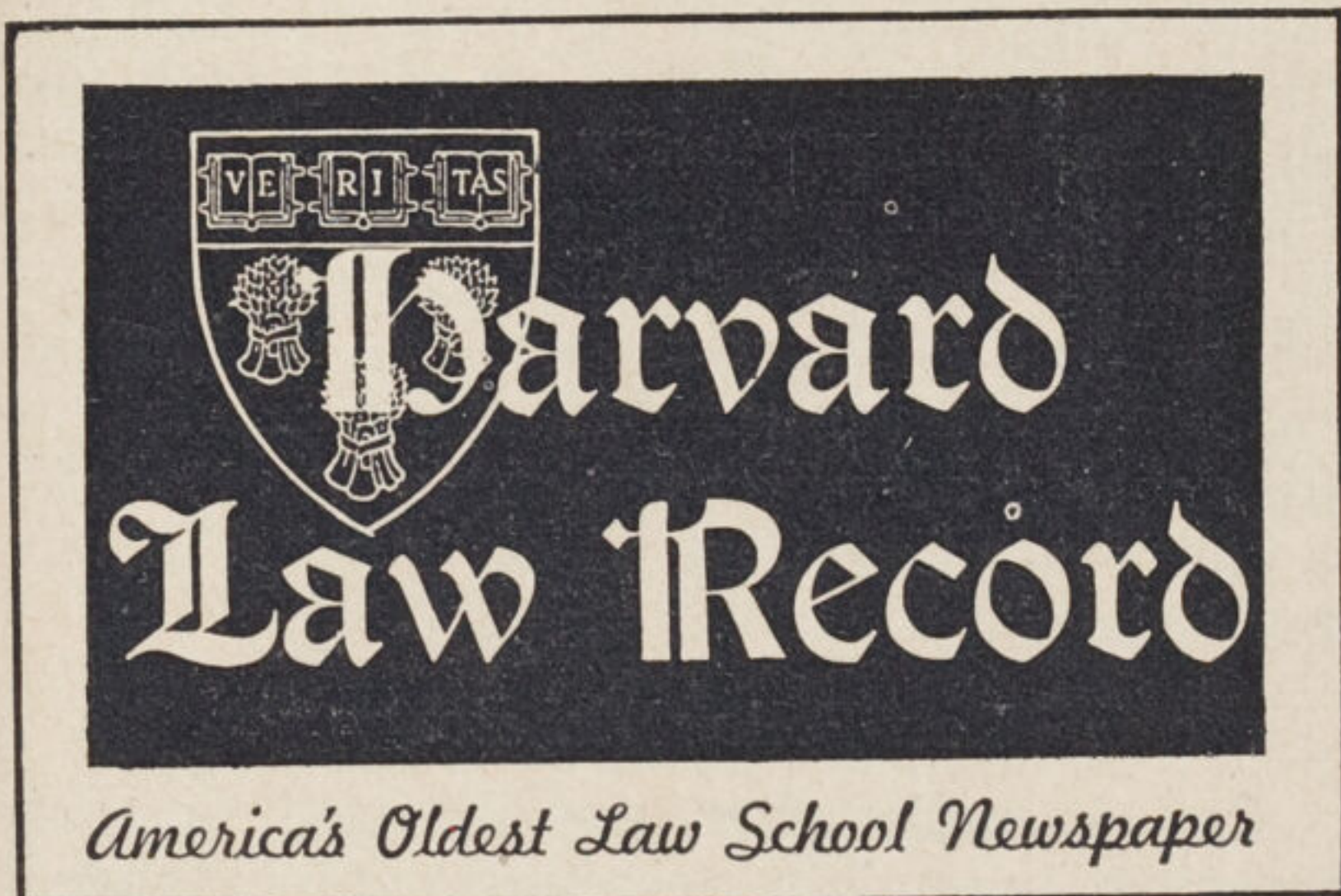


Student Group Urges Law School Reforms

By Steven Goddard

This past Tuesday the Student-Faculty Committee and other faculty members were given a comprehensive report from a student "advisory committee" suggesting extensive changes in the organization and content of study at the Law School.



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Kinoy Attacks HUAC

By John TePaske

"Americans — they don't like to see a little fellow get kicked around, and I approve," the diminutive Arthur Kinoy stated last Monday in his talk sponsored by the Harvard Law Civil Rights Committee, "but it cuts much deeper than that, much, much deeper."

Kinoy, of course, was referring to the headlines and national reaction of last August when, while acting as counsel to witnesses called by the House Unamerican Activities Committee, he was forceably ejected from the hearings by several



Prof. Arthur Kinoy

This committee, led by William Samuels and Stephen Schlesinger, has been holding meetings and writing tentative drafts of the report for a month. Contributions from many interested students have resulted in twenty pages embodying their suggestions.

As the report emphasized in its introduction, the committee "does not feel these ideas are the only ones, and though we do not necessarily advocate all the proposals, we believe students have a right to express their ideas, and we hope our proposals will be considered."

"The grading system is an important source of much discontent and unhappiness at the Law School," the committee report asserts.

The results of six final exams in the first year determine the student's future at the Law School. And due to the lack of a better standard, they influence his immediate future after Law School. The committee presents several suggestions for eliminating some of these problems.

The report cites the often-debated issue of the numerical grade. This practice, it asserts, emphasizes that they are artificial differentiations among students, which draw lines between men of perhaps equal ability without explaining how valid the differences are.

The committee does not urge abolishing grades, but suggests giving only letter grades, and eliminating the present practice of ranking students.

Besides the problem of accuracy, the report deplores measuring "only one limited area of legal skill — exam writing." Such tests leave unmeasured more legal skills than they measure, it concludes.

To eliminate this problem, the report urges, more courses could be graded on the basis of written work, such as writing essays, legal

(Continued on Page 12)

(Continued on Page 10)

Former Prof. Tackles Antitrust

By John Esposito

A teacher, said Henry Adams, "can never tell where his influence stops." One teacher at the Law School, Professor Donald F. Turner, was accorded a unique opportunity to measure the practical extent of his influence when in 1965 he left the faculty to become head of the Antitrust Division of the Department of Justice.

Before his appointment, Prof. Turner, along with economist Carl Kaysen, had written one of the most widely-discussed books in the field, *Antitrust Law, An Economic and Legal Analysis*. However, the success of the book has been something of a mixed blessing. On the one hand, it greatly enhanced the Professor's reputation as a legal scholar and probably had much to do with his choice as Assistant Attorney General.

Some critics have remarked that Professor Turner's adaptation to the political climate in Washington has been at the expense of effectiveness. The record of his first full year in office indicates that he has approached his new role cautiously. There were 44 antitrust actions instituted by the Justice Department in fiscal 1965. The Department reports that the number of cases brought by Prof. Turner's predecessors averaged about 60 per year.

But at the same time, his generally critical evaluation of the efficacy of present antitrust law created certain expectations by which his performance is now being measured.

When asked to compare the freedom of the academic with that accorded a member of the Johnson Administration during a recent RECORD interview, Prof. Turner insisted that "all limitations are self-imposed. I have great freedom to advocate ideas. However, when I do speak, I should and do of course consider whether my words will embarrass the Administration."

There has never been an instance of direct intervention by the White House, which "is scrupulous about leaving legal decisions to the Attorney General," he said. But the Assistant Attorney General did imply the existence of more subtle restraints: "On the other hand, antitrust law is fluid and not all questions are straight legal ones in the same sense that tax questions might be. For instance, questions often arise about how far to push an existing interpretation of the law. Suppose the new interpretation would lead to divestiture actions with tremendous impact. In those situations where a reasonable case can be made out for seeing things the other way, why then we are talking about a policy consideration, which is not solely in my hands."

Law-Policy Dichotomy

One example often put forward is that existing law might reasonably be extended to support divestiture of Chevrolet from General Motors. Presumably, a decision to move against GM would be of such magnitude that it would fall on the policy side of Prof. Turner's law-policy dichotomy and any action would require a consensus of many elements in the Administration.

Nor does it seem likely that Prof. Turner will in the near future attempt to push for adoption of the principal legislative proposal outlined in his book. Perhaps the most fundamental change which his draft legislation would have brought about was an expanded definition of "market power." For instance, the proposal created a conclusive presumption of market power where, for five years or more, one company had accounted for 50% of the annual sales in a market, or four or fewer companies had garnered 80% of sales.

Judicial Establishment

"It is extremely difficult," he said, "to get new antitrust legislation. It took two generations to amend Section 7 of the Clayton Act in order to reach those mergers where assets rather than stock were acquired."

Some have suggested that the Kaysen-Turner presumptions based on market power

In Washington

might be established judicially. Although he conceded that "a pretty good case could be made out for this approach," he expressed reservations.

"While it is characteristic of antitrust law that courts take rather large strides forward from time to time, the questions always are: How far and how quickly they go? We must bear in mind that under the proposals we would be calling for divestiture in some very important industries with no showing of conspiracy. I think that this would be asking the courts to innovate in a significant way and some might well feel that this would be inappropriate."

The Kaysen-Turner book also suggested a strong anti-merger policy as a means of preventing additional concentration, even if the existing degree of concentration could not be reduced. The Assistant Attorney General feels that this has been achieved under his direction, but many critics would differ. These critics point out, for instance, that the Antitrust Division has been relatively undisturbed by conglomerate mergers, the joining of firms in more or less unrelated businesses or in different geographical markets.

They were most vocal when the department refused to move against the Pure-Union Oil and Continental Oil-Consolidated

Current case

of ITT-ABC merger has deep overtones

Coal mergers. These mergers, said the critics, were typical of the type of merger which has accounted for nearly 70 per cent of all recent mergers and which gives the established giants opportunities to use their leverage to break into new markets. Professor Turner's response has been that antitrust



Prof. Donald Turner

law is primarily an instrument of economic policy designed to maintain competition and that in many cases the conglomerate merger has no anti-competitive consequences.

At present Washington antitrust observers are awaiting with great interest Prof. Turner's decision whether to block the ITT-ABC merger now winding its controversial path through the Federal Communications Commission.

This decision will not only test Prof. Turner's attitude toward conglomerate mergers but also has deep political overtones. There has been recent editorial criticism of the fact that seven of the men who would be officers of the merged corporation (the 20th largest in the country in terms of sales) are also contributors to the President's Club.

When asked whether present policies imply a general acceptance of the existing degree of economic concentration, Prof. Turner commented: "I would expect our strong policy against horizontal mergers to lead to at least some decline in concentration by protecting the de-concentrating effects of technological innovations and new entry. But I personally doubt that this would be enough to eliminate all serious problems. I still believe, as I did when Professor Kaysen and I wrote our book, that direct attack on the more critical situations would be necessary."

Visitor Prefers Discussion Format in Teaching

By Edward Hines

The Socratic method is not easily applicable to a subject as culturally and socially esoteric as "Islamic Law", explained Visiting Professor J. N. D. Anderson, on leave from the University of London.

Prof. Anderson noted that, whereas in London all his students were "reading law," his class at Harvard was composed of what he termed a "mixed bag," a combination of law students and graduate students interested in Oriental and Muslim culture and government.

This difference in class make-up, he said, was another reason why he prefers the seminar-discussion format to the Socratic. He said that the Socratic method was chiefly useful when applied to the study of cases, and that his course, of necessity, included much textual material.

'If They Haven't Learned by Now ...'

Furthermore, he feels that the Socratic method is an effective instrument in teaching students how to think legally, and since his course is taken only by 3L's and advanced students, the professor assumes that they already possess this ability. "If they haven't learned that by now, I don't think my efforts would help," he said.

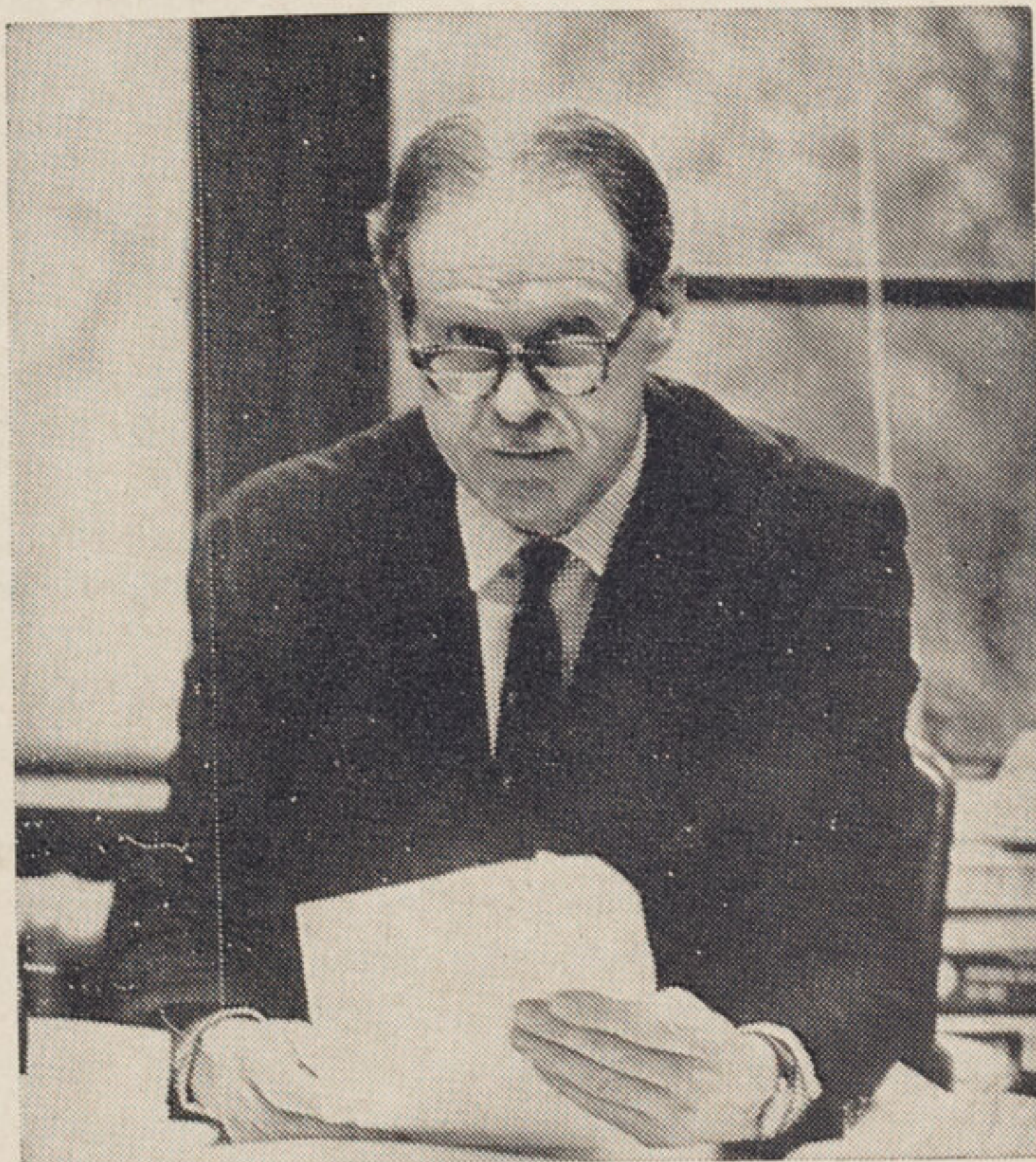
Prof. Anderson, who is teaching a Fall semester course in "Islamic Law" at the Law school, is on his eighth and most prolonged visit to the U.S. Since 1947, he has been teaching Law at London University. He is Dean of the Faculty of Law at London U., and Professor of Oriental Laws, and Director of the Institute of Advanced Legal Studies.

Prof. Anderson read Law at Cambridge, and taught it there during a year of post-graduate study. He then went abroad as a missionary for eight years, and afterwards spent six years with the Army. Leaving the Army in 1946, he returned to Cambridge before moving to London in 1947.

Approaches to Education Differ

Prof. Anderson said that he was enjoying his stay and that he found his students here "basically similar" to those at London. He noted the different approaches to legal education used in England and the U.S. In

England, he said, Law is a Faculty of the University rather than a separate professional school. One "reads" Law much as in an American University one might major in mathematics. For those who intend to practice law, professional examinations must also be taken after graduation.



Prof. J. N. D. Anderson

Prof. Anderson's course on "Islamic Law" centers on four main topics: 1) its sources and development, 2) its relevance today, 3) its main features, and 4) the reforms being introduced in most Muslim countries today. Besides the Near East, he said that Islamic Law is applied in such places as India, Pakistan, Malaysia, and Africa.

Its relevance in these countries, he said, is generally restricted to the areas of personal status and family law, although it is applied much more widely than this in the Arabian peninsula. Islamic Law is applied in many countries where Muslims are only a minority, he said. There are, according to the professor, four different orthodox schools of the Islamic Law and today there are significant variations of application even between countries following the same school.

One semester, Prof. Anderson feels, is just about enough to equip the student with an introductory view of the subject.

Gower Talks on African Legal Problems

By Edward Vogt

"African nations have a tendency to blame anything that goes wrong on anyone but themselves," explained Laurence C. B. Gower during this year's Holmes Lectures.

In the four talks on "Independent Africa: The Challenge to the Legal Profession," Prof. Gower, former Adviser on Legal Education in Nigeria, examined some of the pressing social and educational problems facing nations recently freed from British rule.

Impediment to Progress

Prof. Gower pointed to what he called the "Colonial neurosis" of free Africa as one emotional "legacy" that impedes their progress today.

"They are particularly sensitive to criticism not only from their former overlords — the British — but from any Western country, for they tend to lump them all together as Colonialists, neo-Colonialists or Imperialists." He concluded that the West would do well to keep this fact in mind when dealing with free Africa, so as to see any "hostility" in its proper context.

Moral Consequences

Aside from the "emotional consequences" of colonialism, there are equally serious moral ones. "Colonialism, like enemy occupation, tends to instill a contempt for the law and for the moral stan-

dards which it expresses. The Government is an alien one; to cheat it is a patriotic duty."

Such an attitude does not change automatically when independence is finally achieved. "It takes some time (as it did in Europe after the German occupa-



Prof. Laurence Gower

tion) for the idea to seep through that the Government is now 'ours' not 'theirs' and that the laws are of 'our' making and ought (morally) to be obeyed."

In his second lecture, Prof. Gower examined the attempts of the new African states to shape the British "inheritance" to specifically African needs. The educational situation in the new states is particularly disturbing. "The tragedy is

that the quality of the education is still, all too often, unworthy of the amount spent on it or of the passionate dedication."

At the same time, he observed, education is not equipping the citizens for the task of building a strong economic base. "The traditional view that the humanities, and especially the classics, are a better mental training than science or technology still lingers on, but the more recent foundations are striving to counteract it."

African education is also faced with the problem of maintaining academic freedom in the atmosphere of government pressure to use the university "for purposes of political patronage and influence."

Learning by Rote

Too often the teaching process itself is hobbled by "too much emphasis on learning by rote and too little on understanding and original thought." At the same time, teachers tend to emphasize foreign history and culture at the expense of African, although efforts are being made "to make the school curricula more relevant to African conditions."

Prof. Gower chose his third address to focus on the future of African liberties. "Although several of the new African nations have Bills of Rights, 'preventive

(Continued on Page 15)

Columbia Library Starts Crackdown

Columbia Law School has instituted a severe crackdown in order to curtail the disappearance of library books.

According to a recent edition of the *Columbia Law School News*, Dean William Warren has cancelled all after-hours library privileges and threatened to take disciplinary action against students not returning uncharged or overdue books.

Guardian of the Gate

Earlier, the school had hired a guard to patrol the the door of the library, but apparently this did not sufficiently stem the outflow of unchecked volumes.

As at Harvard, graduate students and members of such groups as the *Law Review* had been permitted to remain in the library after closing hours. Since these privileges have been abolished at Columbia, the locks on the library doors and the faculty elevator have been changed, according to the *News* story.

Student Complaint

Many of the students affected by the crackdown felt that they were being singled out undeservedly as prime suspects in the book mystery. A *Review* editor complained, "the people with privileges were not given a chance to participate in the discussions leading to the decision. In effect we were given no chance to be heard."

Events of Note

"\$50 Billion for What," an analysis of the Federal Welfare Program will be discussed by Dr. Ellen Winston, U.S. Commissioner of Welfare, Edward C. Banfield, professor of Urban government at Harvard and Daniel P. Moynihan, Director of the Center for Urban Studies.

John M. Ferren, the Director of Harvard's Neighborhood Law Office Program will act as moderator of the program sponsored by the Law School Forum. The discussion will take place on Dec. 9, at 8:30 p.m. in the Ames Courtroom.

Auditions for the 1967 Law School Show will be held on Dec. 11 at 2 p.m., and Dec. 12 and 13 at 7:30 p.m. in the Harkness Meeting Room. The Law School Drama Society invites all students interested in performing on-stage, playing in the orchestra or working back-stage, to attend.

* * *

Mr. Sergio Coelho will speak about current legal problems in Brazil at an informal "sherry seminar," sponsored by the International Law Club, today, 4 p.m., 141 Hastings. Interested students are invited to attend.

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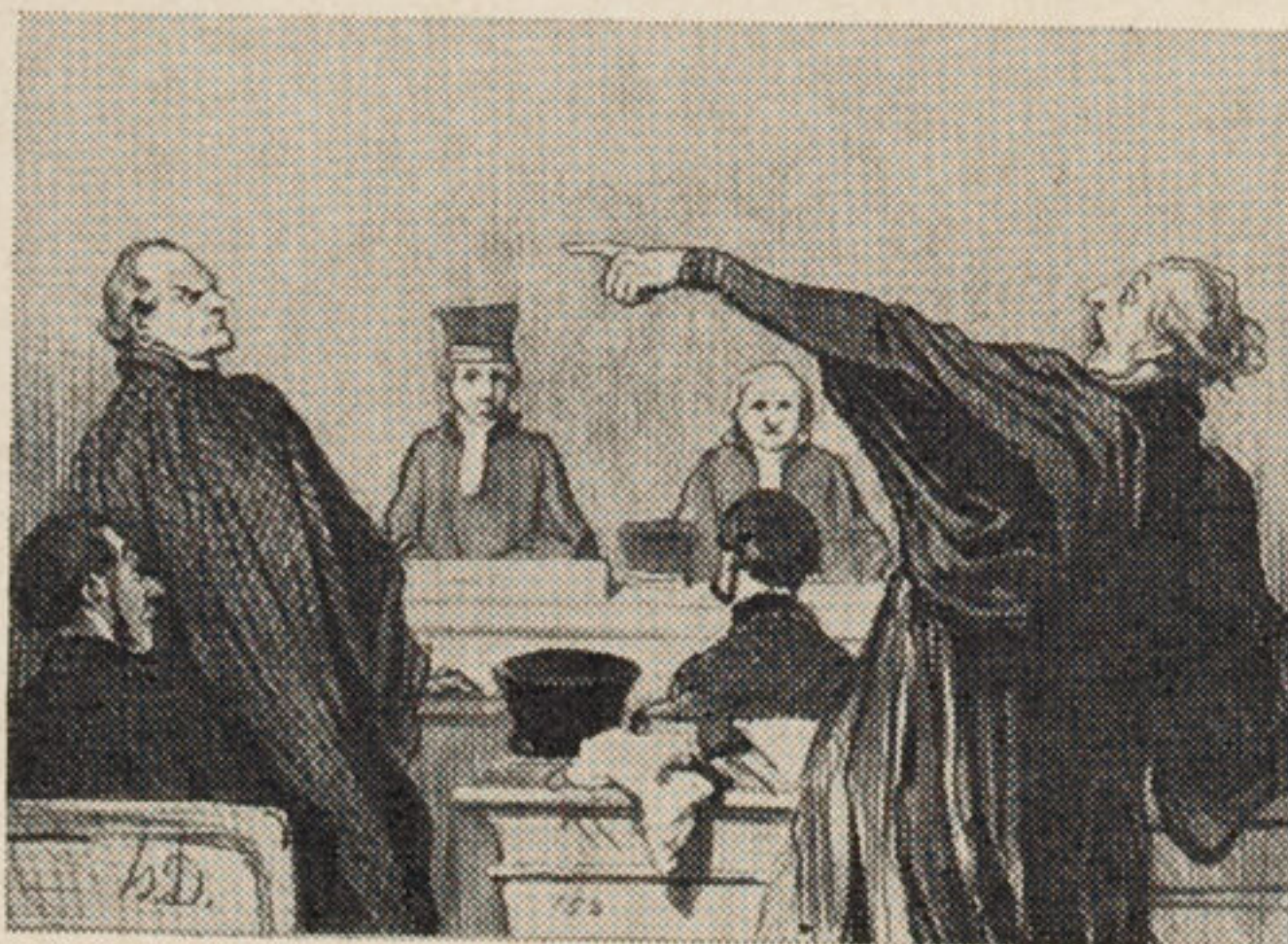
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Yale Default Dampens Footballers' Spirits

By Eugene Strassburger

Anticlimax is the keynote as the football season struggles to a close.

The high point of the year was to be the first annual classic between Harvard and Yale law schools. The game was the brainchild of Steve Imhoff, 3L, who broached the subject to friends at Yale.

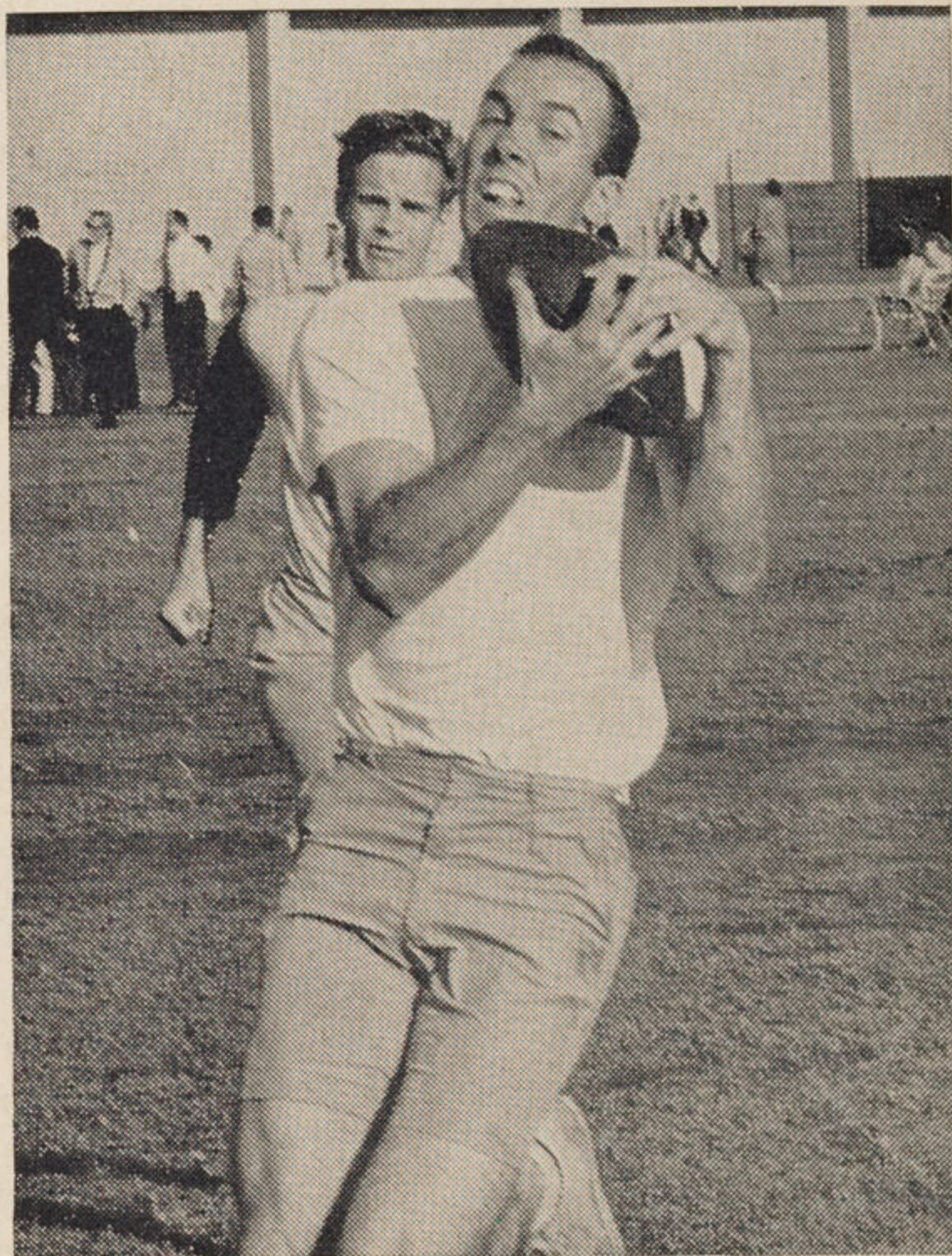
Typical of Yale idealism, the challenge was to a tackle football game; Harvard realism transformed it into a touch game. Determined, however, to avoid the ignominy cast upon most Yale squads during "The Weekend," Yale Law School chickened out.

The regular season also seems to be ending anticlimactically, as the A League cannot, or will not, complete its schedule. Play in this league was extremely competitive, producing an inordinate number of ties and games decided on the last play of the contest. The champion of this league will be the winner of the suspended contest between the Scrods and the Physically Impoverished.

The situation is greatly complicated by a play in which a Scrod intercepted a pass in the end zone, attempted to run it out, and

title with a thrilling come-from-behind victory over their closest competitors, the Assignators. The Scrods struck for two sudden fourth-quarter touchdowns to pull out the game, 18-12.

The class team of the C League was the Bearristers, sporting a 4-0-1 record. Held to



Football 'A' League Action

The official rule, which reads like an early loser in Williston, is little help

was tagged while moving forward but still in the end zone.

Is it a safety or a touchback? The official rule, which reads like an early loser in the Williston drafting competition, is little help.

Two Notre Dame grads playing for the Scrods have expressed eagerness for calling the game a tie and letting the polls determine number one.

No doubt exists in the B League. There the Scrod B team won sole possession of the

a tie in their first encounter, they went on to vanquish four straight opponents, walloping the second-place Blanks, 30-12.

A similar situation occurred in the D League where the champion Law Review, tied the opening week of the season, stormed back to take four in a row, averaging 30 points a game. The Law Review seemed incredulous at their success in this non-academic endeavor, and felt that the Dorm Council should perpetuate the memory of this unusual feat by awarding trophies to the league champions.

The surprise victor in the D League thus caps the odd season marked by a plethora of ties, innumerable disputes, an undertermined champion in the A League, and an abortive attempt at a game with Yale.

Another Berkeley?

Comments on the critical self-analysis that the Law School is currently experiencing indicate that neither the friends nor the foes of change actually understand what is going on.

With typical undergraduate enthusiasm, a recent issue of the *Harvard Crimson* featured headlines about the discontent that has "erupted" at the Law School. The story compared the plight to students here to the situation at Berkeley, and implied that the Law School suffers from an impersonal and reactionary Administration.

At the other end of the spectrum, Mr. Keenan in a letter appearing on the opposite page adopts the typical alumni approach. Students, he says, have no right or ability to say how their ever-increasing tuition dollar should be spent or how they are to be prepared for their professional careers. In essence, his cry is "my law school right or wrong."

Both of these views completely miss the point. The students here seek professional education, so that neither the disease nor the remedy of Berkeley is applicable here.

Furthermore, the Administration and the Faculty have long been receptive to any ideas that students might have — about their education or anything else, thus refuting the thesis that students have no contributions to make. The blame for any alleged deficiencies in the existing structure must rest, at least in part, on the apathy of the student body, not upon a demonstrated intransigence by the School itself.

Student concern, as manifested by the efforts of Messrs. Samuels and Schlesinger and many others, indicates that such indifference is no longer universal. These students should be congratulated for their thoughtful endeavors. We urge others to join them.

Harvard Law Record

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TONGUE 'N CHEEK

By Fenno

I was burning my law books under the World Tree when a friend came running up and screamed,

"Fenno, what are you doing!"

"I'm burning my law books."

"Why?"

"It's the alluring charm of the law."

"You love the law but are discouraged by the impersonality, the work load, the breakdown of communications at Harvard Law School — the seething unrest that threatens to break into a Berkeley any day now?"

"No, I like it here. It's the law. The law is calling me like the Sirens."

When Law Calls . . .

"Well then you've got the wrong idea, Fenno. You shouldn't be here, you should be up in the library trying to squeeze onto the *Law Review* next year."

"I feel the law calling me, calling me off to the land of sagging chins where people sit around all day construing tax regulations."

"There are other lands of the law for independent spirits."

"That would be even worse. In fact I like tax law best of all because it's so silly. It's not the substance but the procedure of the law that beckons with destructive charm. The constant balancing of factors on both sides, knowing that justice will never be achieved, only an expedient compromise. It's like trying to work a crossword puzzle for the rest of your life when you know from the start some petty deity made it up without an answer."

Creative Injection

"We ought to make law more creative, inject a human factor."

"Then we'd all be just super personnel directors, professional nice guys. It would be a dull pursuit. Quick, help me salvage my books. Perhaps it's better to have studied and lost than never to have studied at all."

Letters to the Editor of the RECORD

Problems of Legal Education Not for Students

To the Editor:

. . . May I record my dismay that "a modest beginning," to quote the title of your recent editorial, has been made by a "joint faculty-student committee to discuss the problems of legal education."

The theory, indeed the reason for existence, of a law school is that students know almost nothing about the solution of problems of a legal education. They come to law school because the school has a faculty which is expert at solving these problems. The operation of a law school is a continuing dialogue between all of the students and all of the faculty addressed to this solution. Classes and courses are nothing more than the mechanical means by which this dialogue is organized, and examinations are the means by which its immediate success is measured. Relegation of this dialogue to a "committee" is patently ridiculous.

Actually I have every confidence that this operation will not shrink to one of a "joint faculty-student committee." Taking into account the realities, however, I wonder what in Heaven's name this joint committee can discuss beyond parietal rules, the menu for lunch at Harkness and the scheduling of second and third year placement interviews.

Has the School's administration fallen on such evil days that it needs the advice of a "democratically" selected student committee to arrange such matters? More importantly, has the faculty left students with so little to do that they have time to worry about such details?

Whatever may be the sociological allergy that is spreading on the School's skin this blemish of

a "joint faculty-student committee," I hope it soon subsides and that all of you can get back right away to the distressing but rewarding work of learning and teaching law. I can't think of anything sillier than carefully selected, highly talented, but professionally ignorant young men taking the time and trouble to select delegates "democratically" to bicker and dicker with representatives of the most brilliant professional faculty in the United States concerning the "problems of legal education."

William Q. Keenan, '49
New York, N. Y.

RECORD Reader Comments Querulously

To the Editor:

So what ?

Beardsley Ruml III, '66
Chicago, Ill.

Ed. note: ?

It's in the
bag, Thomp-
kins Old Boy,
to win this
case the rail-
road would
have to over-
turn almost
100 years of
precedent.

Dean Also Created Body of H.L.S. Alumni

To the Editor:

Your article about Dean Griswold in the November 17th issue (Vol. 43, No. 7) omits, I venture to suggest, an extremely important accomplishment. It is true that during his tenure the School's endowment has quadrupled and student aid "increased 23 fold," but this is only the superficial financial result. The significant fact is that the cause of this result is the Dean's creation of a body of alumni who, because of him, have come to realize their indebtedness to the School and what it has meant, and continues to mean, to them professionally and as individuals. The prestige of the School, enhanced by his leadership, rubs off onto even the older graduates, who did not come under his influence as a teacher. More deeply,

(Continued on Page 16)



Honoraries Should be Opened to All,

(Continued from Page 1)

briefs, and drafting statutes.

Concomitant to reducing the importance of grades the committee's report urges the expansion of extracurricular activities. This would provide a "better balanced education, and provide alter-

natives to exams as a focus of effort and a means of evaluation."

First, the committee feels the Board of Student Advisers and Legal Aid should be completely opened up. Membership, they say, should be based on a genuine interest in helping the poor or

participating in oral advocacy, rather than purely on the applicant's rank in class. One means of selection, the report suggests, would be to have all interested students enter a competition, as is presently done, for example, in the Voluntary Defenders program.

The committee report urges that even *Law Review* membership should not be based exclusively on grades. The Yale practice of selecting ten students on the basis of writing ability is cited.

New 'Review'

The report suggests too that the Second Year Writing Program could be adopted to serve this selective process for the extra students.

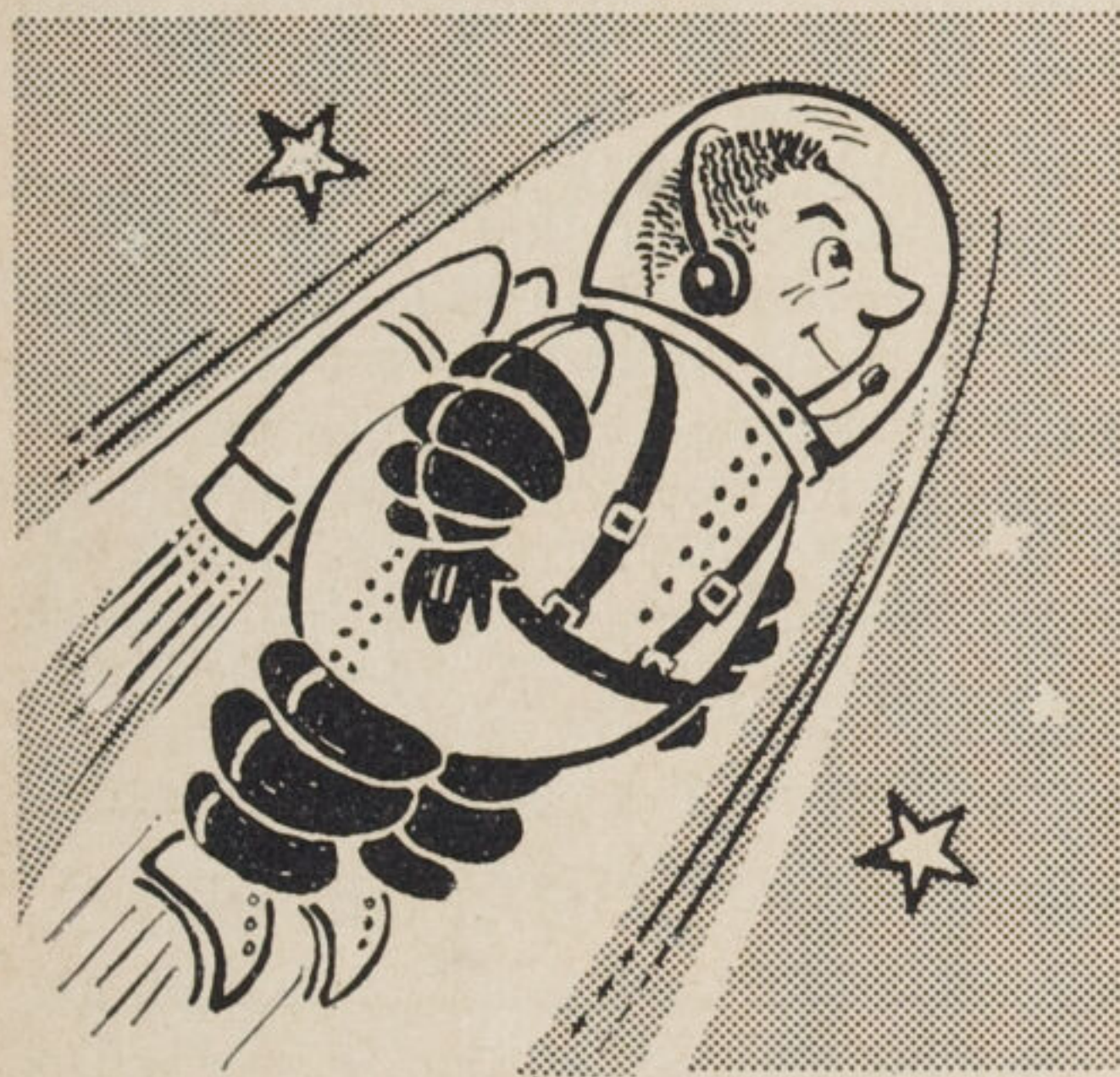
As another possibility to give more students *Review* experience a complementary journal to the present *Law Review* could be formed, the group proposes. This new *Review*, if it received the support of the administration, and could call on faculty members for major articles, would thus offer students another channel of satisfaction and reward outside that of grades.

More Writing Experience

The main change urged with respect to curriculum is to provide for more writing experience in the first and second years.

This could be accomplished in a variety of ways. Group work could be replaced by a half-year graded course concerned with writing briefs and legal essays.

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Student Group Suggests to Faculty

In the second year, the report urges, more courses should give grades based on written work than on exams. An optional course, akin to the present Second Year Writing Program, could be offered. Also urged is a complete abandonment of required courses in the second year, which, the reports states, "shuts off the possibilities for experimentation in new courses."

Cross-Registration

Cross-registration is presently allowed at the Law School to a limited degree. The committee urges that this be expanded and that more than the one non-law school course presently allowed be permitted.

After citing present programs that allow for earning both a master's degree and an LL.B. by an extra year of study in another field, the

committee urges that this program be expanded and more strongly emphasized. Other integrated programs in city planning, business, or economics are also suggested.

Expanded Counseling

To facilitate this practice of cross-registration and joint degrees, the report urges an expansion of counseling opportunities for second-year students. In any event a more durable system of counseling should be established to give the student a better perspective on ultimate job and career possibilities.

The number of smaller classes should also be expanded, the report says. It

is expected that the facilities in the proposed new Law School building will lend impetus to such classes.

The report also asks for several improvements in the operation of the Placement Office.

"Harvard must take a positive stand on discrimination in hiring practices," the report states. The Law School should refuse to allow biased firms to use the facilities of the Placement Office.

More Placement

Once Harvard has taken this stand, it should attempt to get other law schools to follow suit.

Expansion of placement facilities would allow for more placement of first and
(Continued on Page 16)

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Kinoy Attacks . . .

(Continued from Page 1)

burly sergeants-at-arms. He is a professor of law at Rutgers.

"I went before HUAC on the assurance that it would be a small, one day affair," he said, "but subsequent information revealed that HUAC had worked out a nationwide schedule of hearings designed to place a stamp of disloyalty, a stamp of treason, a stamp of Unamericanism upon the active critics of the war in Viet Nam." In the wave of hysteria which would follow, "the committee plan was to shove through the 'Pool Bill' — a bill which made it illegal to breathe . . .," he quipped.

Historic Case Appealed

So Kinoy and his colleagues had a strategy meeting. "We were frightened. We were worried," he said. "It was the nightmare experience." There were two choices to be made. "We could play the defensive role, and then be there to pick up the pieces when the committee brushed aside the objections."

Instead, he reported, "We discussed a different route, a different way of defending." It came from the Court, allowing the equity power against activities creating "a chilling effect on the exercise of First Amendment rights by all citizens." Kinoy and his colleagues decided there was "an affirmative responsibility to strike at the institution itself which is creating the chilling effect."

Several days before his appearance and disappearance before the committee, Kinoy joined other counsel in persuading a federal district judge to enjoin HUAC from meeting. Although the temporary injunction was lifted, the historic case is still on appeal.

Issue Not Foreclosed

The suit for the injunction was an "up hill argument," he said. The judge began the initial session saying, "Mr. Kinoy, what are you here for at all?"

But six hours later the judge rendered his decision: "I am constrained to find that the question is not a foreclosed issue." He not only certified a three judge panel, he also issued an order temporarily restraining HUAC from meeting.

"The rest is history," concluded Kinoy.

Recent Book

Full Dress Inquiry into Salad Oil Swindle

The Great Salad Oil Swindle.

By Norman C. Miller.
Baltimore: Penguin
Books. 1966. 256 pages.

By John Spitzer

Like murder and sex, fraud is another one of the enduring pursuits of mankind that continues to fascinate us.

Our hero, Tino de Angelis, whose "series of chins gobbled up his fat neck," conceived in 1958 of the brilliantly simple plan of getting loans against the security of phantom salad oil (or more properly soybean oil, as the Wish-Bone people had not yet gotten ahold of it).

He scraped together enough money from previous swindles to form Allied Corporation through which he bought a number of rusty oil tanks in Bayonne, N. J., scoured them up a bit, ran a vertical pipe up the center underneath the sampling hole on top of the tank (welding shut other sampling holes), and he was in business: the center pipe was filled with precious salad oil, the rest of the tank with seawater or what chemists

were later able to analyze as only "sludge."

Once a month a meticulous American Express Co. representative would climb up on top of the tanks, drop a plumb bob type arrangement through hole and down to the bottom of the inner pipe and draw up what appeared to be a representative sample of the entire tank.

Winter Aids Plan

Tino soon realized that the American Express people were so preoccupied with counting profits from the warehouse receipts issued to Allied that he didn't bother to put inner pipes in a lot of the tanks. Many were half filled with water which was explained to other not-too-exacting inspectors as coming from "broken steam pipes." Soybean oil also solidifies in the winter, further helping to advance the swindle. And then all the tanks were connected by a spaghetti-like tangle of inter-connecting pipes which allowed Tino to merrily siphon oil from one tank to another as the inspector paced his usual rounds.

Tino's legitimate business deals kept falling through from incompetence, bad luck or evil people in the Department of Agriculture (Tino's view of the

state of affairs). Subsidiary swindles were soon underway. Allied leased 41 tanks to Harbor Tank, Inc. — 23 belonged to oil companies, 7 were unfit for use, one didn't exist, and 10 were legitimate.

Substandard Cans Buckle

Substandard tin cans were used to ship a large order from the government as part of the "Food for Peace" program. A minor diplomatic crisis ensued when the cans buckled in Bombay and the "warehouses were awash with rancid salad oil."

Things began to look grim for Allied but Tino kept up a "wondrous air of innocence amidst the ruins." With almost no oil available at Bayonne to fulfill hoped-for contracts abroad (even though Allied's books showed more salad oil on hand than the Department of Agriculture could account for in the country), Tino began a frenzied buying spree in the futures market for salad oil.

No Margin Requirements

This was easy, since there is no margin requirement for buying soybean oil futures! In a comparatively short period of time, Tino acquired 79 per cent of all the soybean futures — a holding so vast that a half cent

(Continued on Page 14)

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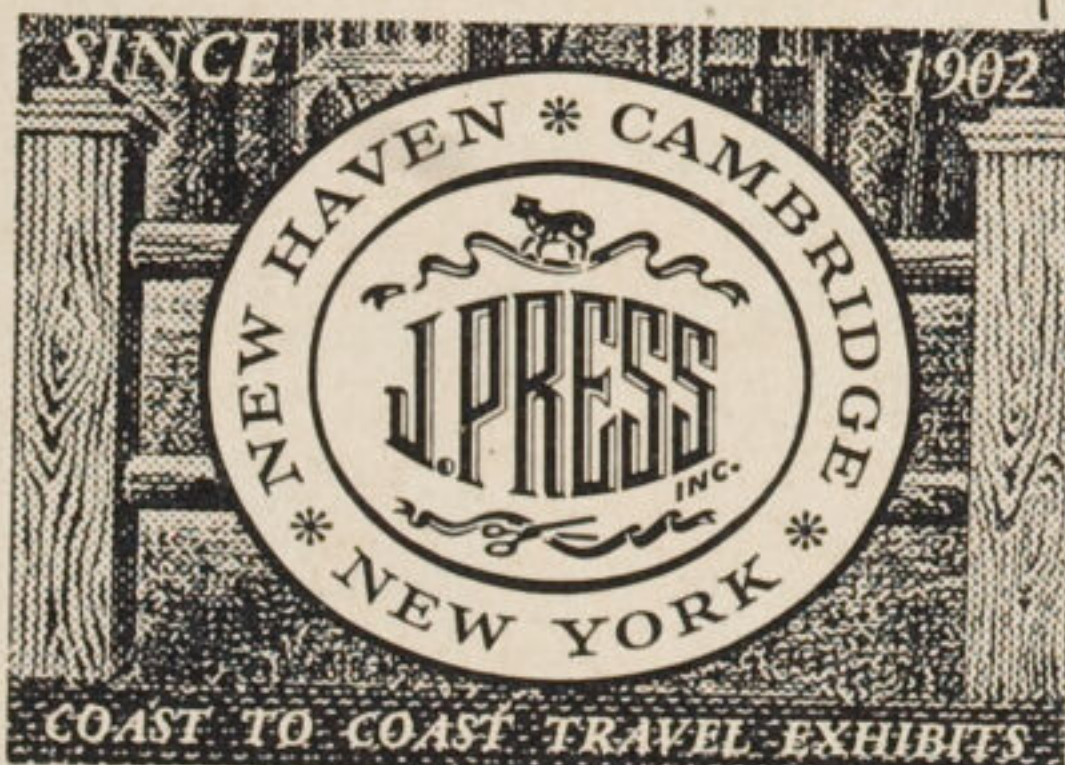
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Review . . .

(Continued from Page 13)

price drop would bring a call of \$10 million from his brokers.

As all good things must come to an end, the bottom fell out of the futures market, the brokers made huge loans to Tino in the belief that they were secured by the salad oil at Bayonne, but were caught with their pants down when their security turned out to be seawater.

Litigation Continues

Tino was ready to throw in the towel by 1963 and hastily filed a petition for voluntary bankruptcy which was promptly rejected by the New Jersey district court on the grounds that it was too messy — a timely lesson for Ames contestants. The "penumbras and emanations" from the swindle are still being litigated, but in all it appears that well over \$200 million was lost by various banks and brokers in the course of the swindle.

As for our hero, a \$46 million bail was set after his arrest. He couldn't meet it and so went to jail. After pleading guilty to a reduced charge of fraud, Tino was sentenced to a conditional term of 10 years in the penitentiary, with the proviso that he would be released if psychiatrists studying him found that he never had criminal "intent" to defraud. The judge was apparently as confused about Tino as everybody else.

Don't Cut Comm. Trans.

It seems incredible to this reviewer that so many people on Wall Street were fooled by Tino for so long since there were indications all along that strange things were going on at Bayonne. Some of it was stupidity, some was greed, but most of it was a lack of understanding about simple finance principles by both Tino and the bankers — all going to show that if you're going to make your living in either world, it doesn't pay to cut commercial transactions.

'Bill of Rights' Diminished, Not Eliminated

(Continued from Page 5)

detention' of citizens has become common." Such detention occurs when military coups, assassinations and other severe social convulsions put too much strain on the "Rule of Law" as embodied in the Africans' Bills of Rights. Even the British "did not succeed in ruling most of these countries without preventative detention, and the new rulers cannot feel themselves any more secure."

Minority Problems

Yet the value of a Bill of Rights is only diminished under such circumstances, not completely eliminated. "[I]n countries which have serious minority problems, they are rightly regarded as an essential element in the

protection of these minorities." Moreover, "their mere presence exercises a restraining influence."

New Law Libraries

For his final lecture, Prof. Gower turned to examine free Africa's legal profession and to suggest ways in which Britain and the United States could be of service.

He pointed with pride to the progress that had been made in the building of new law libraries, but warned that the legal profession in Africa is still seriously deficient in training and in allocating its lawyers. Added to this are the problems of inadequate staffing and overdependence on the British legal system, though some

borrowing from other systems is increasing.

More serious problems arise in deciding upon an appropriate "model" of lawyer to suit African needs. "Can a profession operating for private gain and with relatively high expectations of financial reward really meet this challenge (of Africa's poverty)?" he asked.

America Can Help

Prof. Gower suggested that America might contribute to African legal development through American foundations, through training Africans for teaching law upon returning to their countries, and by sending experienced law teachers to Africa.

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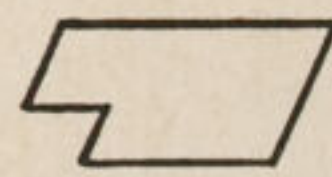
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Letters

(Continued from Page 9)

this growing body assures the future of the School for generations to come—surely one of his major contributions.

Perhaps the Dean has not mastered the art of small talk—(and that may be for small people), but he has certainly mastered the art of great talk, a more essential attribute of a Harvard deanship. And if he eats only half a meal at one dinner, is not the significant factor not what he takes, but what he gives to those at the dinners. . . .

It may well be, in view of his impending 66th year, that the best thing for the Law School would be a movement now to "Keep Dean Griswold". I, for one, am convinced.

Eugene Blanc, Jr., '27
New York, N. Y.

Students Suggest . . .

(Continued from Page 11)

second year students. The committee feels that first year students who spend the summer working in a law firm or a civil rights program return to law school with a more positive attitude towards the law.

Tap Student Ideas

The report applauds the formation of the Student-Faculty Committee, and suggests several methods for this committee to tap student ideas. The main suggestion is for the committee to hold open forums to debate pre-selected topics. Student groups and indi-

viduals would be invited to present ideas for improvements in these areas of interest.

Once problem areas have been marked out, the Student - Faculty Committee could appoint student subcommittees who could investigate these areas thoroughly, and report to the Student-Faculty Committee.

The report also calls for the creation of a permanent student committee to act as a channel of communication for student ideas, and act as a spur for innovation and evaluation and give students a continuous voice in law school affairs.

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