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FIFTEEN CENTS



Congressman Charles Weltner

Weltner Says:

Race Rules Dixie

By John TePaske

"How could the deep South support an Eastern, liberal Catholic in 1960 and reject a Southern Baptist schoolteacher in 1964?" queried Georgia Congressman Charles Weltner in his Student Bar-sponsored talk last Monday evening in Ames Courtroom.

"The answer," he asserted to the crowd of 250, "is the race issue, and the race issue alone. In 1964, Southern Republicanism supplanted 1948 Dixiecratism."

But the situation changed in last week's elections, he said. The Southern Democrats took a harder line on the race issue than the Republicans. "What emerged," he reported, "is an axe-handle kind of racism embodied in men like Lester Maddox."

Racist candidates and the backlash all but cleared out the moderate Southern Democrats last week. It reinforces the old rule, he said, that the Democrats are safe so long as they keep the Dixiecrat image, but otherwise, they stand to lose ground to the Republicans.

Mr. Weltner was a victim

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Gower to Give Holmes Talks

"Independent Africa: the Challenge to the Legal Profession," will be the topic discussed in this year's series of Oliver Wendell Holmes Lectures, held annually at the Law School.

The four lectures will be given by Professor Laurence C. B. Gower from Nov. 28 to Dec. 1, in Ames Courtroom. Each talk begins at 8 p.m.

Prof. Gower, now a member of the Law Commission in England, was formerly Adviser on Legal Education in Nigeria. He was also a

professor of commercial law at the London School of Economics and of political science at the University of London.

He will deal with "Pre-Independence: The Colonial Legacy," in his first lecture, with "Post-Independence: Husbanding or Squandering the Inheritance," in the second and third and will close with "The Legal Profession."

There is no charge for admission, and all the lectures are open to the public.

Crashing Cables Mark Twenty Years

By Tom Johnson

The metal cables in the Joseph Story banjo clock, which has traditionally hung on the wall of the Dean's office, have broken twice during the regime of Erwin N. Griswold, sending the weights crashing to the floor and bewildering the junior secretary whose task it is to wind the ancient beast each Monday morning.

That in itself is something of a measure of the man.

The clock's cables last only 15 years and even in a school where deans serve long, few men have ordered them repaired more than once.

At 62, the Dean begins his 21st year of service, a span exceeded only by Christopher Columbus Langdell, whose 25 years as dean are destined to be unchallenged by Dean



Griswold due to what he terms a fine rule, that he must retire as dean in the year in which he becomes 66.

Dean Eugene Rostow of the Yale Law School declared that no man should remain

dean of a law school for more than ten years. "Perhaps I've been here too long," Dean Griswold responded when reminded of Rostow's rule of thumb. "But I'll have to let others decide."

And others have, of course, but even his critics have been unable to challenge the record. During his term as dean, Erwin Griswold, though quick to disclaim sole credit, has seen the faculty doubled in size, the school's endowment quadrupled and the amount of student financial aid increased 23 fold.

Under his supervision, a multi-million

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— Harvard, 1953

"... unyielding in his interpretation of the rights of the individual under our laws; fearless in speaking out, that small men of little faith and loud voice may hear and heed."

— Columbia, 1954

dollar construction program has been undertaken, faculty salaries have increased markedly, women have been admitted to the student body and the law library has nearly doubled the size of its collection.

During his administration, what Roscoe Pound termed "the Griswold World Law Era" achieved stature, the number of international law courses grew from two to 23, seminars became an integral part of the curriculum for all students and programs in student writing attained hitherto unimagined heights.

Evaluating the Griswold administration, Professor Austin W. Scott finds three great periods in the history of the School: the Langdell-Ames era, the Roscoe Pound years, and finally the Erwin Griswold period, where, he concludes, the greatest progress was achieved.

Under The Dean

Such achievements were far from automatic, however, and are more the result of continuous, deliberate effort rather than a dramatic, fortuitous period of success. There is very little in Dean Griswold to appeal to the public imagination and indeed his lack of drama and charisma is seemingly all that his critics have found to complain of.

Not that there has been no controversy. In 1951 the Dean rejected the demand of the Massachusetts bar that the Harvard chapter of the National Lawyers Guild, then under attack by the House Committee on Un-American Activities, be disbanded. During the period of the great influence of Senator Joseph R. McCarthy, the Dean's outspoken support of the propriety of the 5th Amendment was thought suicidal by his more politically aware colleagues.

But fortified by Midwestern single-mindedness, an iron constitution that has survived countless banquet meals, and a penchant for handling minute details, the Dean has learned to take most everything in stride. Though impressed with the grandeur and dignity of his job, he is not overwhelmed by it: he stands each day with equanimity before Oliver Wendell Holmes' high desk, a fortune in art hanging on the walls, surrounded by symbols of a heritage, signing letters with a 19-cent ball point pen.

Dean Griswold first came to the Law School in 1925 with his bachelor's and master's degrees from Oberlin College, a family school where his and Mrs. Griswold's mothers had been roommates years before. At Harvard the Dean graduated first in his class (he had only one serious contender) and was President of the **Harvard Law Review** which counted Alger Hiss and New Dealer Lee Pressman as second-year editors. With his mother's encouragement he stayed on for a fourth year to work with Professor Scott and write **Spendthrift Trusts**, perhaps the only doctoral thesis at the Law School ever commercially published. In 1929 he received his S.J.D. degree and returned to Cleveland to practice with his father's firm.

But after three months, the Dean left Cleveland to work in the Solicitor General's office where he was assigned all of the tax



matters. "None of the older men in the office wanted them," he explained.

During his five years in Washington he worked primarily as an advocate, in one year arguing 27 cases before the Supreme Court. Even today a large portrait of Lord Erskine, described by the Dean as "the greatest advocate," hangs in his office, and he still argues occasionally before the Supreme Court.

Uncertain whether he would like teaching, the Dean declined Dean Pound's offer of a three-year contract, but agreed to come for a one-year trial period. That one year has stretched to 32, and in 1946 he succeeded James M. Landis as Dean of the Faculty of Law.

Dean Griswold's official day often runs over 12 hours during which he turns out enough work to keep two secretaries working full time, and two others part time. On one Monday, for example, he had breakfast with

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'Wiped Out' Investor Tells of Market Pitfalls

By William Schwarz

Turning to the darker side of the stock market, the Bull and Bear Club hosted on Nov. 11 an anonymous investor who has lost a small fortune and even written a recent book about it, entitled **Wiped Out**.

Mr. A. managed to lose over \$60,000, an inheritance from his father plus his own and his wife's earnings, over a period of seven years while the market average was doubling. He finally quit with \$297.78 left.

Mr. A., a Harvard U. alumnus, told of his experience in quite humble tones without blaming anyone for the losses. From listening to his tale, the audience learned many of the pitfalls of short-term trading and the precarious position of the speculator, as well as acquiring a mistrust of brokers and tips.

History of Greed

The author characterized his message as a "history of greed," which all began when he saw a broker who promised him earnings of 15% on his money. Knowing nothing about the market, Mr. A. was very agreeable to a discretionary account.

Mr. A. said that in the first 18 months, this broker brought him a return of about 18%. But as he received reports of the transactions ("the broker churned the account"), he became interested in the market. He examined the transactions of the broker and noted how much more profits could have been made if he had held onto the various stocks longer.

Glamorous American

He was now getting "services" and forming his own opinions. American Motors was then the glamor stock and darling of the services, so Mr. A. for the first time instructed his broker to buy 100 shares. It went down, the broker bought more so as to

average down, and this proved wrong. Loss on sale was \$1,900.

Using the services in 1960, Mr. A. continued to lose, once \$1,165 on Ford. A tip from a friend on an insurance company lost him \$1,586. Meanwhile, his brokers' luck also went sour.

In the next two or three years, he lost \$14,000 on Twentieth Century Fox securities due to the advice of a "special situations" broker and \$8,000 on Brunswick on a tip from another broker.

Growth Stocks

Mr. A. next met a man who had made more than a million dollars in two or three years on the market. He soon met his friend's broker and lost money in a stock his "friend" was selling as he was buying.

In late 1961 Mr. A. put what money he did not have in Brunswick in four "growth" stocks, which a friend and his broker were also buying. There was again an initial success as the stocks moved slightly up. But then came the 1962 steel crisis and stock slide. The broker told him to hold, and he later found out his friend sold ("They tell you when to buy, but not when to sell"). On the four stocks he lost \$23,000.

After this 1962 debacle, Mr. A. went to a very prominent and conservative brokerage house whose ads in the paper had at-

tracted his attention. They had advised selling short all during the downward spiral. But now the market was on the rebound, and conservative trading brought \$8,000 worth of losses.

All But \$297.78

Mr. A.'s new broker was given discretion with his remaining \$8,000. Within six weeks this in-and-out trader increased Mr. A.'s capital by 50% to \$12,000. The tale ends with the Cinerama chapter in which he lost all but \$297.78.

As far as services go, he said, "they contradict themselves." He pointed out a letter written two weeks ago advising the sale of high-fliers, especially Xerox. Time proved the letter to be absolutely wrong, yet the next letter mentioned nothing about the incorrect advice. Another problem is whether or not brokers are salesmen or advisors. He knew of one firm that scolded its brokers when they weren't selling enough.

Back to the Market

Mr. A. would not advise short trading and now considers long term investment the best thing. During his seven years, he never held a stock for more than a year and a few months.

Mr. A. does not play the horses or gamble at cards. But he admitted that with the advance from his publisher, he has gone back into the market.

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Visitor Finds Harvard Students 'Nice Guys'

By Eugene Strassburger

"Very bright and exceptionally nice guys" was the way Visiting Professor Robert N. Cole capsuled his initial reaction to the Harvard Law student.

If any professor of such comparative youth — he is 35 — could be qualified to assess students so quickly, it would be Prof. Cole. In his years at Boalt Hall (The University of California Law School at Berkeley), Prof. Cole achieved a notable rapport with students during the explosive era of the Free Speech Movement.

Pro-Student

One of a ten-man steering committee of the Committee of 200, the most pro-student, liberal part of the faculty, he achieved almost complete success when the controlling Regents adopted the Committee's program virtually in its entirety. Essentially, this called for similar constitutional rights on campus as off: e.g., the University could not control the content of speech, but only its time, place, and manner.

As a result of his activity with the Committee, he and one other liberal faculty leader were chosen to assist the newly-appointed Chancellor on all student-administration problems. In that post he was able successfully to steer the narrow course between the Scylla of a too stringent administration supervision and the Charybdis of condoning any facsimile of the Dirty Word Movement.

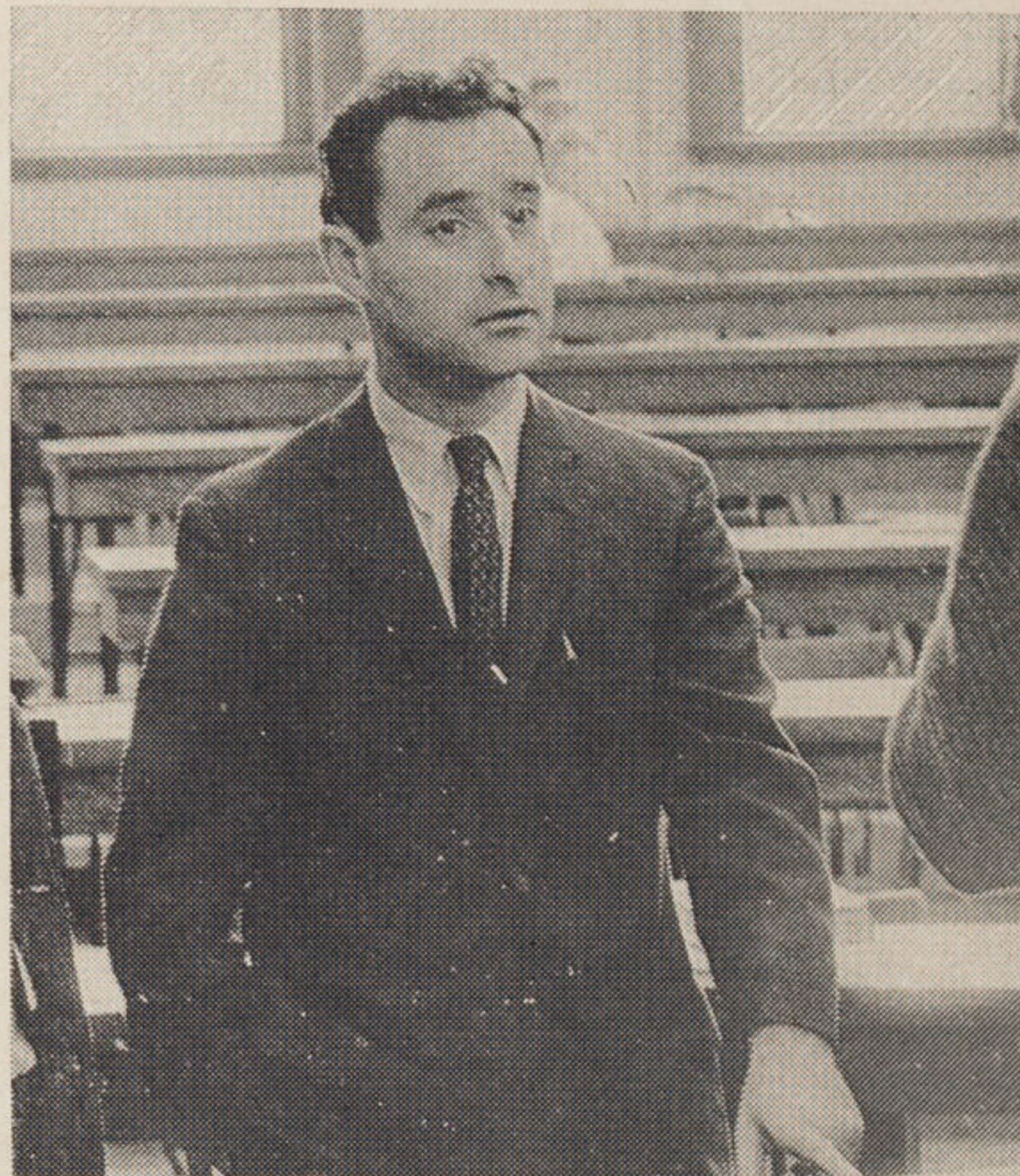
Open Forum for Speech

Prof. Cole believes that he and his cohorts accomplished the basic objective of "defending and maintaining our open forum for speech and political activity and at the same time insuring that academic norms rather than political norms are the means by which education is run."

A small-towner from Minnesota, Prof. Cole won scholarships to both Harvard College and Harvard Law School, where he was Book Review Editor of the *Law Review* in 1955. After clerking for a year with Mr. Justice Minton, he practiced criminal law for a year with the firm of Edward Bennett Wil-

liams, despite his total lack of professional football experience.

After military service, he then spent six months in India, where he and his wife both did economic research. His wife, who resides with him and their two children in Belmont, is still pursuing this sort of work



Prof. Robert N. Cole

as an economist in the Harvard Center for International Studies. Returning to the United States, Prof. Cole came to Boston and worked for a year with Foley, Hoag, and Eliot. Then in 1961, he joined the Berkeley faculty.

There, he has taught classes in Torts and Constitutional Law, as well as a seminar bearing the unlikely title of "Civil Disobedience, Self-Help, and Coercion." Here at Harvard he is teaching Torts and Evidence.

His high opinion of the intelligence of the students here is evident in his style of teaching. His is a somewhat theoretical approach, concentrating on method and leaving the student to get most of the black-letter law from the cases himself. The concentration on method accounts also for his "seamless web" type of class, as he does not hesitate to use any area of the law for his pedagogical purposes.

Defenders Name 25 Members

The Voluntary Defenders have announced the selection of 25 second-year law students as new members.

The Voluntary Defenders is a group of thirty-five students chosen for their interest in criminal law from among approximately ninety persons who apply each year. The Defenders are authorized by Rule 11 of the Supreme Judicial Court to appear in the District Courts, non-jury trial courts where trials on crime punishable by less than a five-year sentence in prison and probable cause hearings on all other crimes are held.

According to Whitney Durand, president of the organization, the Voluntary Defenders obtain cases by daily interviewing indigent prisoners at Boston area jails. If the prisoner will be going to district court and if no attorney has been appointed by the court, the

Voluntary Defenders will take the case, and last year 125 clients were obtained in this way.

Presentation of cases is made solely by the third-year students.

The trial strategy usually employed is to plead the defendant not guilty and to listen to the prosecutor's case before deciding whether or not to present defense witnesses or to let the defendant testify. If he has a criminal record, the defendant will generally be advised not to testify. Thus, the defense counsel's primary weapon is effective cross-examination; even if the case is lost an appeal can be taken to Superior Court for a trial de novo before a jury.

Using these tactics, the Harvard Voluntary Defenders last year obtained acquittals and dismissals in 25 per cent of the trials and in only 28 percent of the trials were jail sentences imposed.

Events of Note

The Casner Club will meet the Blackstone Club in the second Ames Semi-Final Round on Nov. 22 at 8 p.m., in the Ames Courtroom. Those judging will be: Judge Frank Coffin of the Court of Appeals for the First Circuit, District Judge Dudley B. Bonsal of the Southern District of New York, and Leonard C. Meeker, the Legal Adviser of the State Department.

* * *

"Is there Justice in the Armed Forces?" will be discussed tomorrow at 8:30 p.m. in Lowell Lecture Hall, sponsored by the Law School Forum. The panel will include Rear Admiral Wilfred Hearn, Judge Advocate General of the Navy, Brigadier General Kenneth Hodson, Ass't Judge Advocate General of the Army, and Warren Farr, a former lecturer on military law at the Law School. Tickets are available at the Coop or at the door.

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Open Housing Law Would Not Violate Constitution

Prof. Cox Declares Before Southern Club Audience

The Supreme Court has opened the doors to broad Congressional civil rights legislation, asserted Professor Archibald Cox at a Southern Club luncheon meeting last Thursday.

"Senator Dirksen can no longer say that open housing legislation is unconstitutional after the decisions of the Court last term," declared the former Solicitor General. "He'll have to say that he just doesn't want it as a matter of policy."

Necessary and Proper

The brief, incisive speech emphasized the Supreme Court's shift away from reliance on Congressional power to enact "necessary and proper" laws to regulate interstate commerce as a justification of federal intervention in the civil rights field, to a new reliance on the 14th Amendment.

Prof. Cox referred specifically to section five of the 14th Amendment specifying that "Congress shall enforce this article by appropriate legislation." He predicted that the "equal protection" clause will soon be construed as broadly as

the "commerce" clause.

"Negroes living in New York City should be entitled to equal fire and police protection, equal playgrounds, and equal housing as the white people in the commu-



Prof. Archibald Cox

nity," he continued. "Congress has the power to insure Negroes full enjoyment of an equal legal right to buy real property."

He added that the Supreme Court, especially Justice Brennan, has specified that Congress, not the Supreme Court, should determine how far federal

legislation should intrude into an area normally reserved to the states.

Broad Construction

At the same time, he hinted that the broad construction of the "commerce" clause in recent years has gone too far. "Should Congress be able to regulate wife beating simply because some hammers move across state lines in interstate commerce," he asked rhetorically. "The clause has recently been used as a mere handle for federal intervention."

Reviewing leading cases, he outlined two branches of development of the "commerce" clause:

Adverse Effect

1) Congressional power to prevent the bringing into a state of goods which will have adverse effect in the state. This is the basis of federal regulation of lottery tickets, impure food, and goods manufactured under sub-standard labor conditions.

2) Congressional power to prevent interruptions in interstate commerce.

The Constitutional law expert argued that excessive use of federal power would be brought in under the second branch, such as the hammer in interstate commerce used for wife-beating.

In closing, he said that the entire question of civil rights legislation may be rendered moot for several years in light of the November 8 election results.

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A Modest Beginning

Even those unaccustomed to the normal rate of change at great, noble, and bureaucratic institutions such as the Law School must have been taken aback at the speed with which the Administration acted in establishing a joint faculty-student committee to discuss problems of legal education.

Of course, the naming of the committee has in itself solved no problems. And while we disagree with most of Mr. Train's views as expressed in his letter on the opposite page, we do share his concern that the Law School's problems will be discussed, analyzed, surveyed, and catalogued, but will not be solved.

This result is surely not implausible. For example, justifiable concern has already been expressed at the method used to select the student representatives, i.e., appointment by the Dean — apparently with the advice and consent of only the Vice-Dean and the gods. Although in the interests of time this process may have been required to get the committee functioning, we trust that a more democratic system can be established in the future — perhaps by the committee itself.

Another development of concern is the report that meetings of the committee will not be open to the public. It is difficult to imagine any subject so delicate or confidential that it can be shared with the six student representatives but not with other students who demonstrate enough interest in the committee to attend its meetings. We urge the committee to open its deliberations to those whose views it seeks to ascertain.

But the above negative observations are relatively insignificant in contrast to the very positive accolades which are due the faculty and the Administration for the timely and realistic response to the problems of the Law School. We wish the committee great success in its work.

Harvard Law Record

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TONGUE 'N CHEEK

By Fenno

I wandered in to talk with the Student Bar people the other day to see how their renaissance was coming, and they proudly flashed the page proofs on their new book, *Not Prepared, Sir!*

"You guys are just trying to make money," I said resentfully.

"Just trying to help a guy who's down," they gurgled. "No longer will it be necessary for an inadvertently unread student to subject himself to the gnashing wit of professors out for another kill."

Approach to Incompetence

"I suppose you run through the usual humorous comeback, sick grandmother and sore throat dodges?"

"All quite useless, Fenno. The profs have caught on. What's needed is a bold, imaginative approach to incompetence."

"Such as?"

"The Phantom Seat. Get your row to sprawl their chairs at various angles off the true positions. When the prof queries, 'Well what do you think of that, ah, number 92, Mr. Heifledorfer?' the whole row slowly splits away from the stricken seat number."

"Pretty clever."

Tangential Elaboration

"And there's also a chapter on the techniques of Tangential Elaboration. When caught with your back against the wall, gather up scattered pieces of knowledge rattling around in your head and launch into an oration on something like the casual relationship between Justice Marshall's coastal license jurisprudence and his love life."

"And if that fails?"

"The ace in the hole — Super-ratiocinated Analysis. Delve into all the possible meanings of some clause in Article III, such as 'shall be vested.' This will almost certainly turn him off. How about a copy, Fenno?"

"No thanks. It's cheaper to back-bench."

Letters to the Editor of the RECORD

Asks Book Buying With Dorm Council Funds

To the Editor:

Couldn't something humanitarian be done with the Dormitory Council surplus, like buying some books or equipment for one of the new law schools in Africa?

William L. Boyan, '55
Trenton, N. J.

'Institutionalization Stifles Self-Criticism'

To the Editor:

Your editorial [on the faculty-student committee] raises some interesting problems. I am not referring to the long-debated ones of legal education, but to those centered about the question of what law students can do improve their law schools.

The formation of a group could, as I see it, have three possible advantages. First, it would be the source of pressure upon the administration. Second, it could serve as a channel through which the administration and faculty might point out to interested students, more rapidly and efficiently than could the library, the purposes and problems confronting legal education, and Harvard Law School in particular.

Third, such a group might galvanize some students, and perhaps faculty members, to do some work on the problem of legal education which they might not otherwise do, and might enable coordination of such work.

But these possible advantages seem to me to be very tenuous, at the moment. I see no need for pressure upon the administration if that pressure offers no viable suggestions. It has not been demonstrated that, where a suggestion has the backing of reason, the administration needs pressure. In short, a pressure group per se serves no useful function right now.

The second advantage, that of efficient communication, seems more possible. But I question whether a group need be formed to achieve that end. Moreover, I think that any students seriously interested in legal education will end up in the library anyway.

The third advantage strikes me as having some weight. But it might be attenuated, if not totally destroyed, by two potential disadvantages of such a group.

The Law School seems to me to be in an increasing state of self-critical awareness these days; students are critical and professors, by and large, are not complacent. But our society has developed a potent way to stifle such protest: institutionalization.

The formation of a committee or group carries the danger that the group, and with it, energetic protest, might become lost in the welter of committees floating in the Law School. The other disadvantage of a group would be that it might dissipate energies by becoming a debating society. It is said that law students are prone to debate,—the more so, the less knowledge they possess.

Those dissatisfied with legal education probably know little about it, and doubtless agree on little but their dissatisfaction. These elements, argumentativeness and disagreement, might make the formation of a group a disaster for student protest here.

Ephraim Train

'Startling Statement' Scored by RECORD Reader

To the Editor:

The front page of your October 27th issue contains a most startling statement, i.e., that

"We must raise tuition from time to time, said one member of the Administration, because it is embarrassing to the other law schools if the best one is also the cheapest."

If this is an accurate reporting of the opinion of a member of the Administration it represents the most bankrupt of reasons for raising tuition costs. I also feel that we have the best law school, but cannot understand why we should be concerned with embarrassing other law schools.

If this is a statement of law school policy it belongs in the same category as the definition of that certain person who "knew the price of everything and the value of nothing".

Richard J. Relyea II '34
New York, N. Y.

Due to the Thanksgiving holiday, the RECORD will not appear next week.

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Dean Does Problems in Long Division

(Continued from Page 3)

Mrs. Griswold at their home in suburban Belmont, read the Boston papers (saving the **Wall Street Journal** and the **New York Times** for the office) and arrived in his large, three room office located off the main entrance to Langdell Hall, shortly after 7:30 a.m. to welcome Secretary of Defense Robert McNamara and introduce him to a group of students for an off-the-record question period.

By 9:10, which is his customary arrival time, he had thanked the Secretary and, seemingly pleased with the question hour that had just ended, began to attack the day's mail. He rushed off to his class in Taxation at 10 o'clock and spent the rest of the morning working at the giant, rosewood desk which had first belonged to Mr. Justice Story.

Miss Janet Murphy, his secretary for 19 years, according to custom had kept the morning free of appointments to enable the Dean to digest the vast amount of communications that comes through his office and consult, often by telephone, with Miss Mary Conlan, his administrative assistant, and the 10-12 other key administrators who report directly to him.

By lunchtime the Dean had still been unable to write the eulogy he was to deliver that afternoon at Professor Baker's memorial service, finding it hard to choose the right words for the tribute.

After a characteristically light lunch in the Faculty Dining Room he sat down at his secretary's desk and, composing as he typed, completed the eulogy just before accompanying Mrs. Griswold to Harvard's Memorial Church. Making final changes only moments before leaving the vestry, the Dean spoke with quiet eloquence, describing Ralph Baker as "a gentle man . . . who left a deposit in the minds and hearts of his students."

Pausing to renew the sympathies which he had personally conveyed to Mrs. Baker the day before, the Dean was back in his office before 3 o'clock. He spent the next hour dictating, pacing back and forth as he did so, and at times signing letters while he

spoke. It is the Dean's custom to acknowledge each gift to the School personally, and in order to keep one step ahead of the job almost invariably he dictates an answer to a letter on the same day it is received.

The hours between 4:30 and 6:30 are normally productively free of interruptions, but on Mondays that time is spent with the Faculty Appointments Committee. Growing impatient during meetings, the Dean is apt to work on other business as the meeting proceeds and during overly-boring public



speeches has been known to amuse himself by doing long division.

He normally does not leave for home until 6:30, thereby missing most of the evening traffic, but Monday he met Mrs. Griswold at Harkness Commons for dinner with the participants of the Model Trial and remained for the trial's evening session.

During Overly-Dull Public Addresses

On finally reaching home, a white colonial house with green shutters, the Griswolds retired to the library on the first floor. There, surrounded by African art and other mementoes of his world travels, the Dean delights to read widely in fields far beyond law and work on his stamp collection. He specializes in revenue stamps (often tracking down the exact document to which the stamp was affixed) and envelopes bearing the mailing franks of Presidential widows. He is missing only Martha Washington's.

His other activities include photography (he won honorable mention in a contest sponsored by the *Saturday Review*), golf (he plays every week-end the weather permits and shoots around 100), international and state boundary monuments (he's published a 30-page article on the subject and has two monuments, "acquired quite legitimately," in his backyard), football (he rarely misses a Harvard home game) and baseball (he's a disillusioned Red Sox fan and the terror of the annual Faculty-Law Review softball game.)

In addition to being remarkably accessible to both students and faculty members, the Dean may best be described as ubiquitous insofar as his representative tasks are concerned. Last year he attended everything from the American Bar Association convention (he is now a member of its Board of

Governors) to a dinner at the apartment of a second year law student.

He travels thousands of miles each year, always managing to return in time for class to the disbelief of his students and speaks informally at nearly all alumni reunions, sometimes attending two dinners in one night and eating half a meal at each place. His formal speeches are far less frequent, however, and normally require a full month's work before he is satisfied.

Alluding to the fact that the Griswolds neither smoke nor drink (perhaps due to their early Quaker heritage), Professor Richard H. Field at the annual meeting of the Harvard Law Society of Illinois last year paid tribute to the Dean's matchless attendance record at the normally fluid alumni gatherings: "Never has a Harvard dean seen more alcohol consumed, but con-

"... forthright to the point of bluntness, slow to acclimate to faculty parties, perhaps a shy man; above all not one to compromise with basic concepts."

— Allegheny College, 1961

"... he returned to Harvard to become Professor of Law, and later Dean of the Law School, which for nearly twenty years he has ruled, firmly but flexibly, well-skill'd to watch the wind and slack the sheet"

— Oxford, 1964

sumed less of it himself, than Erwin Griswold."

Well-meaning hosts sometimes have gone to great lengths to provide Cataba Juice at social functions knowing that he would attend, whereupon the Dean, though actually a good deal less than enamored with the beverage, feels obligated to drink it. But never more than one glass.

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Dean's Prize Photo

Ripon Group Asks Republican Renewal

The Ripon Society, a group of self-styled "young, progressive" Republicans from the Law School and other colleges in the Boston area, has found its party totally unprepared for "the new order of American politics".

This appraisal appears in the society's recently-published paperback entitled **From Disaster to Distinction: The Rebirth of the Republican party.**

The 126-page volume expresses impatience with the "caretaker leadership" of Republican National Chairman Ray Bliss which—in its emphasis on unity and regularity—"tries to work the miracle of organization without ideology. At a time when the Republican

party needs to be shaken to its foundation, challenged, renewed and rejuvenated, it has chosen instead the 'safe' organizational solution."

Most political leaders, says the society, have not sensed the coming of a new order. "They speak another language . . . without communicating. New ideas fail to break through into the old politics."

Too many leaders "fear the ideas which will challenge the conventional wisdom and comfortable cliches of the present, and thus their speeches and platforms and slogans and pamphlets do not ring true. Already the dialogue of the

1966 congressional campaign has begun in the predictable monotones, the dull vocabulary of the past."

Taking one specific area, the society argues that the "new generation of Americans finds little that recommends itself in the foreign policy leadership of either of our political parties."

In this context the publication outlines a program of action for a Republican renaissance, aiming its appeal at the new "political center of gravity," a younger generation which "remembers John F. Kennedy and cannot quite believe in Lyndon Johnson, . . . which is waiting . . . searching, . . . eager, receptive" for new political ideas.



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Recent Book

A Case History of Rumor Run Rampant

The Boys of Boise. By John Gerassi. New York: The Macmillan Co., 1966. 314 pages, \$5.95.

By James Davidson

What is it that all the men in the following list had in common: Alexander the Great, Caesar, Napoleon, Socrates, Plato, Pindar, Marlowe, Shakespeare, Francis Bacon, Leonardo da Vinci, Michelangelo, Baudelaire, Goethe, Wagner, Whitman, Byron, Shelley, Wilde, Proust and Gide?

Although he doesn't tell us how he knows, John Gerassi says they were all invert, that is to say, homosexuals. Estimates of the homosexual population in the United States today run as high as ten million (one in every six);

Kinsey estimated in 1948 that forty-six percent of adult males have some homosexual activity during their lives, although he concluded that only four percent were exclusively homosexual.

Homosexual Scandal

Britain has recently passed a bill legalizing homosexual relations between consenting adults, and Mr. Gerassi would like to see similar laws here. He amply illustrates the folly of present policies by examining one of the most celebrated homosexual scandals in recent years. Interest in the supposed widespread incidence of inversion and down-right perversion rampant in Boise, Idaho, was heightened by two articles in *Time* appearing in December, 1955, and January, 1956.

That magazine and Boise's

only newspaper, the *Statesman*, informed their readers that a homosexual "ring" was in operation which involved hundreds of teen-age boys. The newspaper's call was to "Crush the Monster," and church, civic, patriotic, PTA and other groups moved to do just that. Neighbors and friends were reporting one another, rumor ran rampant, suspicion was everywhere.

Questionable Methods

The prosecuting attorney, under heavy pressure along with the mayor and chief of police, hired a private investigator who with questionable methods conducted almost 1,500 interviews. Sixteen men were eventually brought to trial. Those convicted received sentences ranging from probation to life imprisonment, with the average being five to seven years; yet no "ring" was ever uncovered.

Mr. Gerassi, who has been an editor for both *Time* and *Newsweek*, gives a chilling account of

(Continued on Page 16)

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Weltner Says . . .

(Continued from Page 1)

of this backlash himself. When Lester Maddox was nominated for governor, he withdrew his candidacy for a third term in the House, rather than take an oath supporting the Democratic ticket.

Drawing on his experience in Southern politics and in Congress, he recently published a book, called **The Southerner**, condemning racism in the South.

The Congressman also noted the backlash effects outside the South in the last election. It is now a problem of some substance throughout the country, he said. The problem appears when the civil rights laws of Congress begin to reach out suddenly to Brookline, Greenwich and Grosse Point. He said that he is "confident Walker will be a candidate for president in 1968."

Along with white racism, Weltner condemned the black separatist movements.

The problem begins when rights laws reach out to Brookline or Grosse Point

"Black power," he stated, "means violence, and it does no good to speculate on what it might become."

Even the peaceful, non-violent demonstrations may have outlived their usefulness, he said. The laws have been passed, and we now face the grim, dusty road of hard work to provide education, job skills and adequate housing.

Referring to the civil rights legislation, Weltner observed, "This integration affects the poor whites—the upper classes avoid most of it." Isolated in private schools, private pools, and exclusive neighborhoods, they leave the integration to the poor whites, he said.

Dean Griswold . . .

(Continued from Page 11)

Seven years before her husband was named dean, Mrs. Griswold was stricken with polio and today walks with crutches and braces. Yet she is very active and is as famous for her buoyant, chatty notes to friends the world over as for her work on various rehabilitation committees. As a hostess Mrs. Griswold has something of an international reputation. In 1964 when the Dean received an honorary degree at Oxford, the citation specifically cited Mrs. Griswold's hospitality, the first time in 700 years that a woman's name had been so mentioned.

The Oxford degree is the highest of the many academic honors (including 23 honorary degrees and a desktop full of medals) that the Dean has received.

Each year there is speculation that the Dean will resign to accept some recently vacated position, and without being specific he has admitted that there are some jobs, though few, for which he might leave Harvard. Though he's reluctant to discuss such matters it is known that he has declined several college presidencies, at least two ambassadorships and partnership offers from large city law firms. At one such time he declared, "Life is too short to live in New York City."

Blunt and Outspoken

Such blunt, outspoken statements are characteristic of the Dean, particularly when he is convinced of the correctness of his view. Professor W. Barton Leach still recalls their first meeting. The Dean was then Assistant to the Solicitor General and Prof. Leach, having lost twice in the courts below, was about to argue a case on appeal.

With only a cursory examination, the Dean declared Leach to be clearly right on the law, later implying that he must have blundered, not once but twice, in the courts below. As it turned out Mr. Justice Holmes, writing for the majority, agreed with the Dean, at least as to the law, dismissing a contrary view as "a mere quibble."

But beyond labeling the Dean as outspoken, his colleagues find his actions difficult to predict. Though authorizing a six million dollar building program pretty much on faith, his obsession with saving electricity is so well known that when his portrait was painted for the Library a few years ago, one faculty member proposed that he be portrayed with his hand on a light switch. And during the Black Out last year another was heard to sputter, "This time the Dean has gone too far."

Socially, He Seems Shy

Though understandably hurt by some of the crude humor directed at him during the Law School Show each year, he invariably shows up at the next, knowing pretty much what to expect. And though able to discuss learnedly on some obscure point of law with no apparent preparation, socially he often seems shy and has still not quite mastered the art of making small talk.

There are times, Adlai Stevenson suggested, when great institutions are sustained in their purposes by the pervasive, unconscious influence of a few great men. Dean Griswold is surely not a great, colorful personality in the manner by which Harvard is accustomed to measure greatness. But, to the extent that the current success of the Harvard Law School can be attributed to any single, living person, that person is Erwin Griswold.

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Book Review...

(Continued from Page 13)

the influence on the police and the judiciary of an hysterical and largely ignorant public. The importance of the Boise incident is that it strongly illustrates the immense amount of public education which must be accomplished before progressive programs will be a reality in the majority of American states.

But however valuable the author's analysis of the problems, scientific study casts doubt that his suggested solution—to legalize homosexual activity between consenting adults—is a real improvement over today's admittedly inadequate laws.

It was once widely thought that homosexuality is hereditary. Later, Freud and others concluded that man is psychically

bisexual so that early experiences, which revolve around the parents, can drive the personality toward inversion. Building on this work, later researchers, such as Irving Bieber and his group, demonstrated that many homosexuals want to be converted, and can become exclusively heterosexual through treatment; the problem was not narcissism, Oedipus and castration complexes, the sucking instinct and the like, but a simple fear of women.

Giving regard to these recent studies, the best laws would be

those by which homosexual activity were made illegal, but, except in those cases where children or unwilling participants were involved, only probation and outpatient treatment would be required. If, after a suitable period of treatment, the invert showed no responsiveness and was adjusted to his condition, he would be released from supervision.

In no other way can society reach those who want help but who would not aggressively seek it.

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