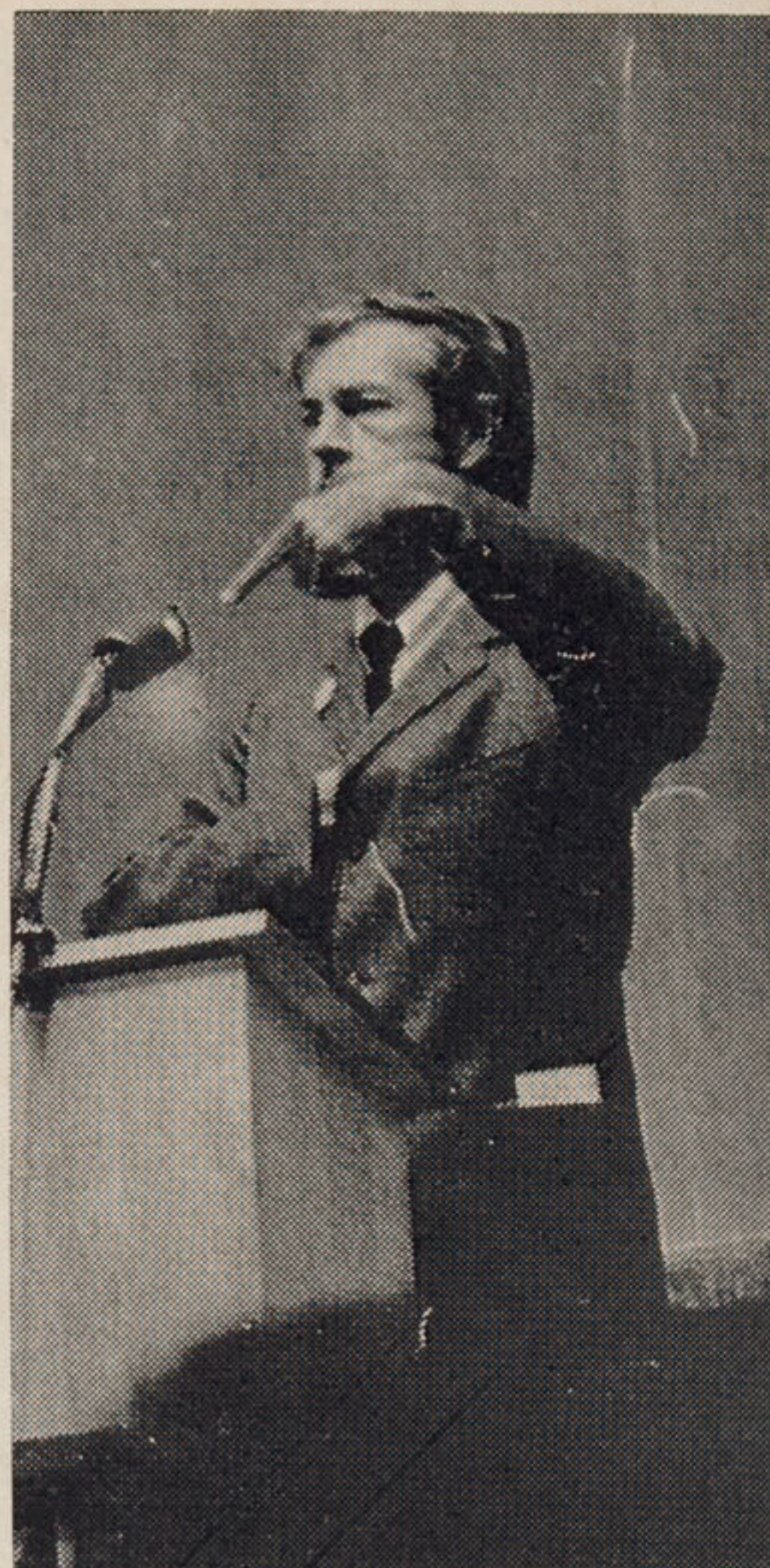
a past history of drug experimentation."

When later asked if he were an "experience seeker," Leary protested, "We're not butterflies. Don't classify us!"

All three speakers pointed out aspects of society's reaction to the use of LSD. Dr. Leary warned that one in his position is likely to get into difficulties. Besides losing his Harvard job, he is currently facing six legal actions, and he began the answer to one question saying, "As I told the judge in Laredo. . . ."

Dr. Zinberg divided society into the "soft school" and the "hard school." "The former," he proposed, "sentimentalize drug takers. The drug addict becomes a 'noble savage,' innocent like a child and able to experience life freely."

The hard school, chiefly the law makers, have the counterpart of 19th century attitudes toward alcohol and sex, he said. "Without proper study," warned Zin-



berg, "their strictly moral approach may lead to committing many past mistakes."

Prof. Chayet, a former RECORD President, illustrated the legal and legislative manifestations of society's response to drug taking. Massachusetts drug laws provide for up to a five-year sentence for those present where a narcotic drug is present, he observed. By legislative fiat, LSD is now a "narcotic" in Massachusetts.

Federal regulations, he pointed out, are limited to "trafficking" of drugs. This leads to the paradox that one "can take LSD right in front of a federal agent." Since federal law does allow possession for self-use and for animals, Chayet chided, "If you want company, you can legally 'take a trip' with your dog."



How to Stop Widget Selling to Communists

By Edward Hines

Keeping the Communists from benefiting from certain fruits of American capitalism through export control was the subject of last Friday's meeting of the International Law Club.

Mr. Theodore Thau, Executive Secretary for the Advisory Committee on Export Policy and Mr. Charles Luther, Supervisor of Export Controls at Raytheon Co., represented respectively government and the large exporter. Professor Harold Berman acted as moderator.

Mr. Luther cited three government departments as the source of export regulations: the Departments of Commerce, State, and the Treasury. Mr. Luther said that Commerce had the most thorough and systematic controls, that Treasury's controls centered on the Foreign Assets Control Act, and that State's controls concerned military or strategic articles. He said that all three sets of controls were directed towards preventing



Mr. Charles Luther

militarily or strategically important data or technological articles from being delivered to Soviet, Chinese or Cuban destinations.

Mr. Luther's task at Raytheon Co. is to ensure that every article of Raytheon's mil-

lion dollar export business conforms to these regulations.

Mr. Thau discussed the problems in administering these controls. He spoke of two main areas, technical data and component parts, in which administrative problems arose. If an English company wants to manufacture "widgets" with American technology, an American company is allowed to sell the necessary data to the English company.

The Problem: Enforcement

Suppose, however, that there are export controls prohibiting delivery of "widgets" to unfriendly countries. Then the English company must promise not to 1) relay U.S. technical data about "widgets" to these unfriendly countries, and 2) sell any products made with the "widgets" to unfriendly countries.

The problem, of course, is enforcement. Our only sanction is the withdrawal of export privileges to this company — a sanction at best ineffective, he said.

For example, what if goods declared for Antwerp are, according to reliable sources, going to be reloaded at Antwerp on a ship bound for Communist China? If the vessel bound for Antwerp is under U.S. flag, we can simply order it not to unload the cargo in question. If the vessel is under foreign flag a real problem arises. We can request the ship not to unload this cargo.

Damage Already Done

However, when the ship arrives, the consignee will present his bill of lading to an Antwerp court and demand delivery. Because the vessel is not under U.S. jurisdiction, and is therefore not legally bound by the U.S. request, the local courts will ordinarily order delivery. We can blacklist the importer, but of course the damage has already been done, he said.

Mr. Thau suggested that a possible solution to this problem lay in requiring vessels carrying restricted exports contractually to agree to abide by U.S. export policy.

Assistant Prof. Nesson Examines Lowndes County As Key to Solving Current Problems in the South

If you can solve the problems in Lowndes County, you can solve them all over the South, explained Assistant Professor Charles R. Nesson.

Prof. Nesson, who is teaching a third-year seminar on "Civil Rights: Lowndes County, Alabama," is a new addition to the faculty at the Law School. He spent the past year in the United States Department of Justice.

"At first," he said, "I was just supposed to be Special Assistant to John Doar, Assistant Attorney General in charge of civil rights, but there was such a shortage of lawyers in the department that I ended up taking care of Lowndes County as well." Prof. Nesson explained that the Justice Department is organized in geographical groups, on the theory that all civil rights problems in a particular area are tied together.

Problems are Atypical

Therefore, instead of working on a particular problem, which may appear in slightly different form in several parts of the country, a lawyer concentrates on all the problems in one particular district—in Prof. Nesson's case, Lowndes County.

The county, he said, is not typical because the problems are greater there than in most Southern communities. There's been trouble with voter registration for Negroes, the integration problem in the county is acute because of the white private schools, and not every county has had two civil rights murders recently, Mrs. Viola Liuzzo and the Reverend James Reeb.

Daily News

Prof. Nesson keeps up with the latest developments by subscribing to the *Montgomery Advertiser* and the *Southern Courier*, as well as corresponding with some of his former associates at the Justice Dept.

In addition to the seminar, Prof. Nesson is currently teaching a first-year class in Prop-

erty. Even though he took Estate Planning as a student here, he explained, "the students are pretty good, and they ask questions that can push you to the limit." Property is hard to teach for the first time, since it's as complex as any course taught in the first year.

He finds preparation for both classes to be "surprisingly time-consuming." The hard-



Assistant Professor Charles Nesson

est part is trying to make teaching look as if it's not hard, though he says that he hopes that that will come with experience.

Before he went to the Justice Department, Prof. Nesson held a Sheldon Traveling Fellowship for a year and was in Europe and North Africa, which he found to be a good "deprovincializing" experience.

His favorite hobby is playing squash, though he hasn't had too much time for it lately since he's been busy fixing up the house he just bought.

Graduating from the Law School in 1963, Prof. Nesson worked as a law clerk for Mr. Justice John Marshall Harlan during 1964 and 1965.

Last Mass. Bar Test Trips 25% of Grads

Nearly one-quarter of Harvard graduates taking the most recent Massachusetts bar examination for the first time failed to pass it.

Dean Erwin N. Griswold called the results "disappointing." He emphasized that there would be few failures if "students realized the importance and difficulty of bar examinations, and took them seriously, and carefully prepared for them."

Seventy-three Law School graduates took the Massachusetts exam last summer and 57 were successful, a 77.2 per cent rate.

However, the Harvard results were little worse than in previous years. In 1965 the success rate was 79.1 per cent for those taking the test for the first time. The figure was 79.6 percent in 1964.

According to Dean Griswold, Law School studies of those who fail the exam indicate that such students take the test "on a flier," without special preparation. Bar examinations "can be passed by any of our students who proceed thoughtfully and conscientiously," the Dean concluded.

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Events of Note

The Howe Club will argue against the Kaplan Club in the last Ames semi-final round on Nov. 15, at 8 p.m., in Ames Courtroom.

The judges will be Justice Frederick W. Hall of the Supreme Court of New Jersey, U. S. District Judge W. Arthur Garrity, of the District of Massachusetts, and U. S. District Judge Frank Kaufman, of the District of Maryland.

* * *

Georgia Congressman Charles Weltner will speak on "Trends in Deep South Politics" Monday, November 14, at 7 p.m. in Ames Courtroom.

Rather than take an oath supporting Lester Maddox, a white supremacist, for governor, Mr. Weltner recently resigned his Democratic nomination for re-election.

The Placement Office will sponsor a meeting for second year students to discuss summer legal opportunities next Monday at 5 p.m. in Langdell North Middle.

Miss Eleanor Appel, Placement Director, will open the meeting with a description of the role of her Office with regard to summer clerkships. Six students who clerked last summer for various sized law firms and for state and federal governments will discuss their respective experiences.

* * *

Professor Louis L. Jaffe will be a Visiting Fellow at All Souls College, Oxford University, during the spring term.

While there, he will give a seminar in Administrative Law, as well as delivering two or three lectures on the value of the courts as law-makers, during Oxford's Hillary and Trinity Terms.

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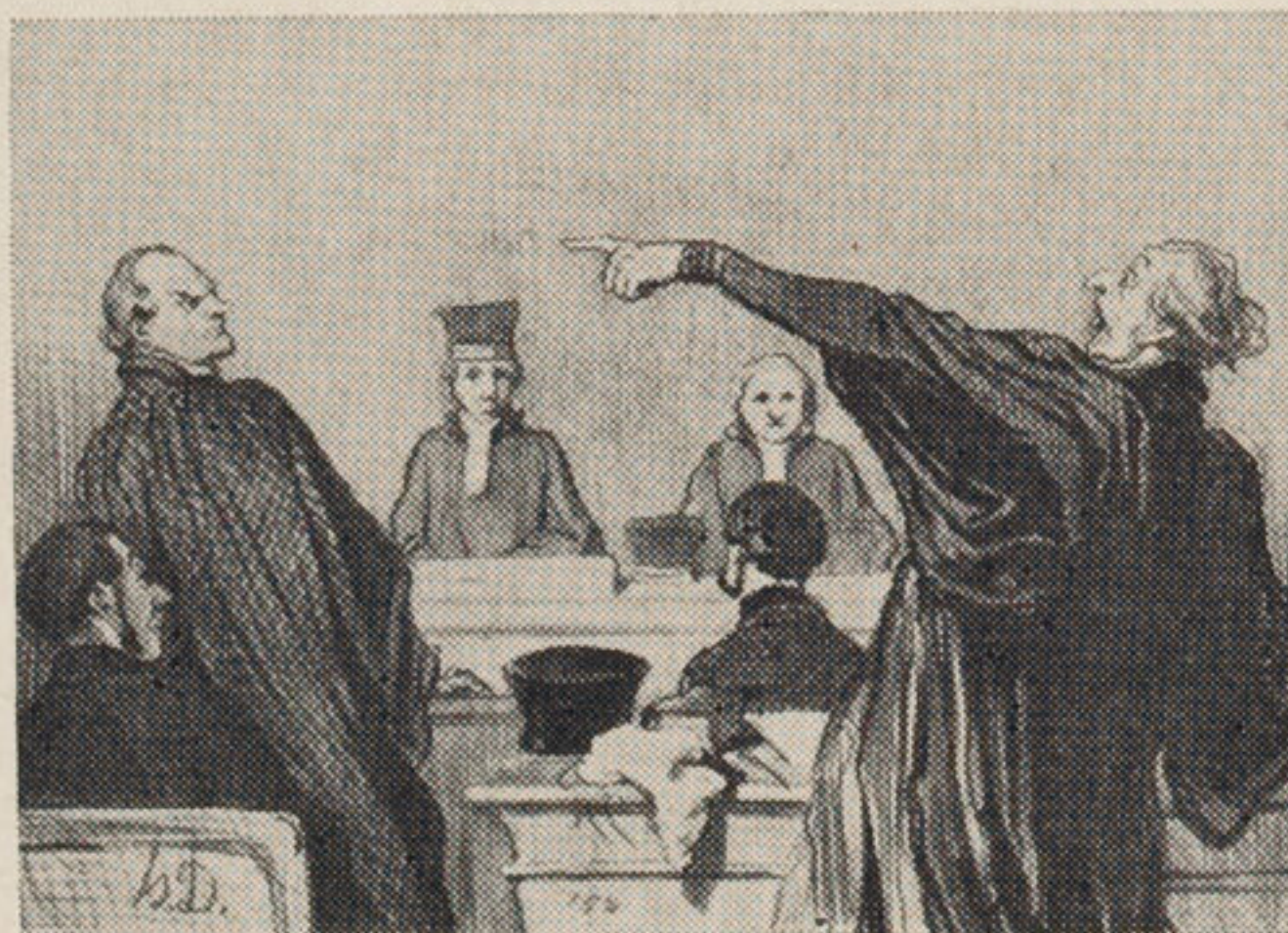
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Professor Ralph J. Baker (1882-1966)

Ralph J. Baker, Weld Professor of Law (Emeritus), died last Saturday in Cambridge. He was 78.

Services were held for Prof. Baker on Monday afternoon at Memorial Church in Harvard Yard. There, eulogies were offered by Professors Louis Loss and Austin Scott and Dean Erwin N. Griswold.

Prof. Loss concluded that "when his name is mentioned to those who knew him, whether former students or his brethren here, it consistently evokes two adjectives: scholarly and gentle. No man of our company would wish a nobler epitaph."

Until his retirement from the Faculty in 1958, Prof. Baker taught a famous course in Corporations. It was said to be considered a charter member of the "Case of the Month" club, along with courses taught by Professor (later Justice) Felix Frankfurter.

Prof. Baker didn't use the case method as an illustration to demonstrate a single rule of law. Rather, he saw each case as an

Cary of Columbia Law School, of the casebook on corporations that is still used by several sections of the course today.

A student canard holds that Prof. Baker was nearly disbarred for failing to pay a \$2 fine. Actually, the incident arose when he received a refund of \$15.45 by check from the Supreme Court because of an overpayment of court costs.

Somehow the check was misplaced and not cashed. A letter from the Court's clerk was also accidentally lost and not answered, so that in time Prof. Baker was cited by the Court and ordered to show cause in order to purge himself of the citation.

After ransacking his office for several hours, he found the check being used as a bookmark. He cashed the check, wrote a note of apology to the Court, and thereby prevented any disciplinary actions (297 U.S. 691).

A native of Pennsylvania, Prof. Baker



It would be presumptuous for any man to say without qualification that he had taught in the corporate field with Ralph Baker. For surely no man ever taught Corporations—I shall say nothing of the subject he shared, to the intense pleasure of both scholars, with our learned colleague who, happily, brought him to Harvard—surely no man ever taught Corporations as Ralph Baker did. His was a course that inevitably retired with him. It was an act nobody could be expected to follow.

—From a Eulogy by Prof. Louis Loss

"episode" in the life of the litigant: thus, his classes received an overall history of the case in question, with an emphasis on how the corporation got into legal difficulties as well as what happened after the trouble arose.

He was the author, with Professor William

received his undergraduate degree from Swarthmore in 1907 and his LL.B. from Pennsylvania four years later.

He was appointed to the Law School faculty in 1932.

Surviving Prof. Baker are his widow, two daughters and five grandchildren.

Placement Predicament

There are problems in the Placement Office which are being ignored, or at best, being swept under the rug.

During the fall rush of job interviewing, the office has proven woefully understaffed and lacking the necessary facilities to meet the needs of the students and their prospective employers. This has necessitated that several "reforms" be adopted, e.g., a limitation on the number of students that a firm is permitted to interview and a deferral of second-year interviewing until December.

Both of these rules work to the great disadvantage of the student who doesn't happen to rank high in the class. Firms with only a limited time to interview see only those with the highest grades even though they would often prefer to see all candidates if given the chance. At Yale, by contrast, they are afforded such an opportunity.

Similarly, the rule requiring second year students to wait until December before interviewing doesn't affect the best students, who have no difficulties finding a summer job. But for the border-line case, *i.e.*, the average student who is often competing against high-ranked persons from other schools, the disadvantage is great. The competitor is free to interview while the Harvard student must remain silent. In the rush to organize their summer programs, prospective employers can't be blamed for hiring the ones whom they have seen and heard.

If more rooms are needed, they should be obtained — even rented if necessary. If more personnel is needed, it should be hired. Providing one of the finest legal educations isn't really worth the effort if only the top-ranked students can effectively compete for the better opportunities in the profession.

Harvard Law Record

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TONGUE 'N CHEEK

By Fenno

Having been inspired by Dr. Leary, I took a few millis, and found myself researching for my eminent domain Ames case in the Littauer pits.

"Digging for gold?" chorused some 'Cliffies walking back from class.

"Nay, something more valuable, this gutty stuff where all begins and ends. Rocks, worms, bones embedded in this earthiness — some high, some low, no better for their being so. What be this substance we tread on and yet not know? The ground of Being? Or devil with foul disease and emptiness? Whether it is or not, that is my question."

Tragic Tale

"State your case," commanded a flowing blonde."

"The case escapes me, the plot is easy."

"A simple tale?"

"Simple Fee? Fee tail? I'll none of that hornbook learning. In truth, a tragic tale. My client had this land to clutch, to grow, to build, to bury — now vanished, gone, quite flicked away to the monstrous State."

"Has your client nothing to show for it?"

Greenbacks

"These flashing greenbacks, a few moments worth of fire, providing a measure of warmth and security but then no more. He'd sooner have paper to write on than these cluttered notes."

"You must consider the common good, Fenno," she smiled. "Courts don't protect property because its property but property's property because courts protect it."

"Lawyers' talk. What cares this earth for reasons?" I exclaimed holding up a grassy clump.

She sighed, but perceiving that the magic was wearing off, helped me out of the pit and led me sadly back to the library where the answers were — or at least the relevant factors.

Letters to the Editor of the RECORD

Vietnam Justification 'Ridiculous, Unnecessary'

To the Editor:

I read with much interest the letter of Mr. Cammer regarding the legality of our Vietnam position. As an answer to the Department of State Memorandum, Mr. Cammer's points are well taken.

However, like many critics of the U. S. stand in the Vietnam embroglio, the writer offers no solution and his arguments while logical are not thereby necessarily realistic.

The flow of History has altered the situation with which the Geneva Accords attempted to deal over a decade ago. There are in fact two Vietnams. There is in fact a South Vietnamese government which offers at least a small measure of freedom to its citizens.

Despite the attempt by Mr. Cammer to absolve Presidents Eisenhower and Kennedy, a shifting commitment has left President Johnson with slight room to maneuver and few realistic alternatives. The Communists (North or South at this writing) have not and probably will not agree to peace proposals which will establish a viable and independent South Vietnam.

The U. S. cannot simply abandon the non-Communist population, nor can we accept "bi-partisan" government with Communists in key positions. To allow ourselves to be forced by negotiations into a treaty setting up a coalition government would be to ignore the lessons of the past, only too apparent, except to those who look at the World through glasses colored red.

Until the course of events alters the basis from which negotiations can produce an independent Vietnam, men will suffer and die, and we at home will dread the momentum of escalation toward general war.

Meanwhile, Mr. Cammer and

others will surely be further irritated by our nation's attempts to justify its position in terms of the law: such justification being both ridiculous and unnecessary.

John T. Bernstein, '54
Pepper Pike, Ohio

'It Can Happen Here' Declares RECORD Reader

To the Editor:

The Harvard Law RECORD which you sent me was very revealing about the cultural standard of the great American educational institutions. The image of Harvard was destroyed by inviting Rockwell to lecture under the pretext that he is entitled to equal time with Socialist Norman Thomas, or even with Communist Herman Aptheker [sic]

Snobbism, self-hatred and self-destruction are the main motivating factors in giving the pulpit and publicity to a Nazi criminal who openly declares his intention to cremate all American Jewry, and to one who proved in Cicero, Illinois, that he's able to mobilize a great number of Americans for

this purpose.

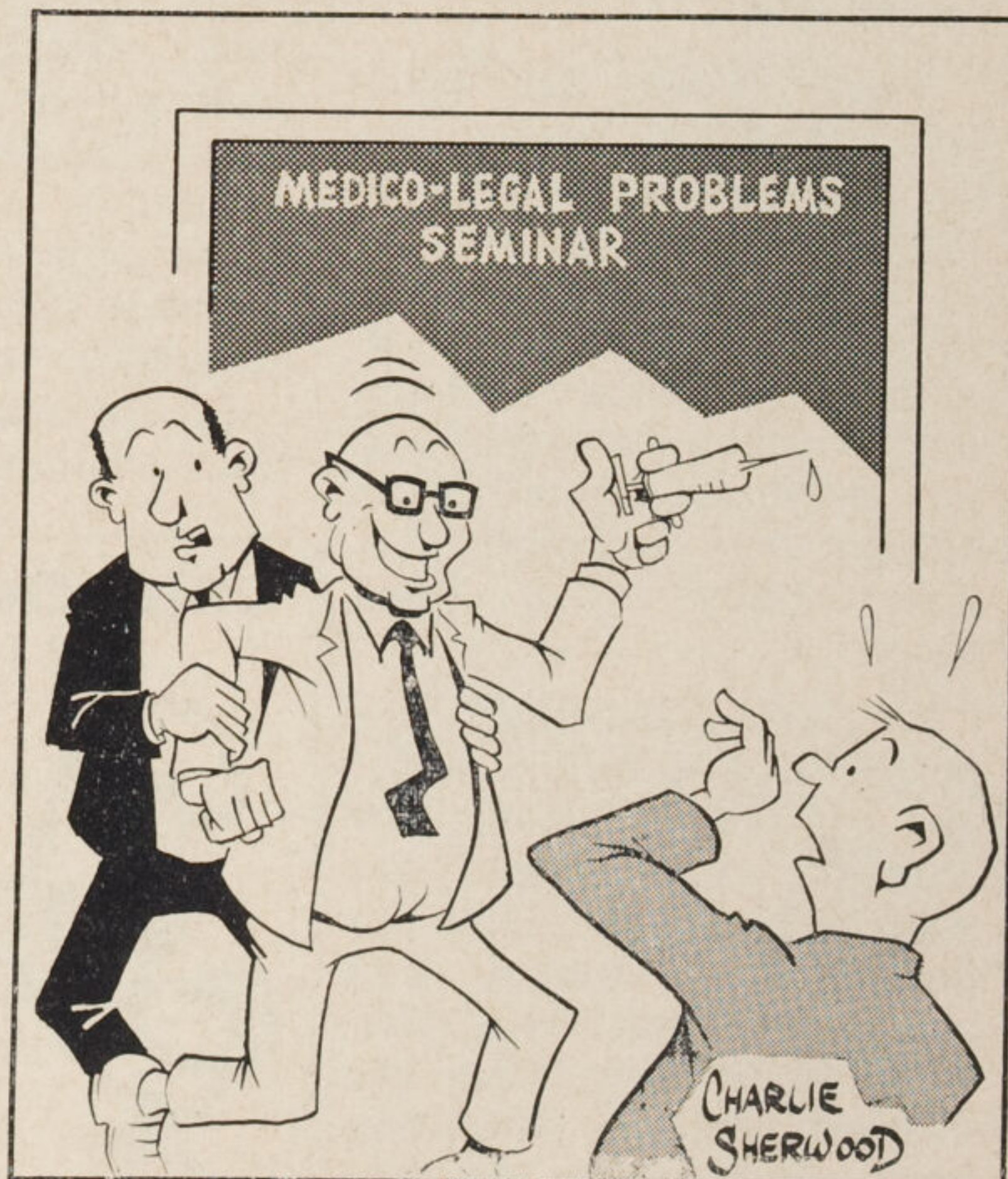
I still believe that the naivete of the ACLU along with certain Jewish organizations are making a terrible mistake by fostering these elements, who at the first opportunity will grab the power and will carry out their programs as the Nazis did in Europe. With a severe depression, with a right-wing Republican President and with a few other contributing factors, this can also easily happen here.

Believe me, this republic is not less vulnerable than the "Weimer Republic" was, which was also founded with the best intentions by people of good will.

Maurice H. Goldring
Miami Beach, Fla.

Ed. note: This letter was originally sent to Tobias Simon, Mr. Goldring's lawyer, who forwarded it to the RECORD. Mr. Simon is also Florida counsel for the American Civil Liberties Union and "personally applauds" the invitation to George Lincoln Rockwell, although opposed to the content of his speech.

**"No doctor.
You don't
understand.
When a law
prof. says
'Give me a
hypo' . . . "**



Civil Rights Problems Challenge Mind, Intellect

(Continued from Page 1)

too complex for an activist student to accomplish much by yelling and screaming.

Thomas cited this last reason, a discouragement to most undergraduates, to be the real factor of success for the Law School organization. He said that law students and lawyers are best suited

The emphasis is shifting from political to economic rights

for solving the "new wave" of civil rights problems in which the emphasis is shifting from political rights (voting, lunch counters) to economic rights (housing, decent jobs).

Mandy Hawes, 2L, Secretary of the club, backed him up. "People who like to be exhibitionists don't like to sit in the library," she explained. "A lot of people in civil rights several years ago were working out something for themselves more than helping the movement. But you couldn't turn them away."

"We're attracting new people of a different kind," she continued. "Many law students, who would not want to march in Selma, are finding that current civil rights problems are a challenge to the mind and the intellect. Federal legislation has peaked out for the time

being, and we've got to knuckle down and work under existing acts."

Projects this year will stress developing community procedures and relations with the government to "create a neighborhood fabric in which the individual is continually exercising his civil rights," according to Thomas. The group has recently decided to handle problems submitted to it by SNCC (headed by Stokely Carmichael who popularized the slogan "Black Power") as well as more conservative organizations.

Thomas asserted that the lawyer is needed now more than ever in the civil rights movement since a lawyer "can show people the tools they can use—the ropes that are available for personal achievement." He added that lawyers make the most effective community leaders to develop consciousness of civil rights in the community and to force political powers to recognize demands resulting from this consciousness.

In addition to the executive committee of seven,

there are 107 dues-paying members of the Club and 233 "free loaders" who all receive a monthly newsletter of current activities.

Members this year are being urged to participate on the *Civil Rights Law Review* which will publish two issues this year. Last year's launching issue was hindered by a hurry-up appearance and frequent typographical errors, but all 600 copies were distributed by the middle of the summer; a number of libraries are still requesting copies.

This year a new printer has been hired and more time will be spent on make-up and design. At the last executive council meeting, for instance, the question of a new symbol for the cover was suggested: a white and a black hand grasped in an Indian wrestling position.

But the discussion ended in a deadlock when the members couldn't decide if the black or the white hand should be on top, and also whether it would be feasible to have the black hand pushing over the white hand or vice versa according to current progress of the movement.

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Recent Book

Criminals Need Treatment, Not Punishment

Changing Concepts of Crime and Its Treatment. By Hugh J. Klare (ed.). London, 1966. 186 pages.

By Bradley M. Burg

Incarceration is an inexact science at best. The trouble with *Changing Concepts of Crime and Its Treatment*, a collection of articles on penology, is implied in its foreword: "There can never be a satisfactory definition of crime."

Yet the book was published to commemorate a century of penal reform in which real advances have been made, evidently without too much of a backward glance at lagging theory. Of course, there can be no satisfactory definition of anything in an imperfect world; but on our definitions, such as they are, depend our goals.

This book leaves one well aware of serious limitations in social thought in the area, but also indicates that a great deal of good has been done by methods more commonsensical than the theorists may like to admit.

The authors are psychologists, sociologists, and prison administrators. Their articles are

gathered to celebrate the centenary of an English reform group, the Howard League, named after an 18th-century agitator.

Indeed, there has been solid humanitarian achievement in the treatment of criminals since the distant days when John Howard cried out against the "horrid engines" of torture in the prisons of Europe, as one essay tells us. It is abundantly clear that the social conscience has rejected the view that criminals are no more than outcasts to be segregated and forgotten.

British 'Borstals'

We can see this, for example, in the conception of "Borstals." These are British correctional institutions designed for youthful inmates, for those who would be most harmed by neglect and exposure to the normal prison population. "Borstals, Prisons, and Detention Centers," a study of administration, presents statistics showing, however, that "Borstal boys" achieve a recidivism rate comparable to other inmates.

Evidently a prison by another name smells no sweeter to those within its walls, particularly if it is run in ways similar to other penal institutions. Another essay

recognizes the Borstals' relative lack of success (of inmates released in 1958, 68% were reconvicted within 5 years), but describes an even more progressive type of institution.

Approved Schools

Its name is designed to carry even less "emotional loading": the Approved School. Derek Miller, the author of the article, is a psychoanalyst, and he points out that the purpose of correction for adolescents should be to strengthen the individual's view of himself.

If he can be made to develop a self-confidence, runs the theory, the delinquent should lose his need to prove himself through acts of lawlessness. This makes theoretical sense, and the school studied carries out the theory.

No Prison Guards

There are no guards, the boys are all engaged in productive work. They are allowed some individuality in clothing, permitted free time, and given psychological counseling. As might be expected, here the re-institutionalization rate has been lower (although the author may have fudged his statistics by not counting those sent elsewhere as beyond the school's capabilities).

But it is clear that this kind of approach, although described by Miller in psychological terms, is what an intelligent layman might prescribe. It is a breakthrough of theory to view the criminal as someone in need of treatment rather than punishment, and to recognize that even punishment should be used to "enhance the individual's sense

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Changing Concepts of Criminal Treatment

(Continued from Page 11)

of personal value."

But the concrete steps of putting the theory into practice do not need as many analytical props as some thinkers here want to supply.

Paul de Becker, for example, a psychotherapist, opens his essay with the fundamental statement that "all institutions, penal and otherwise, are organized so that the elements within them shall lead some sort of harmonious coexistence and not degenerate into chaos," and, having presumably floored us with that thesis, goes on to observe wittily that "in penal institutions there is always a potential conflict between the contained prisoner and the containing staff."

Unanswerable

This, too, would be tolerable if the rest of the article — on "The Sociology of Change in Penal Institutions" — gave us something to contemplate. But after describing at length the complicated interplay that goes on among prison staff members, de Becker concludes thus: "What about the prisoners, what roles do they take up within this system? This question cannot yet be answered."

Again, Terence Morris (a sociologist), in "The Social Toleration of Crime," argues simply that our attitude towards a

criminal depends on how much we can identify with him. He, too, gives us some interesting statistics.

In trials for drunken driving, 45% of defendants are acquitted by juries, as compared with an acquittal rate of 7% for all other forms of "drunkenness with aggravations," presumably because most of us have had one for the road, ourselves. But here, too, as in de Becker's article, we wonder what exactly the point is.

Perhaps this volume does some good if it merely makes us more thankful for the reformers, men like John Howard, who "entered every room, cell, and dungeon with a memorandum book in my hand" for the purpose of improving the prisoners' actual situation. And we can be thankful, too, for the psychologists and sociologists, insofar as they have

changed society's attitude towards those whom it punishes.

But a criminal is still merely someone who has committed a "crime" — whatever that is; or, in the alternative, broken the law — whatever that is. We know little about why he does it, or what we should do to keep him from doing it again.

'Worth Saving'

We know that human beings are worth saving; but we knew that before "recidivism" was coined. So if we are grateful to the penologists, it is, perhaps, more for their humanity than for their science.

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South Vietnamese Legal System Analyzed

By Thomas Geisler

Despite Viet-Cong grenades and terrorism, South Vietnam is gradually moving toward a healed peace under a legal system deriving its sources from the Vietnamese people.

Such is the view of Mr. Nguyen Van Can, participant in the Harvard Law School's International Tax Program and formerly Deputy Director of Indirect Taxes of South Vietnam.

Mr. Can believes that returns in the recent elections are "very encouraging," since they show a great degree of support for the government of South Vietnam despite frantic and cruel attempts by the Viet-Cong to discourage participation. He maintains that Hanoi, in disregard of the Geneva accord, left agents in the South to form the active nucleus of what is now the Viet-Cong.

Later, as it became evident that the Viet-Cong could not alone achieve victory, troop infiltration from the North began. The election returns, indicating conscious disregard of Viet-Cong threats, belie Viet-Cong claims to popular support, he said.

State of Planned Flux

The legal system of South Vietnam is currently in a state of planned flux, as attempts go forward to build a system essentially Vietnamese. The present law has three major strands: French, Vietnamese customary, and Chinese. Before imposition of French rule, the nation lived under the Gia-Long Code (named after its sponsoring Emperor), consisting of customary law with

Chinese influences.

The French brought their civil law along with their flag, though some of the previous law survived. Now that the French have departed, a Committee for Reform of the Law is constructing a new legal system fashioned from and responsive to the Vietnamese way



Mr. Nguyen Van Can

of life, while also drawing from the experiences of all advanced countries, he said.

The Montagnards are permitted to follow their own law, which has in fact been codified for them by the government.

Mr. Can has had considerable experience in government service. He was born in the center of Vietnam near Hue and joined the administrative service after completing high school. From 1954 to 1956 he attended the National School of Taxation in Paris, after

(Continued on Page 14)

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Vietnam . . .

(Continued from Page 13)

which time he returned to government work in the Tax Service. In 1964 he received an LL.B. from the Law School of Saigon.

Mr. Can is "very much enjoying" his year at the Harvard Law School and is sure that his studies will be most useful upon his return to South Vietnam at which time he will again return to government service.

The present tax system of South Vietnam is modeled after the pre-1959 French code, he explained. Structurally, control lies with the Ministry of Finance; beneath it are two Directorates General, for Internal Taxes and for Duties. Internal taxes are further subdivided into four categories: direct, indirect, registration (e.g., property transfer), and excise taxes.

Income taxation occurs in two stages: a scheduled "Proportional Income Tax" imposing flat rates of 24 per cent on corpora-

Viet-Cong has made tax collection in some areas difficult, if not impossible

tions and 16 per cent on natural persons (except that salaries are taxed only from 1 to 5 per cent) and a graduated "General Income Tax." Revenues from excise, production, and consumption taxes exceed that from income tax; the biggest source of revenue in 1965 was duties, which aggregated 5,350,000,000 piastres or about \$70,000,000. An advisory group is currently studying plans for a revision of the tax system, he said.

The Viet-Cong has made tax collection in some rural areas difficult, if not impossible, Mr. Can admitted. But the tax money left uncollected is not very significant, since the farmers pay a relatively low land and buildings tax. The burden of those who do pay has not therefore been greatly affected; at most, there have been minor tax increases on such items as gasoline and food at restaurants, he concluded.

Faculty-Student Unit Studies Problems . . .

(Continued from Page 1)

The editorial insisted that many students at the Law School were not stimulated by their legal studies and called for the establishment of a committee to study the problem. The letter, written by John T. Connor, 3L, indicated the need for a vehicle to provide "a representative expression of opinion and ideas" for the student body. Mr. Connor is one of the student representatives on the newly-formed committee.

Other student members include third-year students Robert Engle and David Hope and second-year students Robert H. Mnookin, Keith Roberts, and Daniel A. Taylor. Hope is president of the Dormitory Council, which, in speaking for the Law School's 500 dormitory residents, is the nearest thing to student government at H.L.S.

Role Will Evolve

In addition to Prof. Byse, the faculty appointments are Professors John P. Dawson, Archibald Cox, David Shapiro, Charles R. Nesson, and Vice-Dean Joseph E. Leininger.

According to Prof. Byse, the precise role of the faculty members and, in fact, the committee itself is not well-defined, but rather will evolve as time passes. Its role will be determined in part, he said, by the response it engenders from the student body. He said that students should be encouraged to present their views to committee members.

The establishment of a student-faculty committee is by no means unique. One of the most successful such organizations repre-

sents the students of Bolt and Hastings law schools at the University of California (at Berkeley).

Problems of Interest

There, according to a member of the faculty at Berkeley, Visiting Professor Robert Cole, the committee consists of three faculty members and about a dozen student government representatives elected annually by the student body. The committee discusses any problems of interest to students, ranging from the examination honor code to hiring discrimination by law firms.

The purpose of the faculty representation on the committee is not to provide for compromise within the committee, Prof. Cole emphasized. Rather, the committee makes recommendations and the faculty members present the committee's case to the faculty meetings. As at Harvard, faculty meetings there are closed to students.

Corresponding Group

Although observing that some aspects of the Berkeley committee may not be applicable to Harvard, Prof. Byse said that he plans to correspond with that organization about its methods of operation. He did not indicate whether he would seek the information from student or faculty members on the committee.

As a symbol of the new era in faculty-student relations, Prof. Byse invited this reporter to join him and Prof. Cole for a post-interview lunch in the faculty dining room. The reporter's reception was described by reliable sources as "cordial."

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Students Attack Late 2L Job Interviews

Some second year students seem to feel that the Placement Office's prohibition on interviewing until December 1 is putting them at a competitive disadvantage with students from other schools who are presently interviewing.

Council Acts

The dissatisfaction was registered through the Dormitory Council at its meeting of November 2. Council Secretary Jeffrey Liss, 2L, was appointed to investigate whether the complaints are well-founded and he plans to discuss the problem with Placement Director Eleanor R. Appel and other Administration officials before the Council meets next week.

Miss Appel, according to a RECORD story several weeks ago, does not appear to believe the problem is a serious one. Firms want top students and they are usually willing to expand their

summer programs to make room for them, she said. Also, Miss Appel noted, the facilities of her Office are so extended during the early fall that it is not able properly to prepare second-year students for interviewing until the third-year rush has abated.

However, according to some Dormitory Council representatives, it is reported that firms are "taking good men at Penn rather than waiting to see what they can get at Harvard." They also doubted that second-year students

need any orientation from the Placement Office before beginning interviewing and that, even if so, this could be done in April of the first year.

Agreement

Both Miss Appel and the Dormitory Council agree on one point: if second year interviewing is to be held before December, the facilities of the Placement Office must be expanded. According to the Council, "it seems patently unsatisfactory that so little space and so few personnel are allocated to Placement."

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