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Harvard Law Record

America's Oldest Law School Newspaper

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CAMBRIDGE, MASS., FEBRUARY 2, 1967

FIFTEEN CENTS

DLI Under Study

Faculty Okay Reading Period

By John D. TePaske

The "latest model" Harvard Law School Curriculum features a pre-exam reading period for freshmen and may include innovations in DLI and the course requirements in the second year.

For the past few years, the weekly course load for freshmen had been tapered-off from late April until exams begin in June. Three-hour courses were reduced to two hours, providing additional time for review and giving official warning of the pending exams.

No Fewer Classes

Professor Derek C. Bok, chairman of the Continuing Committee on Legal Education, explained that the new one-week reading period for first-year students will not reduce the total number of class hours in the semester. "Although the details have not yet been finally worked out," he said, "the committee reached the conclusion that the most meaningful way to

rearrange course hours was not to cut down slightly, but rather to allow one solid block of time for a week."

Explaining why the inno-



Prof. Derek Bok

vation was limited to the first year, Prof. Bok mentioned two considerations. Administratively, it was much more feasible for the

(Continued on Page 15)

Group Studies Bias in Hiring

As a direct result of an article published in the Dec. 1 issue of the RECORD, the Massachusetts Commission Against Discrimination (MCAD) decided last Friday to investigate the possibility of religious discrimination in the course of getting a job through the Law School Placement Office.

Probably No Legal Action

Eleanor Appel, director of the Placement Office, said Monday that "it's good we'll have an objective investigation." Dean Erwin Griswold said earlier to the *Crimson* that "We will welcome an investigation. It is, and always has been our policy not to discriminate and I think we can be proud of our record in this area."

The Commission decided to take action after Henry Spitz, of the New York Commission on Human Rights,

(Continued on Page 14)

Byse Takes Stock of Student-Faculty Group

By John TePaske

"As I see it, this is not an 'action' committee," Dean Erwin N. Griswold wrote in his letters of appointment to the members of the Joint Student-Faculty Committee. "Its function will be to exchange views, and to report."

The Law School Forum held just before Christmas vacation and the "Memorandum to the Faculty and Students of the Harvard Law School" issued by Committee Chairman Professor Clark Byse have recently publicized the efforts of the committee, as well as law school reform in general.

Illegitimate Birth

"Our first concern," Prof. Byse reports, "is the committee itself: its reason for being, its method of selection, and its tenure." He forecasts selection of new student members on more "widely publicized and acceptable principles" than the initial procedure of appointment by the Dean — called an "illegitimate birth" by some of the committee's critics. If present discussions demonstrate a continuing need for such a committee, he says, the change in membership probably will take place sometime in the spring.

John T. Connor, Jr., 3L, speaking at the Forum program, favored giving the students some part in changes in the curriculum and atmosphere of the school. Using the anonymity of large classes as an example, he said that "very many students like things the way they are."

Major Policy Concerns

Grades and curriculum, and the related factor of "atmosphere among the students," were the major policy concerns of both the committee and the Forum discussion.

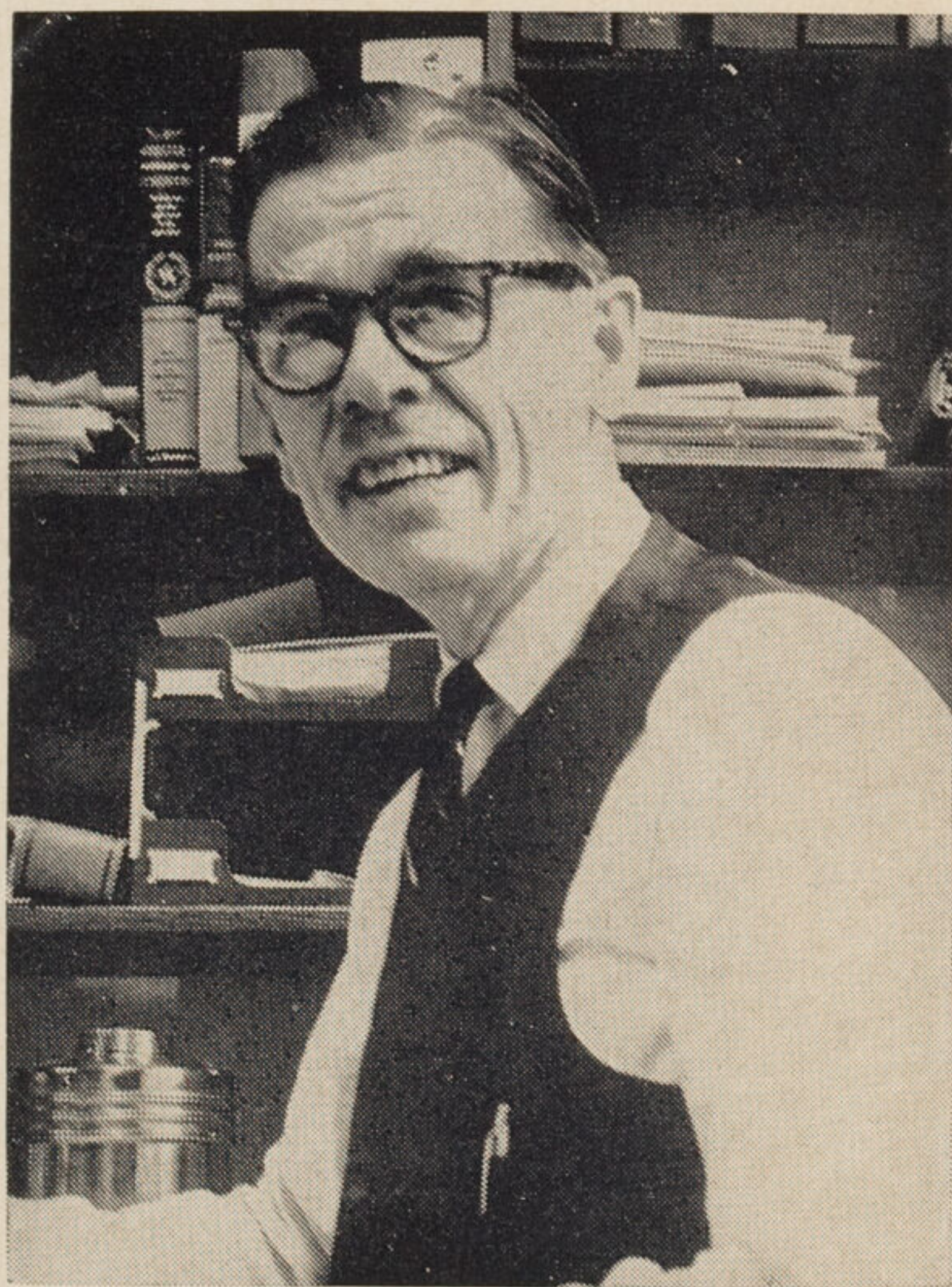
On the widely discussed marking system, the report states that something "really needs to be done," but that "much of the problem with the grading system is due to the students themselves . . . mainly the atmosphere among the students." The unfortunate aspects of this "atmosphere" according to the memorandum, are the apartness of the **Law Review** and the unwillingness of students to rely on other status channels or "to realize faculty help (or even friendship) that is often available . . ."

A number of more specific complaints have been communicated to the Committee and are listed in the memorandum:

- The bell curve should be abandoned to allow more A's and B's.
- It is just unfair to ask people to take their 66 average to an employer for a job.
- Harvard college graduates about 70 per cent cum laude.
- There should be more ways to get on the **Law Review**.

"I'd Continue the Grading System"

Professor A. James Casner, speaking at the Forum, gave some support to the grading system. "I would like to continue the grad-



Prof. Clark Byse

ing system so that the student will know the value the professor has placed on his work," he said. "I'm not concerned with the widespread publishing of it."

Countering criticism of the numerical

(Continued on Page 13)

Foreigners Restless over Air Agreements

"The interplay of pressure and politics in negotiations with foreign countries" causes most of the problems in International Aviation said former State Department Deputy Legal Adviser Andreas Lowenfeld to the International Law Club last week.

Speaking to a group of sixty students, the 1965 Harvard Law School graduate indicated that our superior bargaining position in the negotiation of air agreements has caused other countries to complain that they are not being allowed to negotiate "on the fifty-yard line." The result of this, said Mr. Lowenfeld, is that "other countries are getting restless".

Maximum Freedom

The problem faced by the United States, he indicated, is how to maintain a traditional policy of maximum freedom for its international and domestic airlines and at the same time conform to the terms of international air agreements. The political considerations that are sometimes overlooked in giving concessions to foreign airlines and the later compromises that must be made to correct these oversights have been so obvious that "some foreign airlines are now beginning to figure out how we operate," he said.

The two major International Agreements on International Aviation intended to regulate the area have been inadequate in many sit-

uations. The first, the International Air Transport Association (IATA), began as an agreement among international carriers to establish air fares. It has been called a "cartel" and a trade association.

The second is the Bermuda Agreement, "a masterpiece of ambiguity," an attempt by the United States and Great Britain to



Mr. Andreas Lowenfeld

exchange air routes and formulate guidelines of frequency and capacity in International Aviation.

While the agreement has carried U. S. international aviation along for over twenty years, Mr. Lowen-

feld said that he could not "call it an unqualified success."

Even when the United States does give concessions, he said, there may be problems in implementing them. Often United States negotiators do not consider the effect of their international agreements on domestic air travel. Japanese airlines, for example, wanted rights to fly from Tokyo to Europe by way of San Francisco and New York. But Pan American, a U. S. carrier, did not have across-country flying rights.

In order to grant the concession to Japan, there had to be an equal concession given to Pan American by the U. S. government.

Again, in 1964, Italian airlines wanted to make direct flights from Italy to Mexico City instead of by way of New York. But since Eastern Airlines operates between New York and Mexico City, giving the Italians the requested flying

'The Agreement at Bermuda has not proven to be a total success'

rights would have infringed on Eastern's rights. The only way out of the running dispute that developed was arbitration, and, after los-

(Continued on Page 16)

Mrs. Erna Welti

Mrs. Erna G. Welti, secretary of the RECORD for the past several years, died on January 22 after a brief illness. A memorial service was held for her last Thursday at the Waterman Chapel.

She will be greatly missed by the RECORD staff, explained Business Manager William Schwarz, since she was always helpful around the office in overseeing the daily operations and in helping new staff members learn their jobs.

Mrs. Welti was born in Switzerland, and came to the United States in 1935 with her husband. Mr. Welti died several years ago. She is survived by a sister, two daughters, a son and a number of grandchildren.

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Events of Note

Edward Heath will deliver the Godkin Lectures on Feb. 7, 8 and 9, at 8 p.m., in Sanders Theater. The general topic will be "Old World, New Horizons." Mr. Heath is head of the Conservative Party in Great Britain. Admission is free.

* * * *

Students on financial aid should check the list of general scholarships appearing on pages 148-157 of the *Law School Catalogue* to see if they are eligible to apply for any of the awards mentioned. Application forms may be obtained in Dean William Bruce's office. They should be filed with him not later than Feb. 20.

* * * *

Ralph Nader, '58, and Sanford Greenberg, who was a first-year student at the law school last year and is presently a White House Fellow, have been chosen among the "Ten Outstanding Young Men of 1966" by the U. S. Junior Chamber of Commerce.

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John TePaske was named Managing Editor of the RECORD. Mr. TePaske, who was News Editor last semester, is a graduate of Grinnell College. John Harris was chosen to be Photo Editor for the spring semester.

Students Find Jobs With ABA Help

A project designed to help students find full-time employment in law firms and other legal positions upon admission to the bar, was recently announced by the American Bar Association's Lawyer Placement Information Service.

Enrollment in the project is made through a four-page resume form which is available from the Placement Service office in the American Bar Center in Chicago, as well as at individual law schools. Photo-copies of the resume are sent to employers who are registered with the Service. The employers then contact the students directly.

A service charge of \$10 is charged, and the referrals continue throughout the 1966-67 school year unless a student orders them stopped.

"We expect this pilot project to demonstrate the need for national placement assistance not only for law students but for lawyers who wish to employ them as well," explained John Bracken, the head of the Lawyer Placement Information Service Committee of the A. B. A.

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Prof. Profile:

Visitor Maintains Close Student Contact

By Edward W. Vogt

"Well, you know, my methods of teaching here are not really so very different from those I use in England," remarked Gareth H. Jones, visiting professor from Cambridge, England.

"In England," he continued, "I used prepared materials to illuminate the fundamental problems; here, I use the case."

At the Law School, Professor Jones teaches Trusts, though at various times in his career he has also taught Legal History, Restitution, and Taxation.

'I Shut Up as Much as I Can'

Speaking quietly and with a dry humor, Prof. Jones described his version of the Socratic method: "I try to shut up as much as I can." His background, however, shows that he is eminently qualified to speak.

Born in Wales in 1930, Prof. Jones was educated at the universities of London and Cambridge, where he took his undergraduate degree in law. He taught at Oxford and at London before returning to the University of Cambridge in 1961 as Lecturer in Law.

He is no stranger to the Law School, having taken his LL.M. at Harvard in 1954. "People here are not only eager to talk, but talk intelligently," he remarked. "The quickness of the students is truly one of the pleasures of teaching — which tends to be an exhilarating-depressing experience."

Not Unapproachable

Nor is Prof. Jones unfamiliar with problems of student-faculty communication, since he has served as a "tutor-counselor" at the University of Cambridge. He views the recent efforts here toward increased student-faculty dialogue as "entirely a step in the right direction." "It will help to dispel the myth that Harvard Law School professors are unapproachable."

Prof. Jones himself makes every effort to be available to students. He announced in class earlier this year that his door was always open, and added later with mock earnestness that "this is only to be understood by way of analogy."

Though his classes at the Law School are

far larger than the tutorial groups of the University of Cambridge, Prof. Jones strives to maintain close contact with the students in class. "I try to establish some intimacy of discussion," he said, "and hope to know at least 60 or 70 students by name so that I needn't always refer to the chart — that hinders discussion."

Despite his frequent traveling and his classroom responsibilities, Prof. Jones has found time to continue research in his spe-



Prof. Gareth H. Jones

cialties. He has published a treatise on restitution, with Robert Goff, and at present is completing work on a history of charitable trusts. In the near future, he hopes to add a book dealing with problems of fiduciary duty.

At the close of this year, Prof. Jones will take his wife and his three "rapidly becoming Americanized" children to California. Next fall he will return to the University of Cambridge.

'Chinese Unrest Caused by Mao's

By John Spitzer

Mao Tse-tung's forces may not have control over the police in China, suggested Professor Jerome A. Cohen, teacher of Chinese Law, in a RECORD interview last week.

He pointed to a letter entitled "Urgent Notice" (published Jan. 9 in several Chinese newspapers) written by the Shanghai Workers' Revolutionary Rebel

that use of the word "enjoin" and the tone of the final paragraphs in the letter implied that Maoist forces were unsure if the mandates were currently being enforced by the police or likely to be enforced in the future.

Prof. Cohen emphasized Mao's renewed reliance on "revolutionary justice," which means that Maoist police would try offenders summarily, often by-passing

alty, patriotism, desire to further the common good.

The real issue behind the violence in China, suggests Prof. Cohen, is that Mao thinks that he can transform human nature so that man will be motivated in the future by the non-material incentives of Communism (the "Cultural Revolution"), while the Liu Shao-chi forces believe that it may be increasingly necessary in China to motivate man by making some accommodation to his "baser" instinct of love for property. "They think that the people are tired of working for distant truths they cannot eat," continued the articulate professor.

Prof. Cohen continually interjected during the interview that "there isn't a responsible person who really knows what's going on in China. We simply haven't got the information. Some observers feel that maybe there is less of a struggle

Of all things in the world, people are the most precious. As long as there are people, every kind of miracle can be performed under the leadership of the Communist Party. We believe that revolution can change everything and that before long there will arise a new China with a big population and a great wealth of products, where life will be abundant and culture will flourish. All pessimistic views are utterly groundless. . . .

Mao Tse-tung in 1949

General Headquarters and 31 other "rebel" organizations. The letter declares that "Economism and material incentives are outright counter-revolutionary revisionist wares. The masses of revolutionary people who are armed with Mao Tse-tung's thought firmly reject such rubbish." Prof. Cohen stated that the letter appears to make it a crime to support the bonuses and economic incentives advocated by the Liu Shao-chi faction.

The letter went on to "enjoin" the police to enforce the Maoist views against suspected violators. The Chinese law expert hinted

the formal court system. Very recently one of Mao's earliest statements about the need to create terror in order to accomplish revolutionary goals has received considerable attention. As Mao said in 1926, "Proper limits have to be exceeded in order to right a wrong."

The "wrong" which Mao sees, according to Prof. Cohen, is a recent tendency of the workers and peasants to become "soft" in preferring the "decadent counter-revolutionary bourgeois ideals" of owning property and material comfort instead of Marxist-Leninist non-material incentives: loy-

**'Some think people
are tired of working
for distant truths
they cannot eat'**

going on in China than American newspapers make out; they believe that Mao may be trying to create a

Attempt to Transform Human Nature'

revolutionary experience in the people again and is in no real danger of being overthrown. There are others, including myself, who think from the information available that the situation in China is very serious."

"The experts have been proven wrong about China before," he continued as he leaned back in his chair at the East Asian Research Center. "Most of us thought that there was a coherence of leadership in China, that China would not have to go through the struggle that ensued in Russia after Stalin's death.

Many of the leaders were together on the Long March and have been close associates for many years. The severity of the current disruption took most of us by surprise."

The professor was able to trace some indications of discord in the past. In 1954 Mao purged Kao Kang because he was "too close to the Russians," and also because Kao treated his realm of northeastern Manchuria as an "independent kingdom." In 1959 Mao purged Peng Teh-huai, Defense Minister, because Peng wanted to develop an elite army using

highly-trained officers and the most advanced weapons, while Mao wanted to rely more on a popular force based broadly on the masses and a rural strategy based on his pre-1949 experiences.

'There isn't a responsible person who really knows what's going on in China'

Economic crises plagued China from 1959 to 1961, and in 1961 strict Communist practices were relaxed so that peasants could own private plots of land and sell produce in the "free market."

By 1963, Mao became convinced that such capitalist tendencies were going too far and he instituted a massive propaganda campaign to reinstill the "pure" ideals of Communism among party leaders and state agencies. This "socialist education" campaign led to the Great Proletarian Cultural Revolution of early 1966, and by December, Mao decided that this was not going far enough, so he extended the campaign to the workers and peasants. Prof. Cohen suggested that it was this straw that "broke the camel's back" and touched off the current conflict.



Prof. Jerome Cohen

the wrong time

It is regrettable that the Massachusetts Commission Against Discrimination has chosen this moment to begin an investigation of hiring bias by law firms interviewing under the auspices of the Law School's Placement Office. (See Story, Page 1)

The observations of the Placement Office Director, to say nothing of the views expressed on the opposite page by a Wall Street lawyer, indicate that members of certain minority groups do not stand on an equal footing with their white Anglo-Saxon Protestant counterparts in the eyes of many law firm employers.

The Placement Office for many years has warned law firms that hiring discrimination violates state law, but that office is certainly too over-burdened and understaffed to make this warning more than an empty formality. Although the Administration has been derelict in implementing its equal opportunity principles, some of the fault must also lie with the students who complain in private about discriminatory treatment, but lack the courage to take the case to appropriate Law School officials.

The situation is changing. The Dormitory Council and many students via petition have urged that the Administration give its attention to the problem. The Student-Faculty Committee has also begun to investigate the matter.

The Law School, at last, appears ready, willing and able to study and remedy hiring discrimination. The bias is subtle and complex; the appropriate remedies are many and probably should vary greatly from case to case. Under these circumstances, the Law School should first be given an opportunity to clean its own house, before the cumbersome machinery of a governmental body is brought in.

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TONGUE 'N CHEEK

By Fenno

I walked in late to my Tax Aspects of Reorganizing Bankrupt Loan Companies seminar and caught sight of my friend lounging in a chair off to the side out of sight of the professor glancing through the early poems of W. H. Auden.

"This is the toughest course in the school," I whispered as I slumped down beside him. "What do you think you're doing? Don't you know we're covering spring-back interest deduction this afternoon?"

"I've been reading these reform papers on the Law School," he replied in earnest undertones. "And I've decided that the pros shouldn't make us try so hard."

"You can't quit now," I gasped. "Why only last fall you were reading every law review article on sequestered debentures that you could get your hands on."

"You've got the wrong guy, Fenno. I'm not going to fool around with that stuff anymore. From now on I'm going to relax, get a little fun out of life. That's what this Reform is all about. No more of all that dog-eat-dog competition with all the rest of the people in the class!"

"Shhh," I warned. "He'll hear us. No more all-nighters grinding out bleary-eyed wisdom?"

"As for wisdom, I've been sleeping with the tax regulations under my pillow at night. Leaves more time for bridge. Want to play after dinner, Fenno? Or go flick out at the Brattle?"

"No thanks. I've got to start thinking about Spring exams. I only turned in a fair performance on the midyears."

"So did I."

"Aren't you concerned?"

"Not really. They don't seem so important to me anymore. And besides I think I've learned a little more about myself."

HARVARD LAW RECORD

Letters to the Editor of the RECORD

Religious Bias Not Substantial in Job Offers

To the Editor:

I am inclined to discredit any suggestion that the Director in charge of the Placement Office is not competent to fill that position. Nor do I believe that religious bias plays any substantial role in the rejection of a Jewish applicant for employment in a New York law office.

The employer is looking for a man with partnership potential, who will grow up, develop, and attract business,—the essential qualifications for a partner. The employer may believe that the Jewish applicant is essentially an individualist, who wishes to run his own show. This means that the employee will stay with his employers until he is ready to open up his own shop, and if possible take with him some clients of the firm. The employer may also fear that the Jewish law clerk will chafe under the discipline which

prevails in a large law office, and that he may antagonize clients of the firm who are skeptical in regard to the ethical standards prevalent among Jewish lawyers.

I do not say that these beliefs on the part of the employer or clients are well founded. I say that the existence of these beliefs, however erroneous, is the basis for the rejection of Jewish applicants, rather than religion.

The partners in a large New York law office are highly sophisticated. They are interested in the growth and welfare of their firm. Their decisions are the result of the exercise of business judgment. Their decisions may be wrong, and their judgment may be poor, but this does not alter the fact that they are influenced by business considerations and not by religious bias.

Peyton Randolph Harris, '15.
New York, N.Y.

(Ed. Note: See story, Page 1 and editorial.)

Two-Part Proposal For New Grading System

To the Editor:

I invite discussion of a proposed two-part change in the Law School final examination system:

- (1) a new grading scale: (a) "fail" (b) "pass"—the student has demonstrated a professional level of competence by Harvard Law School standards (c) "distinguished"—the student has demonstrated outstanding achievement. (Aid to selection of honoraries).
- (2) the return of examination papers with professors' comments.

It is my hope that if professors are relieved of the task of making fine numerical distinctions between students' papers, they will be able

(Continued on Page 10)

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Letters to the Editor of the RECORD

(Continued from Page 9)

to give more time to writing critical rejoinders to students' answers. The returned examination booklet would then be an outstanding teaching device and an invaluable aid in preparing for future bar exams not to mention later Law School examinations.

Murray S. Levin

Ed. Note: The author of this letter has completed two years at the Law School and is spending his third year in the Graduate School of Arts & Sciences as part of a four year Law and M.A. program.

'I Won't Do This Unless You Hold My Hand'

To the Editor:

The present outcry for "reform," it seems to us, seriously misinterprets the function of the Law School Faculty and the Law School as an institution. The role of the faculty is to teach the academic essentials which one must learn to be a lawyer, and, in our opinion at least, it does this extraordinarily well. Its role is not to nursemaid students into activities which students can do at least as well, if not better, by themselves.

Abdication of Responsibility

For example, it seems simply silly to require a busy faculty to concern itself either with the evaluation of presently extra-curricular activities or with more

"individual attention" to students. There are few questions which demand personal faculty attention; most can be more rewardingly thrashed out with fellow students. In any event, faculty members are generally available to students who take the initiative to approach them. Likewise, in spite of the demand for more "practical" experience, how many students have availed themselves of the present opportunities? How many have ever visited a Massachusetts court, or initiated their own writing or research project? To say to the faculty, "I know I should do this, but I won't unless you hold my hand," is a complete abdication of a student's responsibility for his self-education, a process for which a student should be training himself now.

It is no answer to say that such activities take up "too much time" from present requirements. That argument rests on the erroneous premise that these extra activities

are destructive of studies. They are not. They are complementary. One who tries will discover that some hours spent NOT reading an assigned case for the seventh time may make the seventh reading unnecessary.

Students Overemphasize Grades

Besides, those who most grossly overemphasize grades are students, who set up elaborate caste systems based on them, far beyond the dreams of the most arrogant employer. The employer, if he wishes, is entitled to faculty evaluations of students, which, for what they measure, seem on the average accurate. The answer is not the abolition of the present system, but a greater awareness among students of the objectives and limitations of the grading system. Also perhaps, a slightly greater sense of humor.

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Recent Book

Portrait of a Social Reformer in Action

Louis Nizer. *The Jury Returns*, New York, Doubleday, 1966, 438 pp. \$6.95

By Bardin Levavy

After two years of reading casebooks and their rather impersonal if otherwise fascinating accounts of legal mechanics, one turns to Louis Nizer's new book with the gratitude of one who first tastes freedom after a period of confinement. The experience is fun but the merits of the book are open to some question.

Four Trials

The book consists of four cases, each of which to one's surprise, Mr. Nizer won. These cases are of rather uneven length and interest, beginning with the criminal case of Paul Crump, a Chicago murderer, and continuing with an anonymous divorce case, in which Mr. Nizer's ingenuity overcame "one of the greatest judicial scandals in American history," (p. 146) a case in

which the government harassed Roy Fruehauf, and, finally, the John Henry Faulk libel case.

After reading these four cases, one asks himself, "What's the point?" Two answers present themselves at once. The first is that Mr. Nizer was in a particularly self-congratulatory mood when composing. This answer is scarcely implausible, as understatement is not a very strong point of the author's style. The most striking example of Mr. Nizer's self-effacement appears when, referring to the affidavits and other written evidence of the Crump appeal, he modestly notes that, "... they lay silently on the judge's bench, until summation when I intended to bring them to pulsating oral life."

Primary Objective

This reader feels, however, that this motivation must be branded secondary to the "real" purpose of the book, a purpose unsure in conception and clumsy in execution, but nonetheless a primary objective. Louis Nizer is a social reformer.

For example, as he summed up the Crump case, Mr. Nizer constructed a dipartite speech. The first part consisted of an appeal

for the freedom of Paul Crump. The second was a fully-detailed description of the electrocution which awaited Crump were Nizer's appeal unsuccessful. The two elements were intermingled in layer cake fashion, enabling Mr. Nizer to achieve maximum effect through the insertion of the second at those points at which the first was about to climax.

Shock Technique

These sudden intrusions served as shocks which enabled the Illinois commissioners in charge of recommending pardons to the governor to remain aware of their alternatives.

A similar technique permeates the structure of the book. At many stages of his story, Nizer interrupts the narrative detail and interjects the Louis Nizer evaluation of what's wrong with American penology, divorce laws, government, or right-wing organizations. Thus, as events progress on a factual level, they are abstracted to the theoretical level in what amounts to a legal allegory, a modern day *Pilgrim's Progress*.

I do not criticize this technique. I admire it. Rehabilitation *should* be the grounds for pardon. Divorce *should* be made easier. But

(Continued on Page 16)

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Harvard Offers Lawyers' Courses in Hawaii

Surf, sun, and lectures by Harvard Law Professors await members of the bar who enroll in the Law School's "Program of Instruction for Lawyers," a series of courses and talks to be held next July in Honolulu.

The two-week program will precede the annual American Bar Association

meeting, also to be on the island paradise. The courses will be given at the University of Hawaii.

The Law School reports that 150 lawyers have already registered, a pace well ahead of previous years. Most of those registering plan to bring their wives, according to the Law School, and many plan to remain for

the ABA meetings which begin on July 17.

With cries of "hang five" and "wipe out" doubtless echoing in the background, the professors will lecture on current legal problems in such areas as antitrust, constitutional law, and international legal problems. Each course will run for ninety minutes, six days each week. The first classes begin at 8:40 a.m. and the latest ends at 1:15.

Participating professors include Phillip Areeda, Louis Loss, Robert Braucher, Archibald Cox, Paul A. Freund, Milton Katz, Robert Keeton, David R. Herwitz, A. James Casner, and Detlev F. Vagts.

Detailed information about the program and housing arrangements may be obtained by writing Dean William Bruce, assistant director of the Program, at the Law School.



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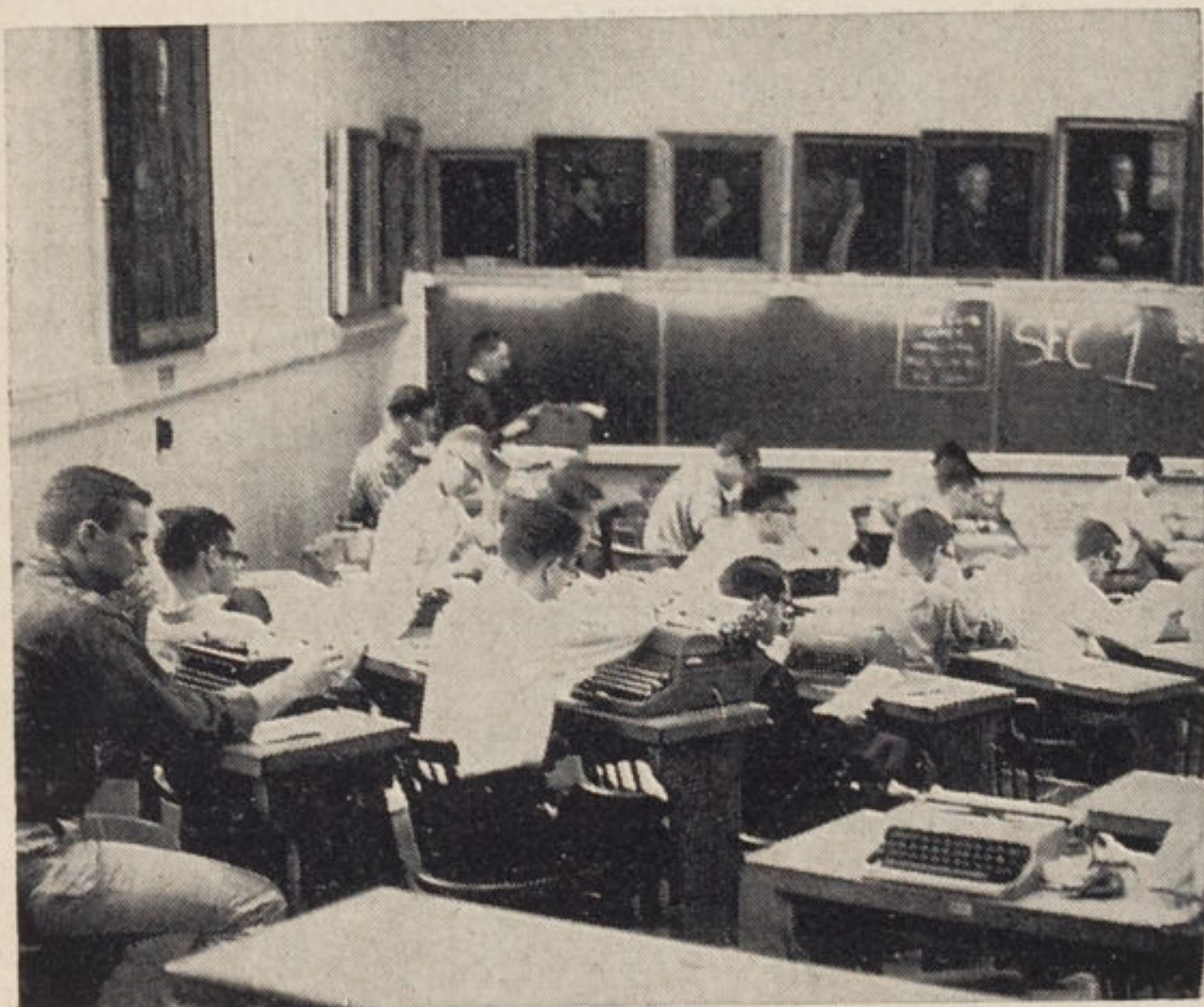
Byse Takes Stock of Committee . . .

(Continued from Page 2)

grading system, Professor John P. Dawson claimed that he could "defend and explain, within a grade point or two, the difference between a 70 and a 72." There are identifiable reasons for giving a particular grade, he said, and switching to a different system of grading would not make much difference.

Not Many Average Students

One student at the Forum, in an extended comment from the floor, proposed an A, B, and C grading system since "obviously when



Exams and grading came in for sharp criticism.

you take the cream of the crop, you don't find many average students." When hiring time came, he said, if firms wanted writers they could go to the **Review** and Williston, if they wanted speakers — to Legal Aid and

Ames, and if they wanted someone to advise students — then to the Board of Student Advisers.

Although most of one meeting of the Faculty-Student Committee was devoted to a discussion of the curriculum, particularly the required second-year courses, few concrete conclusions were reached.

The memorandum also indicates that required courses in the second year were not favored by the student members of the Committee.

Problem of Class Attendance

In an addendum to Prof. Byse's memorandum, one faculty member brought up "the problems of student attendance at and participation in classes." Referring to this area in which "student leaders might find some ways of taking responsibility for the overall atmosphere," the letter continued:

"It seems quite clear to me that Law School classes have deteriorated rather markedly in three respects: (a) attendance is down. (b) the back rows are usually filled and many front seats empty. (c) the level of preparedness has fallen.

"Under our method of instruction," the letter concluded, "the quality of legal education depends in high degree upon the extent, vigor, and perceptiveness of the classroom discussions."

Copies of the report by Prof. Byse have been placed in the Library and the Root Room, as well as in the receptionist's lobby in Langdell Hall, so that interested students may read it in its entirety.

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Discrimination . . .

(Continued from Page 1)

forwarded them the RECORD article. Walter H. Nolan, executive secretary of MCAD, explained that he could not talk about how the investigation would be conducted because of the well-known administrative law rule against *ex parte* communications. But he added that any action would probably be made by recommendation, doubting "very, very much" that legal action would be instituted.

The MCAD would also be hindered in taking any action against the Law School because of a "standing" problem. Henry Spitz, who asked that an investigation be made, has not suffered a "legal wrong" in being discriminated against.

At H.L.S. Only 1 or 2 Days

Lloyd Randolph, a field representative for MCAD, suggested in an interview earlier this week that the jurisdiction of the Commission would extend to a Massachusetts law firm employing more than six persons, but would not extend to out-of-state firms hiring through the Placement Office.

Randolph hinted that investigations usually begin "about a week" after the Commission has decided to take action. Nolan added that a field representative would be at the Law School "only one or two days."

Meanwhile, efforts are being continued inside the Law School to see if there is a problem of discrimination at the Placement Office, and if there is, what to do about it. A special subcommittee of the Student-Faculty Committee, composed of Professor John P. Dawson and Keith Roberts, 2L, is making a study and will submit proposals to the parent body soon.

No Quota System

Field Representative Randolph stressed that MCAD does not insist that every employer have a certain "quota" of Jewish or Negro employees. In making an investigation (with the aid of subpoenas over company records if necessary), the Commission attempts to decide if an employer is hiring primarily on the basis of qualifications, training, ability to do the job. "We are not a prosecuting agency," he clarified. "We are always trying our utmost to be fair to everyone."

First-Year Reading Period Approved by Faculty

(Continued from Page 1)

1L's since their class load had already been tapered. In the second and third year, the volume of material precludes reducing total class hours, and problems of scheduling and classroom space make other alternatives impractical at this time.

Student Idea

As the second consideration, Prof. Bok asserted that there was not as much demand for a reading period for the upperclassmen. Exam time pressure is not as great, he said.

The idea of a reading period came "ultimately from the students," he remarked. "The faculty felt

their sentiments both from talks with individual students and from the RECORD poll of a year ago." That survey showed that 85 per cent, 261 of 307 students polled, favored a reading period.

Also, when the matter was raised at a meeting of the Joint Student-Faculty Committee, he said, "it received virtually unanimous approval."

The process of change involves more than just a committee decision, Prof. Bok said. In general, after discussing proposals and examining data from other schools, the committee works out a solution and writes a report of its recommendations which is submitted to

the faculty. A faculty vote then determines whether the recommendation will be put into effect.

Broad and Narrow

For changes of rather narrow scope, like the new reading period, the process is quite simple and straight forward. For more complex and far-reaching problems, however, Prof. Bok said an attempt must be made to cover all phases and to get some consensus among the faculty.

For these complex proposals, the committee first issues a temporary report which is not submitted to a faculty vote. Instead, time is allowed for conferences, luncheons, and informal talks. Then, after "adapting, amending, changing, and sharpening-up," a final report is submitted to the faculty for the ultimate decision.

DLI Delay

The future status of DLI and the possibility of relaxed course requirements for second year students, Prof. Bok said, are presently in the tentative-report, consensus-gathering stage.

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Air Treaties . . .

(Continued from Page 3)

ing, the Italians denounced the agreement.

Aside from the problem of encouraging Russian airlines to enter IATA (which they might denounce as an "association of Capitalists"), the most recent problem in International Aviation, according to Mr. Lowenfeld, is the competition between the scheduled international airlines "regulated" by IATA and Bermuda, and non-scheduled carriers not covered by any agreement. These non-scheduled airlines tend to undercut established IATA fares.

The suggested solution, according to Mr. Lowenfeld, is the negotiation of non-scheduled Charter Agreements. But the United States carriers have expressed opposition to such a plan and, so far, have been successful in preventing it.

Current Article

Presently a Fellow of the Institute of Politics at the John F. Kennedy School of Government, Mr. Lowenfeld was Chairman of the U. S. Delegation to the 1966 Montreal Conference. He is co-author, with Allan I. Mendelsohn, of "The United States and the Warsaw Convention" in the January, 1967, issue of the **Harvard Law Review**.

Review

(Continued from Page 11)

objection must be recorded upon the ground that these insertions are too frequent and too rambling; that they too often amount to digressions; that they are not always relevant and that they interfere with the "action" (in the Aristotelian sense) of the book.

As a whole, the book is good reading before going to bed, on trains, or in other leisure moments. The stories are good, the narration is adequate, and the issues are interesting. If Mr. Nizer is the only character who leaps from the page (and frequently clutches the reader by the throat), he is far from the only interesting character in the book.

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