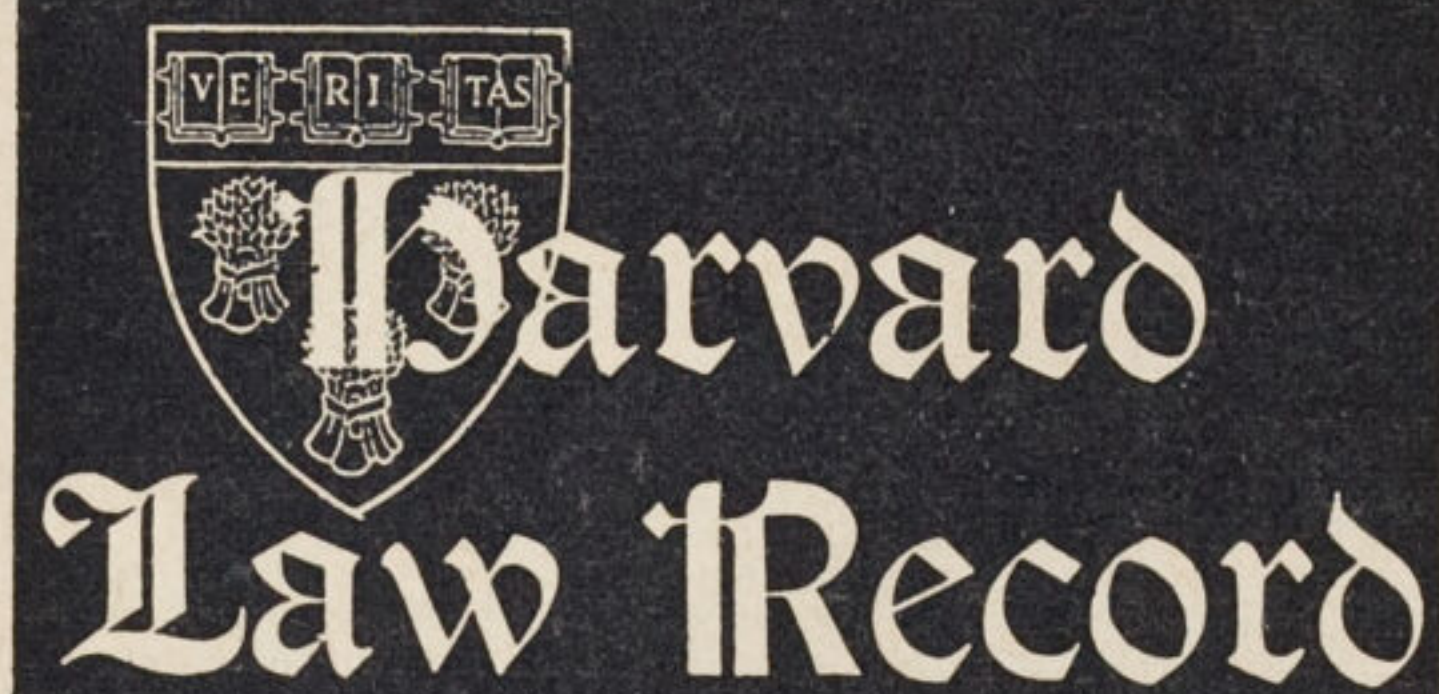




America's Oldest Law School Newspaper

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CAMBRIDGE, MASS.

DEC. 1, 1966

War Policy Held Legal

"I feel as if I'm walking into the lion's den," Leonard Meeker, Legal Adviser to the State Department said, opening his talk on the U.S. legal position in Vietnam, before the International Law Club, Nov. 22.

Mr. Meeker addressed himself to three main questions: 1. Whether the war is an indigenous rebellion. 2. Is North Vietnam justified in the use of force and conversely if the U.S. justified legally in intervening and 3. Does it make sense to take a stand in Vietnam?

The first question, he said, is merely one of fact. In contravention of the Geneva Accord of 1954, the Communists retained guerilla units in operation in South Vietnam after the signing of the treaty, and as early as 1957 were sending in further troops to bolster the battered guerillas.

By the end of 1964, Mr. Meeker continued, more than 40,000 North Vietnamese troops were sent to the South, and, at the present time, about one half the Vietcong force consists of North Vietnamese. Thus, the conflict was never a purely indigenous affair: for a time it was merely a civil war with some active outside intervention, but now it constitutes an armed attack on South Vietnam.

(Continued on Page 13)



Meeker: Questions of Fact

Job Office Director Reports Less Bias

"How can you make any accusations?" Miss Eleanor Appel, head of the Placement Office, protested when asked whether there was discrimination practiced by firms who use the facilities of the office.

"When can you ever say for sure whether discrimination was operative in a particular situation?"

"Reports of discrimination don't come in very often." It's an improving situation, as well as a very delicate one," she said, explaining that it is better to "work quietly and unobtrusively in the area."

Of course, she added, "some of them may discriminate against Jewish students," though the Placement Office reminds every firm coming here that the Massachusetts Fair Employment Practices Act prohibits questions about religion. However, as a general rule, the Office does not ask firms point-blank if they do discriminate, since, Miss Appel indicated, it would be simply impossible to write to every firm and "ask them what all their prejudices are."

In New York, she said, "the older, larger, more prestigious firms do not discriminate. But the supply of Jewish boys in New York meets the need more than the supply of non-Jewish boys, and so the number of rejections will be proportionately higher, which may appear discriminatory."

Miss Appel stated that no attention is paid to alleged discrimination in setting up

(Continued on Page 10)

South Africa Decision Vexes United States

By Jane Wright

The International Court of Justice's decision in the South West Africa case, predicts Ernest Gross, poses for the United States in the next few months one of its greatest dilemmas in contemporary history.

Mr. Gross, counsel for Ethiopia and Liberia in the case, spoke Nov. 16 under the sponsorship of the International Law Club. The former Legal Adviser to the State Department and U.S. Deputy Representative to the UN said that the Court's decision not to decide the merits of contentions that South Africa had violated its mandate obligations in South West Africa led the United States to take an even stronger position than it would have if there had been a judgment against South Africa.

Outline of History

He first outlined the recent history of South West Africa from South Africa's mandate from the League of Nations group, to advisory opinions in the International Court recognizing the mandate's continued existence under the UN, to the initiation of this action in 1960 under a League provision allowing member states to bring suits concerning mandated territories.

A 1962 International Court judgment, by an 8-7 vote, accepted jurisdiction to hear allegations from former League members, Ethiopia and Liberia, that South Africa's apartheid policy in South West Africa violated its mandate obligation to promote the social and economic welfare of the territory's inhabitants.

Four Years of Briefs

This past July, after four years of briefs and oral argument on this contention, the Court in another 8-7 decision said that the applicants were without the legal interest necessary for a judgment on the merits.

Mr. Gross then discussed what he called the three larger dimensions of the case. It was, first, a test case to establish the role of international law in the field of human rights. Perhaps the applicants were over-

optimistic, he acknowledged, in believing that no court in the civilized world would be willing to hold otherwise than that apartheid was incompatible with the mandate's "sacred trust" (Article 22 of the League Covenant).

The case was secondly a dramatization of conflicting judicial philosophies as to the role of the court.

Asked about the impact on the world community of the court's disregard of precedent, Mr. Gross's opinion was that "the Court will survive the case" but that there would be a reluctance to submit to it significant questions, especially among Afro-Asian nations.

The U.S. is caught trying to juggle conflicting obligations

The third dimension of the case is its relationship of the larger problem of southern Africa, where there has been "jockeying" to avoid direct confrontation with South Africa. Mr. Gross noted the "open secret" that the United States had assumed on the basis of the 1962 opinion, as had all the parties, that jurisdiction had been established and that a decision on the merits would follow. The judgment therefore left this country without a policy, and one had to be developed "over night."

The U.S. is thus caught trying to juggle conflicting obligations while stepping along increasingly difficult terrain. On the one hand are its responsibilities to other African nations and its commitment to certain legal and moral concepts, and on the other hand are its own economic interests in South Africa, domestic pressures to avoid involvement in Africa and the awareness that the British economy, and particularly the pound sterling, will be severely threatened by the imposition of sanctions on South Africa and resulting retaliation.



Leininger: Academic Question

'Fight HUAC Subpoenas' Democrats Urge Harvard

By Keith Watson

Harvard should refuse to give the House Unamerican Activities Committee membership lists of student organizations, according to a recently-adopted resolution of the Harvard Law-Graduate Democratic Club's executive committee.

The House committee has already subpoenaed membership lists of student anti-war groups at the Universities of Michigan and California. The administrations there complied with the request. The Democrats' resolution urges the Harvard administration not to comply and to carry its refusal "to the courts if necessary."

According to the *Crimson*, the administration of Harvard College "does not know" what its reaction would be to a HUAC subpoena for membership lists. Vice Dean Joseph Leininger said that this is also the position of the Law School's administration. The problem has never arisen before at the Law School, according to Mr. Leininger.

However, the Vice Dean pointed out that the question may be only an academic one. "The Law School doesn't keep student organization membership lists," he said, "and I suppose the Yearbook is the only source for such information."

"We do, of course, have the names of each organization's officers. So, for example, if some one wanted to know who was in the Democratic Club, I'd probably just send them to see the president of that group," he concluded.

Kaplan, Blackstone Win Ames

It will be Kaplan Club versus Blackstone Club in the final round of the Ames Competition in the spring.

Kaplan Club, represented by oralists Robert E. Currie and Charles B. Updike, both 3L, defeated Howe Club, represented by Andrew Schaffer and Anthony Steinmeyer, both 3L. The criminal conspiracy case involved a prosecutor's refusal to turn over a tape recording of the "conspiracy" unless the defendant announced all the witnesses he intended to use as alibis.

Movaristan Alien

Blackstone Club, represented by oralists Jack F. Fallin and Alton B. Harris, both 3L, defeated Casner Club, represented by oralists Charles L. Brock and David A. Cathcart, both 3L. The case involved the deportation of an alleged alien "Dartan Kamawi" originally from "Movaristan" who apparently had gotten involved with some undesirable ele-

ments in this country.

On brief for the victorious Kaplan Club were Daniel C. Bond, Jr., Christopher H. Buckley, Jr., David P. Griff, Ronald K. Lachner, Michael S. Moore, and John Tuohy, all 3L.

Brief Writers

On brief for the also victorious Blackstone Club were George S. Deptula, Timothy J. Egan, John E. Haner, Kenneth R. Johanson, Jeffrey H. Pass, and Irwin R. Shechtman, all 3L.

The judges in the Blackstone - Casner competition were Judges Frank Coffin of the First Circuit Court of Appeals and Dudley Bonsal of the United States southern New York district court, and Leonard C. Meeker.

Judging the Kaplan-Howe argument were New Jersey Supreme Court Justice Frederick W. Hall, and U.S. District court Judges W. Arthur Garrity of Massachusetts and Frank Kaufman of Maryland.

Research, Sore Feet and Frustration

By Whitney Durand and
Amanda Hawes

(Ed. note: The authors, members of the Voluntary Defenders, describe the work of the organization by relating a typical case history. The defendant's name has been changed.)

George Thomas was a temporary resident at the Charles Street jail in Boston, awaiting trial on

Youths' apparel was key factor in case for the State

charges of attempted breaking and entering and possession of burglar's tools, when Molly Geraghty, 3L, a member of the Harvard Voluntary Defenders, interviewed him.

Miss Geraghty obtained from him a complete account of his version of the events leading to the charge and an affidavit reciting his indigency in preparation for a "probable cause" hearing in Dorchester District Court.

The task for Eric Kaufman, the third-year student assigned by the Defenders to represent Thomas in district court, was to check all leads in the story Thomas had given Miss Geraghty, to confer with Thomas' parole officer, and to decide how

best to try to defeat the state's case against the youth.

Kaufman knew that the single eye-witness for the prosecution would be testifying primarily as to the apparel of two Negro youths she had seen trying to pry up a screen in her neighbor's yard, and he wished to find out if anyone else had seen Thomas and his companion of that morning, Buddy Allen, and could recall what they were wearing. Thomas had said he and Allen had been at Allen's house for at least an hour that morning, but Kaufman did not know if Allen's parents would say the same thing.

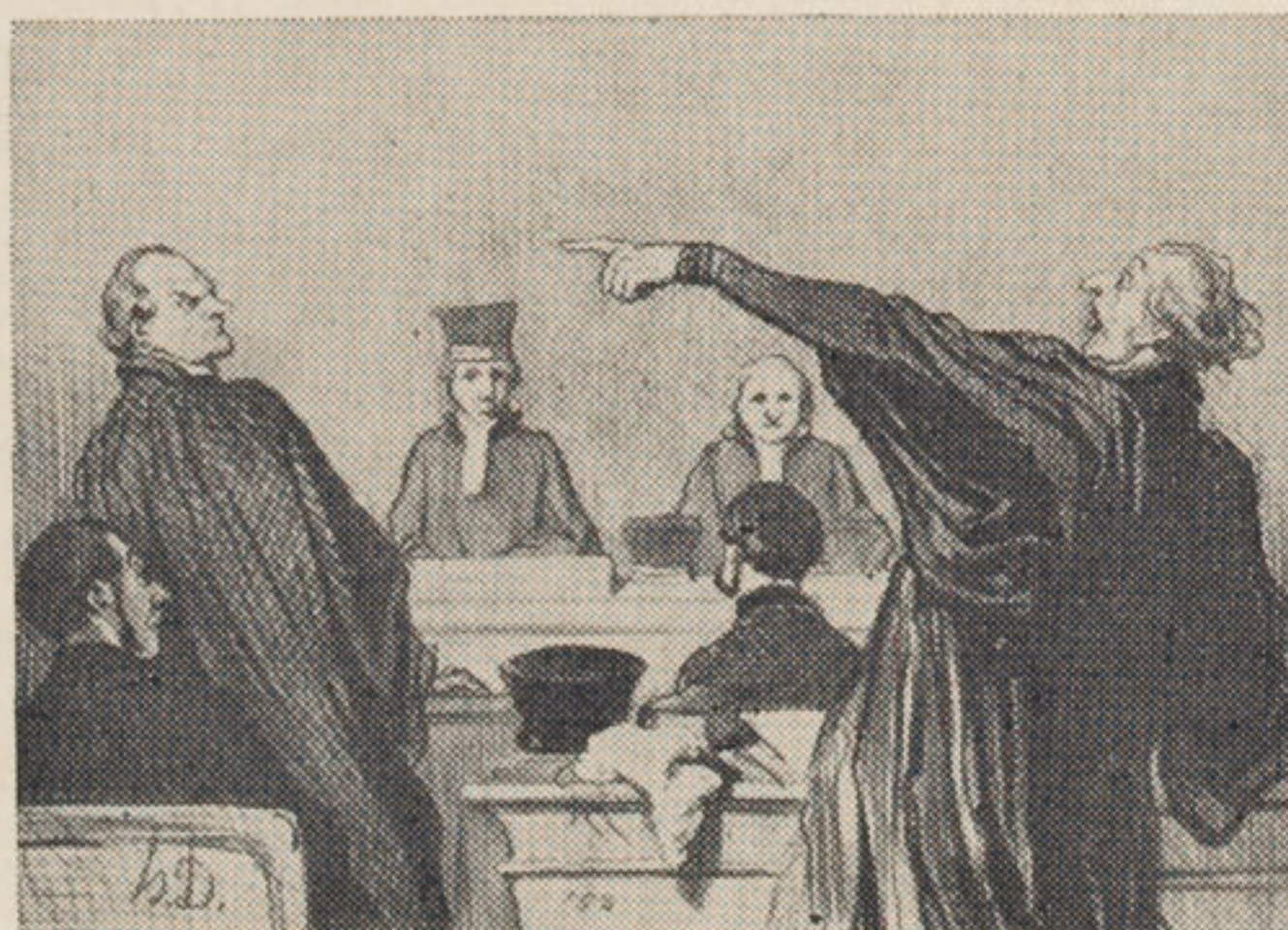
It was also necessary to verify from Thomas' employer that he was expecting the pair to come to a construction job on the afternoon of the alleged breaking and entering attempt. Finally, even if Thomas were to be found innocent of the B & E attempt and possession charges, the arrest itself would constitute "getting in trouble" and probably thus be a violation of his parole. But it was neces-

sary to discover other infractions of his parole terms that Thomas perhaps committed prior to this arrest which, together with it, might persuade his officer to recommend revocation of his parole status.

Kaufman's three-day tour of Dorchester led him to conclude that although none of the people Thomas had named in his interview with Miss Geraghty would corroborate the defendant's alibi, neither would any of the witnesses be able to make a positive identification of Thomas in court as one of the two Negro youths seen prying that first floor win-

Main defense witness disabled by stroke

dow screen. Unfortunately for Thomas, however, the elderly man who the defendant claimed had told the police that Thomas and Allen were definitely not the pair he had seen prowling,



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Mark Work of Voluntary Defenders

had recently suffered a stroke and would be unable to testify. Moreover, the construction boss whom Thomas had insisted would speak for him told Kaufman and the second year HVD observer, Mandy Hawes, that he had not seen Thomas in over six weeks.

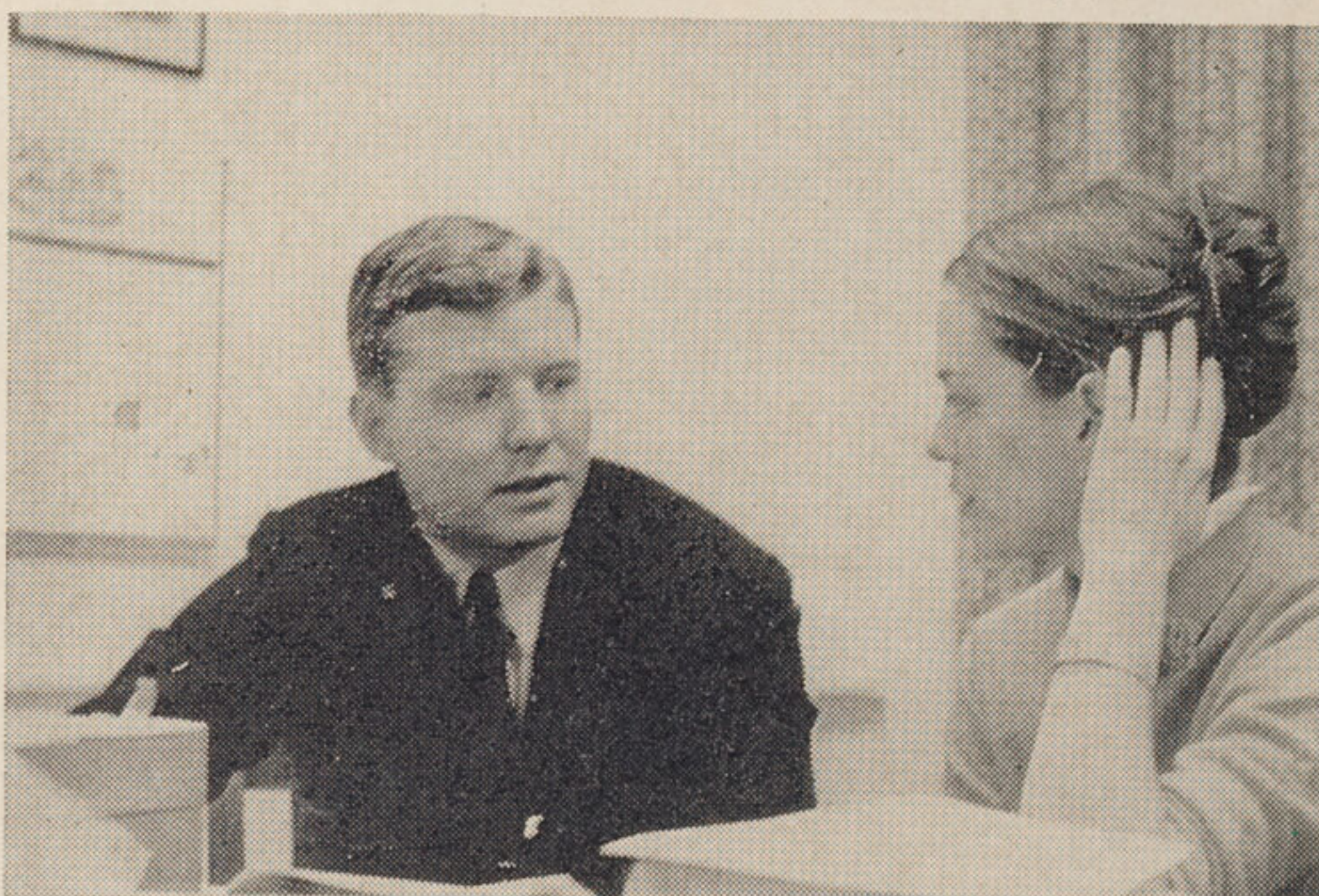
Thomas sticks to his original alibi despite reverses

When Thomas was confronted with these discoveries at a second interview at Charles St. jail on the day before his probable cause hearing, he stuck to his original alibi in virtually every detail. With only a few hours of working time left, Kaufman had to decide whether to put his client on the stand to tell this version or simply to let the state offer what Kaufman hoped would be insufficient evidence to establish probable cause.

As another line of defense, Kaufman considered challenging the terms of the complaint alleging an attempted breaking and entering for, although the booking sergeant had crossed out "failed to complete" and left in only "was prevented from completing" on the printed form, there was no allegation as to any outside intervention.

Would the state be bound by the form in which it cast the complaint? If so, what was the outside force which allegedly kept the co-defendants from breaking in? If not, would Massachusetts

cause hearing as to Thomas. Despite Kaufman's skillful cross-examination of the bifocaled eye-witness and notwithstanding concise argument on the requisite proof of an attempt, the court



Voluntary Defenders Durand and Geraghty

case law construe the attempt statute to require that for criminal responsibility the frustration of an attempt must be from something beyond the defendant's control? Monday evening in Langdell library failed to produce anything conclusive on these points.

On Tuesday morning Thomas' counsel arrived at Dorchester District Court and was greeted by an attorney from the Massachusetts Defenders Committee, assigned to supervise the HVD counsel, shouting, "Where's the Harvard kid? Where's the Harvard kid?"

Although Thomas' co-defendant was still at large, Kaufman and the prosecutor, a police sergeant specializing in court work, agreed to go ahead with a probable

found probable cause to bind Thomas over to the Grand Jury for indictment on both charges.

Three weeks later Thomas was in fact indicted and will be appearing in Suffolk Superior Court in the near future, at which time he will have a jury trial and be represented by an MDC attorney.

Survey Deadline

The RECORD is taking its annual representative sampling of student opinion and today is the deadline for mailing the questionnaire back to our offices.

These who received the questionnaire and have not returned it are urged to do so immediately.

Yearbook Robbery Remains Unsolved

Lurking in the bitter cold of the night of Monday, November 14, a thief entered the Yearbook offices on the 2nd floor of 23 Everett St. and made off with "well over" \$100.

Yearbook mogul Fred Kennedy, 3L, says he has "not ruled out the possibility of an inside job" since on that night alone a large sum of money was stashed overnight in the office after the final day of purchasing Yearbooks at the reduced rate. Kennedy noted that both the building and the offices of the Yearbook are locked at all times after 5 p.m. unless one of the editors is working late.

Keith Watson, 3L, President of the RECORD, was quick to come to the defense of his underpaid but impeccably honest staff. He said a routine check of all the bills in the wallets of RECORD members yielded negative results.

Kennedy stated that the Yearbook would continue to make an intensive investigation of the theft since the money was not covered by insurance and the loss will at least have a slight effect on their profits for the year.

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Events of Note

"Dissent and Civil Rights Under Fire" will be discussed by Arthur Kinoy, Professor of Law at Rutgers University, Dec. 5 at 8 p.m. in Ames Courtroom. Admission is \$1. Prof. Kinoy was forceably ejected from hearings by the House Un-American Activities Committee last summer.

A seminar in "Drug Abuse and Control", Soc. Rel. 288, which is open to law students, will be given during the spring term by Norman Zinberg of the Harvard Medical School, and Assistant Professor Bruce Jackson of the Harvard Society of Fellows. The course will be offered Mondays from 4-6 p.m. Interested students should contact Mr. Zinberg at KI 7-6356 or RE 4-4400, ext. 765, or Mr. Jackson at 864-4127, as soon as possible since enrollment is limited.

All law students are invited to attend the Barristers' Ball on Dec. 3, from 8 p.m. to midnight in Harkness Commons. The admission charge for the semi-formal affair is \$2.50 per couple.

Today is the deadline to register for the "Fortran Course for Lawyers," given by the Harvard Computation Center. Interested students should contact Miss Green at the Computations Application Center, 8 Mt. Auburn St., or call extension 3525, before 5 p.m.

The last of the Holmes Lectures will be given by Prof. Laurence C. B. Gower tonight, at 8 p.m., in Ames Courtroom. Prof. Gower will discuss "Independent Africa: the Legal Profession."

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Forum Panelists Praise Military Justice

By Steven Goddard

"Yes, there is justice in the military," asserted Colonel Pell, head of Army ROTC at Harvard, to the small band of loyal Forum supporters in attendance at Lowell Lecture Hall Friday night, Nov. 18th. In fact, it was asserted, there is often more military justice than civilian justice.

In his introduction Colonel Pell outlined the main plan of the present Uniform Code of Military Justice, enacted in 1951. The offenses are dealt with by four tribunals, each having its own jurisdiction depending on the severity of the punishment to be imposed.



Gen. Hodson: Justice for All

Minor crimes are dealt with by a Field commander under Article 15 of the Code. Colonel Pell, himself a field-grade infantry officer, explained the disciplinary actions under Article 15 were instructional and preventive measures, with a week's confinement the maximum punishment allowed. If the accused is dissatisfied with his treatment he can demand a court martial.

"The military has a system of three levels of court martials," Colonel Pell explained, "the summary, the special, and the general court martial. The courts have one, three, and five officers as judges respectively."

Rear Admiral Hearn, Judge Advocate General of the Navy, then defined justice as "merited reward or punishment", and explained why applying this standard was much more difficult under military conditions.

"A military man," he said, "is not free to live where he pleases, quit if he pleases, or cuss his boss." He explained that while sleeping on the job in civilian life might be frowned upon, in the military it could result in many men being killed. In comparing civilian and military justice, Admiral Hearn analyzed the protections given in both systems for Fourth, Fifth and Sixth Amendment rights.

Presentment Protected

"Under the Code," Admiral Hearn stated, "the men are free from unreasonable searches as guaranteed by the Fourth Amendment. A search can be made only by authorization after due cause has been shown."

As to the protection of presentment rights under the Fifth Amendment, he cited Article 34 of the Code. "This article provides for full investigation before court martial proceedings are begun.

"Not until the the 1964 *Mallory* decision did the accused in state courts have the same protections against self-incrimination provided the military man by the Code since 1786," Admiral Hearn noted. He also demonstrated that the military more closely follows the commands of the Sixth Amendment as to speedy trials.

Effective Appeal Procedure

Brigadier General Hodson represented the Army JAG Corps. He pointed out the provisions of the Uniform Military Code, drafted mainly by Professor Edward Morgan, Jr., of the Law School, provided for more effective appeal procedures than the civilian counter-part.

"All court martials are reviewed at least once," General Hodson asserted, "and punishments of a dishonorable discharge or worse are reviewed twice as a matter of course."

(Continued on Page 10)

It Does Happen Here

Justified or not, there seems to be a feeling among many students interviewing for jobs under the auspices of the Placement Office that some of the prospective employers are rather blatantly anti-Semitic.

There can be no doubt that religious and racial discrimination exists. The firms themselves admitted as much in a RECORD survey several years ago and there is no reason to indicate that they have seen the light since then, "balancing" or any other such euphemism notwithstanding.

The only question therefore is what the Law School in general, and the Placement Office in particular, should do about the problem.

The Placement Director argues with great persuasiveness that it is difficult to make a convincing case of discrimination against any firm in a particular situation. Of course, hiring partners, with their extensive (often Harvard) legal educations, can be expected to be more subtle in their bigotry than Alabama rednecks.

And yet the Placement Director, with the expertise gained through long and devoted service in the field, is able to detect those firms which show a pattern of racial and religious discrimination and, indeed, has even been known to counsel Jewish students not to waste their time applying for interviews with certain firms.

If a firm is so known for bigotry that the Placement Director advises certain students not to apply for jobs with them, such organizations do not deserve to use the overcrowded facilities of the Placement Office.

Although the Placement Office is too understaffed to police the area, the Administration should make a careful investigation of all those firms which the Placement Director advises Jewish and other non-brahmin students not to interview.

The intolerant have been tolerated for too long.

Harvard Law Record

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TONGUE 'N CHEEK

By Fenno

I was leaping up the stairs to the RECORD office at 23 Everett St., when one of the chic assistants in the placement office grabbed one of my shirt tails and pulled me back to the ground floor.

"Isn't it about time you started looking for a summer job, young man? It's really very easy. Just a few preliminary questions and we'll have you talking to hiring partners. What religion are you?"

"Gee I don't know. I've always thought of myself as a wandering spirit with no home, no family, no faith—a lost child not knowing where I've been, where I am, or where I'll be."

French Fenneau

"Are you sure it's not a shortened form of Feinno?"

"Could be. But just a minute, I think I remember my step-mother telling me when I was very young that I was the last in the long line of Fenneaus from France. That should put me in the clear."

"A plus factor, of course, but not conclusive."

"Quite a bog I'm in, I guess. Why I might even have some Chinese blood in me somewhere!"

"That would complicate things."

Through the Mill

"What are you going to be able to do with me?"

"We clearly can't go ahead and put you through the mill when things are in such a confused state as this. Somehow we must unravel, we must bring this matter into the open and find out once and for all who you really are."

"A genealogical survey?"

"Would you like us to arrange one?"

"No thanks. It's too much work getting a job around here," I pouted. "Looks like I'll be spending another summer shingling roofs in Dubuque."

Letters to the Editor of the RECORD

Prof. 'Humbled' by South's Rights Problems

To the Editor:

While I would like to thank you for your recent article about me, there are, it seems to me, some impressions which may have been created by the piece which I would like to correct, particularly in reference to my work in Lowndes County. The write-up suggested that I, as a cocky Northern Liberal, swooped down to Lowndes County in my spare time and cleared up all the County's problems which, by the way, are the most difficult in the South.

Let me say that that was not the case, nor anywhere near the case. Indeed, my two major efforts in the County (definitely not undertaken in my spare time, and only a very small part of the work being done in Lowndes) have to be classed as failures.

Efforts to integrate the Lowndes schools resulted in the acceptance of more than 80 Negro students this year at formerly white Hayneville High School. But that in turn gave rise to the founding of a new private school and the withdrawal of most white students from Hayneville — net result, zero or worse.

A suit to integrate the Lowndes jury system raised Negro representation in the Lowndes jury wheel from 1% to about 45%. Nonetheless, operating under the new jury system a Lowndes Grand Jury recently refused to indict Thomas Coleman for the shooting of Father Richard Morrisroe and a Lowndes Petit Jury, with Negroes represented, acquitted Eugene Thomas of a murder charge for the killing of Viola Liuzzo. Attorney General Richmond Flowers has since suggested that the Negroes on those juries were carefully picked Uncle Toms.

My point is that no one, least of all I, could help but be humbled by the civil rights problems which face the South. My seminar attempts to show how difficult, not how easy these problems are, and how unsophisticated and inadequate many liberal assumptions prove to be when tested out in context.

Charles R. Nesson
Assistant Professor

Reader Counsels Reasonable Tuition Rates

To the Editor:

... Wouldn't it be more in keeping with the principles upon which our country is founded, if the Harvard Law School, with its top endowment and generous alumni support, could keep its tuition at a figure which could be met by youths from middle-class income families, whose children could not qualify for scholarship grants?

F. R. Carpenter, '12
Hayden, Colorado

Griswold Defends Placement Procedures

To the Editor:

One of the things which a law student should learn is the importance of seeing all sides of a problem, and being sure that he has all the facts, before coming to a conclusion about a problem. Perhaps this applies, too, to law students who write editorials for the RECORD.

Of course I am concerned about placement problems at the Harvard Law School. Many people have worked hard on these problems for quite awhile, and they present some serious difficulties.

In this situation, the RECORD blandly observes: "If more rooms are needed, they should be obtained—even rented if necessary. If more personnel is needed, it should be hired." So simple. How could "the administration" be so obtuse?

In the operation of the Law

(Continued on Page 14)



Would you
believe
500,000
troops in
Vietnam . .
How about
Six . . .

Things have changed at the Coop

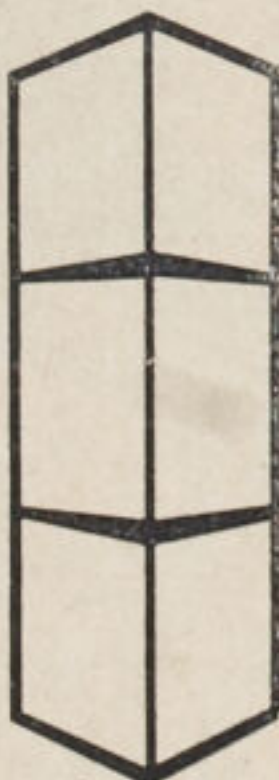
The only thing old-fashioned about the new Coop Bookstore is the browsing we encourage. More than 40,000 titles, including over 18,000 different paperbacks, are displayed in our three-story building on Palmer Street in Harvard Square.

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Discrimination . . .

(Continued from Page 1)

interviews, though, if individual students are concerned as to the hiring practices of certain firms, Miss Appel, if she knows something about the firm, is happy to speak to and advise them.

The best way to break down discrimination, she insists, is to have H.L.S. continue "to graduate many Jewish students, and able students," and, if present trends continue, it will only be a matter of time before any barriers come down. In most cases, there is no positive prejudice against Jews, but rather a negative one, that is, he will be somewhat slower to get an offer of employment than his non-Jewish classmate, she said.

There may be many reasons for this. The cultural background, for example, may be an inhibiting factor in hiring, since some firms have a "heavy North European influence, and a conservative, unemotional, Anglo-Saxon pattern." The Jewish student, she noted, would find it hard to be assimilated into the pattern and therefore would not get an offer of a job, and, even if he did receive and accept one, he "would probably still not be happy in the firm."

However, a Chinese student, for instance,

(Continued on Page 16)

Military Justice . . .

(Continued from Page 7)

"The protection against double jeopardy is much more effective than in the states," he continued. "No man is tried twice on the same matter, and the appellate courts can reduce the sentence, but not increase it."

Warren Farr, an attorney for Ropes & Gray in Boston and an ex-JAG officer, was then given the opportunity for rebuttal. He explained that the system was essentially fair, but that miscarriages of justice are due to the failings of the men administering it.

He thought the greatest opportunities for abuse were under Article 15 procedures, or the summary court martials. Both leave judgment of guilt and deserved punishment to one person with little opportunity for review, he noted.

Recent Book

Illuminating View of the Supreme Court

Opinion of the Court. By William Woolfolk. New York: Doubleday Co., 1966. \$5.95.

By Thomas Geisler

Any serious novel worth its ink illuminates human nature. Less common and more difficult is a novel which also illuminates a profession and manner of thinking like the law.

Opinion of the Court, which traces the career of the mythical Justice Paul Lowe from selection and appointment through public and private crises, succeeds well in unfolding the processes of the Supreme Court in a human context, despite some oversimplification.

From the governorship of Nebraska, Paul Lowe is elevated to the Court in a fictional world similar to our own. Trouble erupts in Southeast Asia: a communist revolution in

Burma results in massive American intervention.

The existing power balance on the Court is threatened by the retirement of the venerable Justice Edmunson, who had held together the majority to which Justice Lowe belonged. And throughout, a succession of cases before the Court involves problems of school bussing, confessions, academic freedom, loss of citizenship, and capital punishment.

Detailed Procedure

The Court's procedure is shown in close detail. As Lowe adjusts to being a Justice, the reader sits upon the bench with him listening to oral argument and participates with him in discussing cases during conference. The task of opinion-writing is given much attention, including a clear account of the circulation among the Court of draft opinions and the evolving of final opinions from the resulting criticism and suggestions. All these proceedings are described solidly and with the ring of authenticity.

Less successful is the analysis of the legal reasoning which leads to and is imbedded in final opinions. Most of the reasoning described by Woolfolk is the spinning out of broad principles of policy.

Rarely is reference made to precedent. Rarely is there any elaborated legal theory or interpretation of statute or Constitution. To this extent the view of legal reasoning here presented is imbalanced through omission.

Lacks Full Arsenal

Admittedly, it is inappropriate and impossible to include everything in a novel. Author Woolfolk intended, according to the dust-jacket, to inform people about the Supreme Court. An attempt to elaborate legal niceties with the full arsenal of legal terminology might well discourage, perplex, and annoy the greater part of the general public.

One does not want a dissertation on lymph nodes when one picks up a novel about doctors. Material too technical renders a novel inedible. But a careful analysis of how law is derived from a multitude of sources besides pure policy would have given a better balanced portrait of legal reasoning.

Imbalance

As an author Woolfolk helps explain this imbalance by postulating that Lowe had been a politician for some years and had thus grown away from the law. It should also be noted that

(Continued on Page 13)

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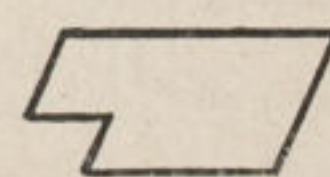
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Williston, Writing Program Recruit Members

Recruitment campaigns are underway for the Williston Competition and the Second Year Writing Program. Both are open only to second year students and begin during the first half of next semester.

The writing program entails a series of case note writing under the supervision of third year editors and members of the fac-

ulty. The editors are either "graduates" of the program or members of the *Harvard Law Review*. Each participant's final paper, a longer and more exhaustive effort than the case notes, is published in the *Harvard Legal Commentary*.

Williston is a competition in legal drafting. Teams of four students are given a problem

simulating a memo from a senior partner who requests that certain legal documents be drafted. The task is to draft such documents and supporting memoranda, which are then judged by a practicing attorney who is an expert in the field.

The officers of the writing program and the Williston Competition will host second year students interested in either or both programs next Wednesday, December 7, at 4 p.m. in Harkness Meeting Room, in order to answer questions. Refreshments will be served.

The writing program has been over-subscribed during the past few years and therefore has expanded its facilities to accommodate about 75 students. If the demand for places again exceeds the supply, participants will be chosen purely at random. Application forms for the program are now available at the Receptionist's desk.

Unlike the writing program, the Williston Competition offers financial rewards. After the spring round, further elimination rounds continue over the two succeeding semesters. Prizes totaling \$500 are given to the three teams in the final round.

The writing program begins the week after mid-term examinations and lasts until spring vacation in early April. Williston consumes only two weeks in February and participation in both programs is possible.

Some Williston competitions will begin on February 13, the remainder on February 27. Teams with one or more members in the writing program will be assigned to begin on the later date.

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Book Review

(Continued from Page 11)

Lowe is supposedly a graduate of Yale Law School.

Justice Lowe's private life is treated with considerable skill and understanding. Turning from a stagnant marriage, he falls in love with a newspaper woman; the evolution of this love affair is told simply and sympathetically.

By showing Justice Lowe as a man very much aware of his own inadequacies and finiteness, the author emphasizes the tentativeness of law as a human institution in an ultimately non-human universe. When decisions *must* be made, when the buck cannot be passed, one can only do the job as best his mind and conscience tell him. Search for Platonic ideals is unlikely to do the trick.

Despite its defects, this novel by an apparent non-lawyer generally succeeds in showing the operations of the court and telling an interesting story as well. *Opinion of the Court* must surely rank among the best of the political novels typified by *Advise and Consent* and is worthy of interest from all quarters.

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Meeker Defends War Policy

(Continued from Page 1)

Mr. Meeker then turned to his second question, and gave what he said were the North Vietnamese reasons for breaking the Accord of 1954, that the 17th parallel was not meant to be a permanent boundary, but merely a temporary demarcation line, and since South Vietnam had violated the Geneva Accord by not holding free elections in 1956, the North had a right to unify the country. Citing Germany and Korea as other examples, Mr. Meeker contended that although the boundaries were not meant to be permanent, they nevertheless must be respected, and an attempt should not be made to change them by force.

Furthermore, he quoted General Giap, head of the North Vietnamese army, as saying that free elections by secret ballot could not be held in the North, which contravenes the Geneva Accord. It would have been preposterous, he said, for South Vietnam to hold free, secret elections in furtherance of the treaty, when the North admittedly would not.

In answer to a question, he remarked that the Control Commission set up at Geneva did not find that the North had been more cooperative than the south in carrying out the treaty's obligations, but, rather, found violations on both sides.

The U.S. legal position in the country is based on a number of international treaties, he said. One is the Geneva Accord of 1954, by which the North Vietnamese, the Communist Chinese and the Russians agreed to respect the boundary set and not to permit infiltration either from North to South or from South to North. Although the U.S. did not sign the accord, it has entered into an agreement with the South Vietnamese to aid them if the line of demarcation is not respected.

This led him to his final point, that failure of the U.S. to live up to its commitments would give the other countries in Southeast Asia, such as Thailand, Burma, and even India, a feeling of helplessness and complete insecurity.

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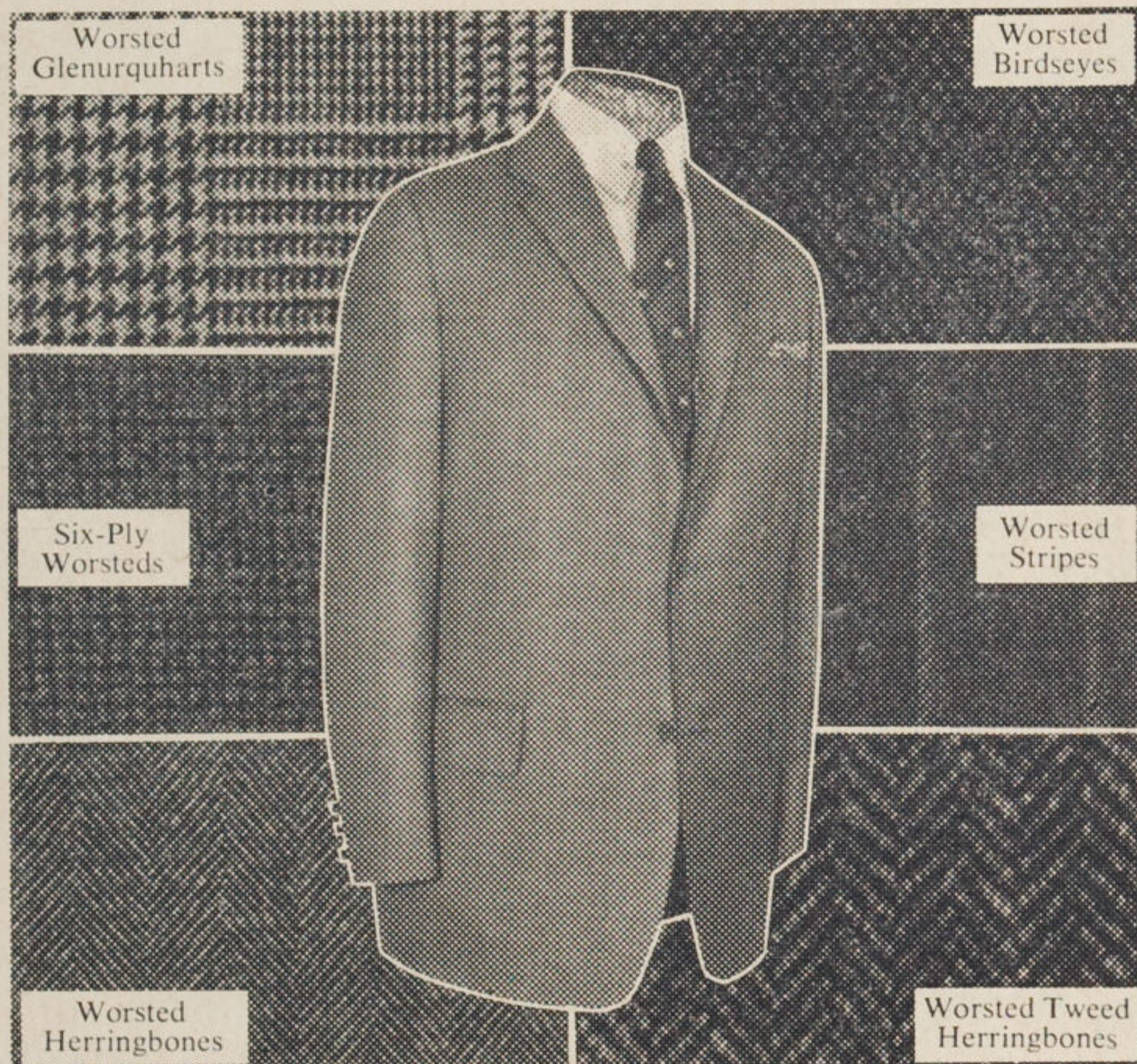
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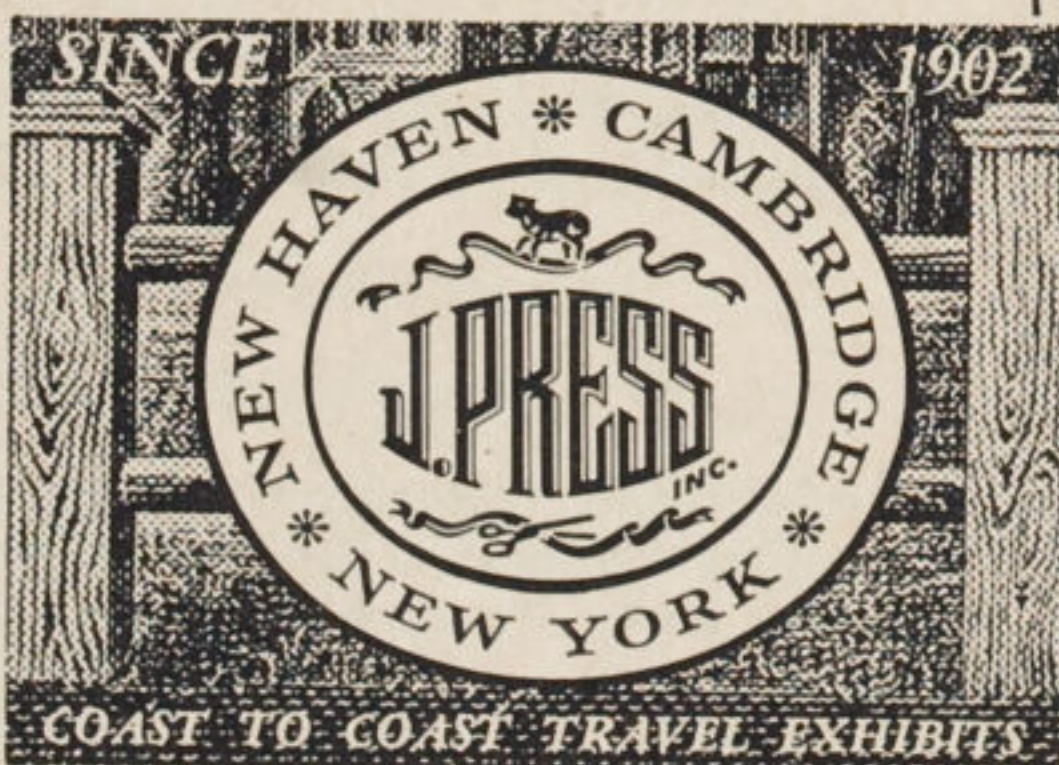
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Letters to

(Continued from Page 9)

School, there are many problems of allocating funds. Last year, we spent over \$40,000 on the Placement Office, including a portion of the cost of maintaining and operating the building at 23 Everett Street, but with no allocation for general Law School overhead. Because many students get their own jobs, and because of clerkships, and military service, our figures indicate that not more than 200 third year students obtain positions directly as a result of the activities of the Placement Office.

\$200 Per Job

Thus, the operation of the Placement Office costs about \$200 per job obtained. Would students like to pay a fee of that amount for the service? I doubt it; and I am sure that we will not proceed on that basis. Even if an allocation is made for jobs obtained for second year students through the Placement Office, the actual costs of the Placement Office would come to not less than \$150 for each regular job obtained, and \$50 for each summer job.

Among other aspects of the problem is the fact that placement work is highly seasonal. It is difficult, and expensive, to provide space which is used only for a few weeks during the year. We have gone to considerable expense to provide a number of interview rooms at 23 Everett Street, and we also utilize rooms elsewhere. We try. I think it could even be said that we try harder.

Seasonal Schedule

The writer of the editorial says: "If more personnel is needed, it should be hired." Here again we run into the seasonal problem. This work requires a surprising amount of ability and experience.

It is very hard to find people with these qualities who are willing to work for a period of 8 or 10 weeks during the year. It is

the Editor of the RECORD

just as hard to find such people who are willing to be hired on a full year basis when their talents and energies are needed only for a peak period.

As is well-known, and widely recognized by our hiring alumni, Miss Appel and her staff do a remarkably fine job in the Placement Office. It is to Miss Appel's great credit, it seems to me, that she has tried to organize and systematize this work as far as possible, and that, in particular, she has planned and taken carefully thought out steps to spread the peak just as far as possible.

Careful Administration

If nothing were done, all placement work would be concentrated in a few weeks in the fall. This would be chaos, and no one would be satisfied. Under Miss Appel's careful and thoughtful administration, the problems are still difficult, but become more manageable.

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I know from my own experience that Miss Appel is anxious to make the Placement Office as serviceable and effective as is possible. There are problems of cost, though. Rather than doubling the costs of the Placement Office, we might well have to conclude that we should discontinue it.

Alternatives

After all, the amount now spent there is a good fraction of the amount we are able to make available for the purchase of new books for the Library of the Law School. It would provide financial aid, or increased financial aid, for a substantial number of students. Perhaps this is an area where student entrepreneurs might take over. They would, of course, have to charge a fee, which would be substantial if they were to make ends meet.

Another way would be to revert to the old method where students walked the streets, and

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knocked on doors, using their own initiative to a considerable extent. This worked quite well for a good many years, and is, indeed, used by many students now.

We are reluctant to have placement concerns pushed earlier and earlier in the students' course. Vigorous placement activity early in the second year hardly seems desirable, and we are reluctant to push an "orientation" program even into the first year, as the RECORD suggests. Students should have an opportunity to study law intensively, without continual placement distractions.

First Things First

Many of the employers understand this, and are anxious not to rush things. They have shown themselves to be sympathetic with the efforts of the Placement Office to avoid pushing placement activity too early. After all, our basic objective here is to try to run a law school, and not a Placement System. Perhaps it is understandable that we try to put first things first.

Suggestions Welcome

The constructive suggestions of the RECORD with respect to the Placement Office, or anything else connected with the School, are always welcome. It does seem, though, that they would be more constructive if they were better informed and more thoughtful than those expressed in your recent editorial about the Placement Office.

Erwin N. Griswold
Dean

Placement Office Reports Less Hiring Bias

(Continued from Page 10)

who had mixed with the international set, in yachting or polo, and had acquired the cultural background, would probably be accepted in such a firm.

For the most part, what remains are "old prejudices," perhaps perpetuated by an old partner in New York, and Miss Appel may send a "tall, handsome, extremely bright, Jewish boy" to help break down such discrimination.

In many cases, she said, the effects of discrimination are exaggerated since "it is much easier to say 'I didn't get a job because I am a member of a minority' than to say 'I didn't get a job because I'm not articulate' or 'I wasn't smart enough.'" Besides, she added, "there might be many Boston brahmins who had been turned down by these 'discriminating' firms as well."

Much talk about discrimination is brought about merely because of the anxieties of the

students themselves. "This is strange," Miss Appel continued. "They won't starve and it's an expanding world. There is plenty of future for everyone."

However, she concluded, there is "no question in my mind that the Jewish boy is slower to receive an offer than his twin who is not Jewish, although the situation is improving."

A RECORD survey of hiring practices among 120 law firms in 1963-64 revealed that some religious bias does exist. It also noted that "some consciously try to maintain a numerical balance among Protestant, Catholic and Jewish members, either in equal thirds, or according to the religious composition of their clientele."

The most frequent explanation of bias against Jews was "our clients would not accept him." A few mentioned the "small, closely knit" quality of the firm, suggesting that a Jew might not "fit in."

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