

Grades Discussion Scheduled for Tuesday

Various aspects of the grading system at the Law School will be discussed this Tuesday at 7:30 p.m. at an open meeting of the Student-Faculty Committee in Austin North.

Students who desire to be heard are encouraged to prepare written copies of their thoughts in advance and submit them to Professor Clark Byse, chairman of the committee. Students who do so will be the first called on at the meeting, although the floor will be opened up to other comments from the audience as well.

The purpose of these written comments, according to Robert Mnookin, 2L, a member of the committee, is to provide a permanent written record of the meeting. In addition, he said, written comments tend to be compact, and are more greatly focused on the particular issue than are extemporaneous remarks. The comment will not be subject to censorship.



Gannett House:
Should the doors be opened?

nation of ranking; c. giving a higher proportion of grades in the A and B range?

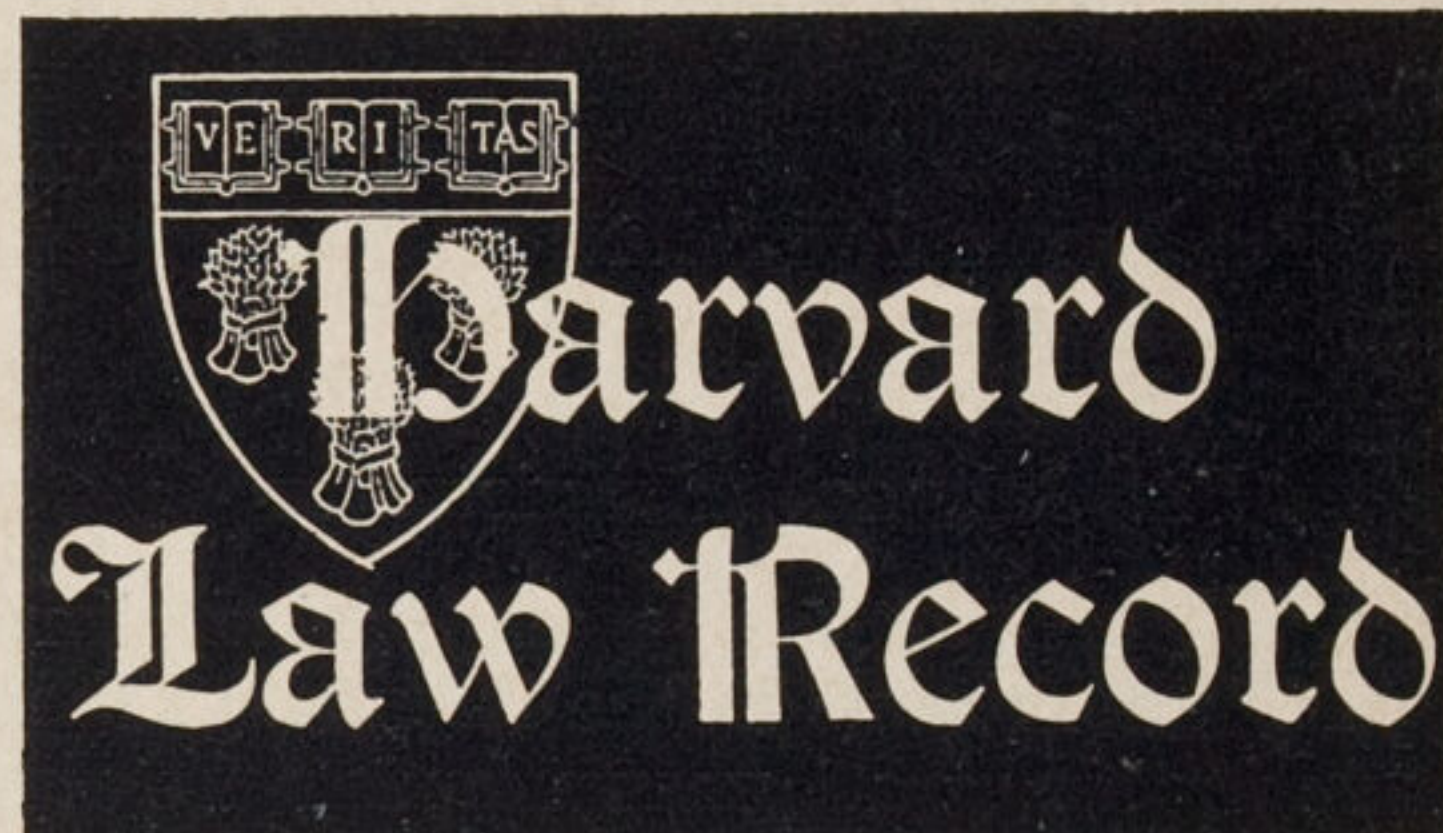
2. Should factors other than performance on an examination enter into the determination of a grade, for example, class participation or written work?

3. How should grades affect placement procedures?

4. Should membership on the *Law Review*, the Board of Student Advisers, or the Legal Aid Bureau be determined wholly or

partly on some basis other than grades?

A member of the committee will start off the discussion of each question by discussing some of the alternatives proposed, and the problems raised by these suggestions. The floor will then be opened to statements and questions from the audience.



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FIFTEEN CENTS

CAMBRIDGE, MASS.

FEB. 9, 1967

Bruce Explains Rules About Missing Exams

By John Spitzer

If you are mildly sick or incapacitated during exam period, the Law School has a rebuttable presumption that you still ought to take your exams, explained William L. Bruce, Secretary of the Law School, in response to some student misunderstanding in this area.

"I urge students in the infirmary to take the exam if they can," stated the soft-spoken administrator. "But it's really a medical question. If the doctor says the illness is mild, then the student probably ought to take the exam. If the doctor says the student is not in condition to take an exam at the present time, that settles the question. An exam is sometimes delayed for medical reasons, but generally never more than 24 hours."

"Incidentally," he continued, "I've found in general that people who take exams under

(Continued on Page 2)

Few Lose Credit

No Make-Up Examinations are Scheduled

(Continued from Page 1)

these circumstances do at least as well on that particular exam as they do on their other exams under normal conditions. In fact, many who take an exam in the infirmary score higher on that one than on the others they wrote." It is important for anyone with a medical problem to see the doctor before the exam.

I'm Only an Administrator

During the January exam period, three persons wrote exams in the infirmary; there are usually about this many during the June exam period as well, according to Dean Bruce.

If a student misses an exam, there is a strict Faculty policy that in the Law School no make-up tests are to be given. "I cannot weigh the factors in this decision," he stated. "I only administer the policy."

But a missed exam does not necessarily mean that the student will lose credit for the course. The student's petition for credit goes to the Administrative Board (Dean Erwin N. Griswold, Vice-Dean Joseph E. Leininger, and the chairmen of the 1st, 2nd, and 3rd year classes), who decide if the student should get credit (with no grade), no credit (picking up an extra course at a later time), or be permitted to take the course and exam over again the next year.

Petitions Pending

Sec. Bruce commented that it is rare for the Board to allow a student to take the course over again, but that it is "likely" he will be given credit for the course even though he did not take the exam. Credit will generally be given if the student had a bona fide excuse for missing the exam (i.e. serious illness as verified by the attending doctor or serious illness in the immediate family), if he was attending the course regularly, and if he was well-prepared in class.

In January, two students missed exams; Their petitions are still pending.

Another dilemma that frequently is presented to Dean Bruce is that of the student who has stayed up all night studying for an exam and then reports the next morning that he is too groggy to take it. Sometimes (but



Secretary William Bruce

not always) Dean Bruce will usher such a student over to the infirmary, let him sleep for 12 hours, then give him the exam when he wakes up, after first allowing the student to eat breakfast and limber up his senses a bit.

What happens if you stay up all night, take the exam anyway, but turn in a miserable performance because you were too sleepy to think straight? You're stuck with your folly.

"It is important to remember in this whole area, however," concluded Dean Bruce, "that to soften the effect of hardship cases, the Law School allows a student to fail one and a half courses a year, providing he maintains a 59 overall average and does not fail more than two and a half courses during his career at the Law School."

Several Positions on Legal Aid Opened to All

Volunteers in the Legal Aid Bureau's summer program will be eligible for election to full membership in the fall. Summer positions will be available to both first and second year students.

The volunteers will hold two office hours each week during the summer to interview clients, and will do as much research as is needed in the evenings or over the week-ends to assure clients of professional services. No salary will be paid to participants.

Eight Chosen

According to Davis Robinson, president of the Bureau, the general membership decided that "Those summer volunteers whose performance and interest merited selection would continue to participate in Bureau activities as full permanent members." Out of the quota of twenty volunteers perhaps eight or nine will be named permanently to the Bureau.

At present, membership is based solely on academic rank.

Prior Program

A summer program has been held in previous years by the group, without any recognition to participants. As a result, said Mr. Robinson, the optimum number of 20 students was last obtained in 1964. Membership in the summer program since then fell to 12 in 1965 and to 10 last year.

"Volunteers in the past have been non-member students who had completed their second year at the Law School and who had summer jobs in the Boston area," Mr. Robinson explained. "Employers, especially law firms, have kindly been willing to allow their summer people to give two hours of their regular office time each week to our summer program, without any loss in salary."

The participant may set his office hours at any time the Bureau is open for interviews, from 1-5 p.m., Monday-Friday. The program runs from July 4 to the end of August.

Until last year, students accepted to the summer program were required to have a minimum average, which was fairly low and included more than the top half of the class. Last year, this re-

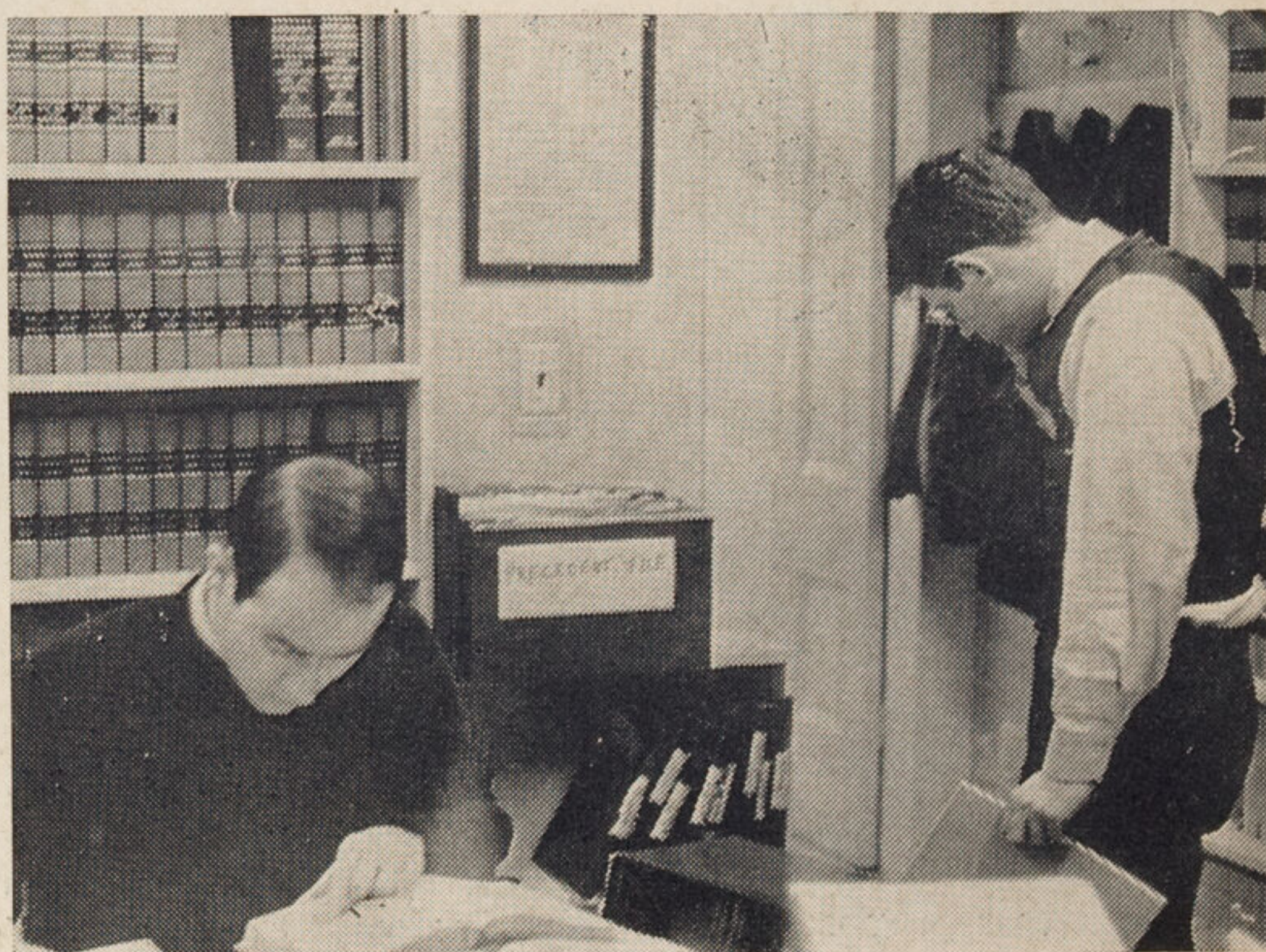
quirement was abolished altogether.

Inadequate Orientation

One of the problems in the past has been the lack of adequate orientation for participants, since they were not chosen until approximately May 15, just before final exams. Mr. Robinson hopes to remedy that this year by having selections made by the end of March, which will permit a fairly extensive orientation period.

The exact application procedures have not yet been worked out. Letters will probably be sent to all the members of the first and second year classes informing them of the program. The letter will ask for a resume, and probably also an essay on why the applicant desires to enter the program.

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Members of the Bureau at work.

McCloskey Says:

Supreme Court Sounds 'Lame' Retreat

By J. David Gernant

When the Supreme Court allowed the concededly malapportioned General Assembly of the State of Georgia to elect Georgia's governor, it sounded a call of retreat from the logic of *Baker v. Carr* and *Gray v. Sanders*.

This was the thrust of Harvard Government Professor Robert G. McCloskey's remarks to the Dawson Club last week concerning the decision in December of *Fortson v. Morris* (87 S.Ct. 446). In *Gray v. Sanders*, the Court struck down the county unit system for electing the Georgia General Assembly. Now, in *Fortson v. Morris*, the Court has refused to apply the same principle to the election of the state's governor.

Assertive, Not Argumentative

Professor McCloskey viewed the new case as one offering the Court a choice between following the logic of the sweeping principles asserted in the apportionment cases since *Baker v. Carr*, and taking a "common sense" approach as it might more easily have done "in the old days." Retreat from *Baker v. Carr* was now the order of the Court, discretion the victor over logic.

The dissenters, especially in the "powerful" opinion of Mr. Justice Fortas, thought Prof. McCloskey, clearly won the logical argument. Thus, the majority opinion was not so much argumentative as "assertive," and, he thought, "rather lame."

'Nice Irony'

The "nice irony" the professor found was that it was Mr. Justice Black — the "absolutist" who had always been the first to "take a premise and run with it to its logical destination" — who sounded the call. It was he who wrote for the majority that Georgia was free to elect its governor in the same undemocratic way that it had 150 years ago. And it was this proposition that Mr. Justice Fortas explicitly rejected; he called the de-

cision a "startling reversal" of the recent cases.

Unanswerable Questions

But whether the new decision represents a full-scale strategic withdrawal from the ground gained in the recent apportionment cases, or only a tactical retreat was a question Prof. McCloskey found unanswerable. Unanswerable, because the answer lies locked in the breast of one man — the "enig-



Prof. Robert McCloskey

matic" Mr. Justice Black. The aging justice holds the key, and he is not yet yielding it up. Until he does, said Prof. McCloskey, "only a damn fool" would predict whether *Fortson v. Morris* augurs well or ill for the future of *Gray v. Sanders* and *Baker v. Carr*.

Byse Attacks 'Summary Dismissal' of Clark Kerr, Applauds Him for Defense of Academic Freedom

By John TePaske

"The summary dismissal of Dr. Clark Kerr has profoundly shocked the academic community. . . . If the action was politically motivated, as has been charged, then public higher education in California is in imminent danger."

These statements in an official news release of the American Association of University Professors (AAUP) show some measure of the concern which the dismissal of Dr. Kerr has caused in academic circles.

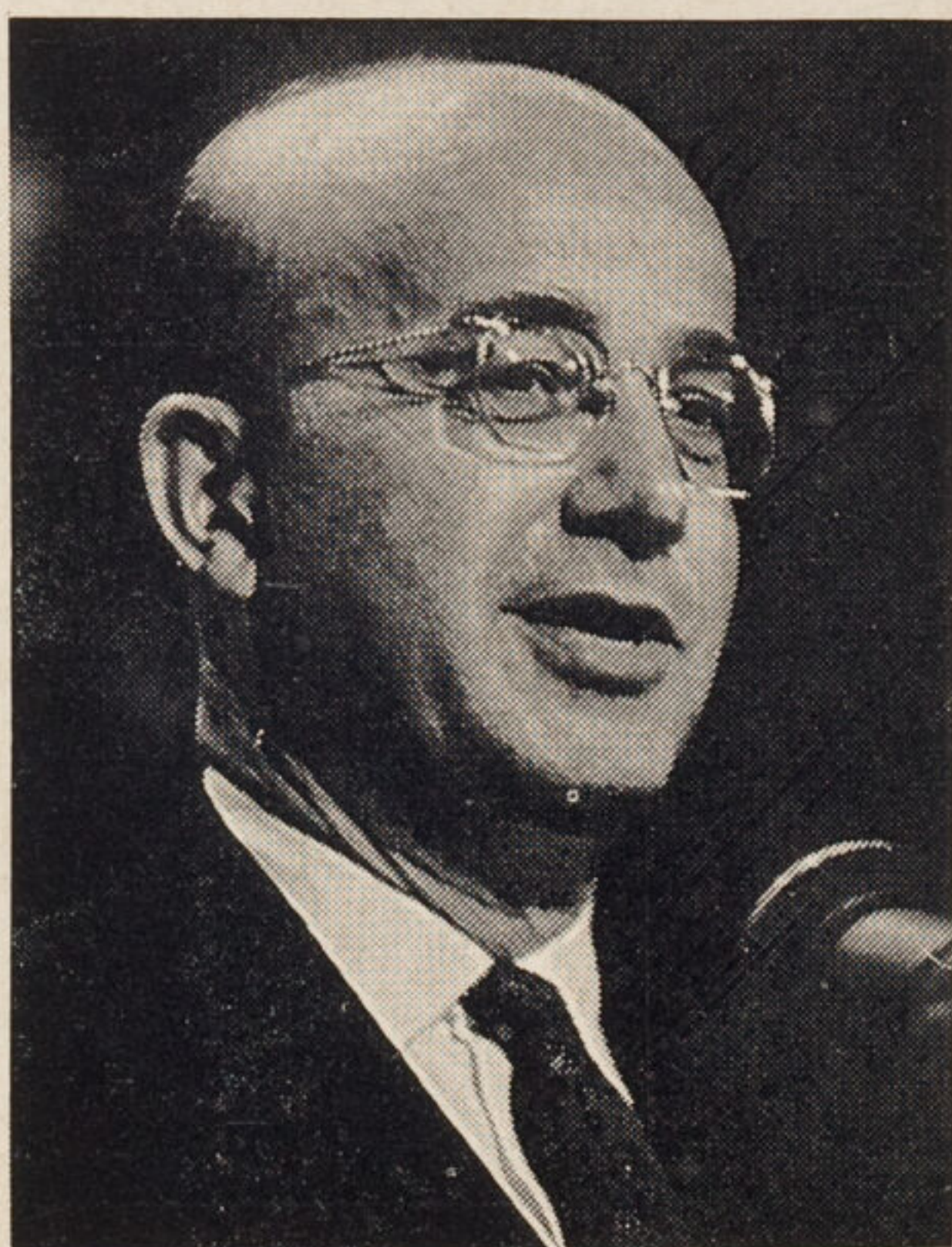
"Usually college presidents are able to take care of themselves," Professor Clark Byse, President of the AAUP, told the RECORD last week, "but several unique factors prompted an official reaction in this case: Governor Reagan made the Uni-

versity an issue in the campaign, the summary removal did not include a statement of the fine job Dr. Kerr had done, and an unusual reduction in the university budget is planned."

The release, issued by Prof. Byse and William Fidler, the General Secretary of the AAUP, reflects the view of the 80,000 member organization.

Repair the Damage

Besides expressing shock at the dismissal, the statement praises Dr. Kerr and his defense of academic freedom, and it urges "that immediate steps be taken by the university faculty members, the Board of Regents, and other friends of higher education in California to repair the damage which has been done."



Dr.
Clark
Kerr

An official AAUP publication states that "The association in recent years has assumed growing responsibility . . . in examining the relationship between government and higher education." And Prof. Byse added, "The AAUP does not recognize state boundaries. To the extent we can help California keep its outstanding record in higher education, we shall try. What harms one segment harms us all," he continued, "but the ones harmed most will be the students."

Fan Letters

Prof. Byse has received a number of "fan" letters commenting on the stand taken by the AAUP. A minister from Iowa said that he felt less concern for Dr. Kerr than he did for a truck driver in his church who had recently been fired from his job. At least, the minister said, Dr. Kerr had received a large salary, while the truck driver had no savings to tide him over a period of joblessness.

"A disgusted mother" from California wrote a six page epic that covered everything from her family history, to religion, to juvenile delinquents in taking issue with the AAUP stand.

After applauding a reduced budget, one California taxpayer suggested that the association use its influence to bring the U.S. back "to

(Continued on Page 14)

Selective Service Examinations To Be Administered in March

Applications for the Selective Service Exam must be postmarked not later than Feb. 10, according to William Bruce, Secretary of the Law School. The test will be administered on Mar. 11 and 31, as well as on Apr. 8.

Students who apply for the exam should list Harvard as their first choice for test cen-

Legal Aid . . .

(Continued from Page 3)

Since most of the problems dealt with by the group are not "overly intricate," according to Mr. Robinson, applicants will probably not be asked to submit an analysis of a hypothetical fact situation, though if the number of applicants warrants it, such a sample might still be used.

The summer program, he said, is a necessary feature of the Bureau's operations, because "it provides continuity of service to our regular clients as well as enabling prospective applicants to receive legal assistance."

Mr. Robinson believes that opening permanent membership to summer volunteers is a minor alteration in the "honoraries" set-up, and that any major changes should be first discussed with the faculty, as well as with members of the *Law Review* and the Board of Student Advisers, the other two honoraries, so that a uniform policy may be established.

ter, and MIT as second choice, although there is as yet no Harvard test center. If the applicant shows clearly on the form that he is a student at Harvard, he is probably assured of being assigned here.

Those who normally do well on tests, said Dean Bruce, should probably take the test even if they stand in the top quarter of their class. He said that "humanities majors who have taken the test have said they have had little trouble with it," although there are many problems dealing with numbers.

Students who have already taken the exam should not take it again.

Application forms are available at the Cambridge Draft Board Office, in City Hall, Central Square, as well as at any local board office.

Ask Xerox in Library

Self-operated copying machines are a likely addition to Langdell Library in the near future according to the Law School Dormitory Council.

Negotiations are currently in progress for machines which yield high-quality reproductions at a cost of 10 cents per page. Although "five-cent" machines are available, the administration fears frequent breakdowns and more expensive repairs on the less expensive copiers.

The Dorm Council is pushing for prompt action to have the machines available for the pending needs of second-semester Ames.

Events of Note

The Godkin Lectures, originally scheduled for the beginning of February, have been postponed for a month and a half. Edward Heath will deliver the series of talks on Mar. 21, 22 and 23.

* * * *

The Law Wives annual Faculty-Student Cocktail Party will be held Feb. 11, from 5-7 p.m. in Harkness Commons. Only married students may attend. Admission is \$2 per couple for members and \$3 per couple for non-members. The price of admission may also be paid in hors d'oeuvres.

* * * *

John H. Stassen, 2L, was recently elected president of the Harvard Law Forum for the spring semester. Warren H. Adam, Mark Andrews and Wayne Kelley were named vice-presidents of the group.

* * * *

The Harvard Law-Graduate Republican Club chose John Lien, 2L, as president for the coming term. Alan Schlaifer, 2L, was elected to be vice-president.

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Prof. Lauds 'Interested, Hard-Working Students'

By Edward Hines

"I find the artificially depressed grades here especially strange. The marking system at U.C.L.A. is basically the same, but it is on a level about ten points higher," remarked Professor Harold Marsh, Jr., in a recent interview.

"A 72 there corresponds with a low 'C,' here it corresponds with a 'B.' Personally, I think there is an advantage in having a higher level of grades because it allows a greater range of distribution."

On a year's leave from U.C.L.A. Law School, Prof. Marsh is making his first visit to Harvard. He and Mrs. Marsh are living on Beacon Hill, and are enjoying what he understands to be a "mild winter."

Students Not Surprising

Prof. Marsh is teaching Corporations and Financial Planning. He also taught a first semester course on Creditor's Rights. He characterized his students as "by far the most interested, hard-working and stimulating group of students I've encountered." He said that he "found this not surprising in view of Harvard's admission policies."

In addition to the disparity in the grading systems, Prof. Marsh commented on another difference between the two law schools. He said that several years ago, U.C.L.A. took the step, now proposed at the Law School, of making all advanced courses elective. This would eliminate the distinction between second and third year courses. The Prof. remarked that the innovation made "no appreciable difference" in the enrollment in formerly required courses, "The students took them anyway."

Myth of Conservative Harvard

Commenting on the "conservative" image of Harvard, in contrast with the "radical" image of Yale, Prof. Marsh speculated that, "The myth probably originated in the 1940's when Yale had a faculty which, if unable to change an institution, would at least give it a new name."

The professor did his undergraduate work

at Rice Institute and got his LL.B. from the University of Texas in 1942. During the war, he spent four years "out of uniform" with the Army Intelligence. Returning to civilian life in 1946, he took his LL.M. and S.J.D. at Columbia, was an instructor at the University of Washington for two years and then at the University of Illinois.



Prof. Harold Marsh, Jr.

In 1954, he left the academic world to join the firm of Dewey, Ballantine in New York for four years. From 1954 to 1958, Prof. Marsh practiced with the firm of Brobeck, Phleger and Harrison in San Francisco. In 1958, he assumed his present position on the faculty at the U.C.L.A. Law School.

Bankruptcy Article

Professor Marsh will have an article on "Bankruptcy" published this spring in the *University of Washington Law Review*. He noted that this was too late for the students of his first semester course in Creditor's Rights.

Professor Marsh plans to return to U.C.L.A. via Austin, where he will teach this summer at the University of Texas Law School.

the winds of change

The Conference on Law School Reform, held just prior to Christmas vacation, was attended by more than 400 people, illustrating that many students as well as faculty members are concerned with up-dating the Law School. Although informative, the program devoted too much time to comments from the panel, and not enough to statements from the floor.

One major complaint about life at the Law School is that there are no channels through which student opinion may be gathered and assessed. The Student-Faculty Committee hopes to remedy this by presenting an open meeting on the subject of the grading system, and the RECORD has been assured that the great bulk of the time will be devoted to comments from the audience.

The grading system touches everyone at the Law School. Those who are dissatisfied with the present system, of course, should make themselves heard, but so too should those who are quite content with things the way they now are, for any changes will affect them as well.

The question of opening honoraries to all students will also be discussed at the meeting. Just this week, the Legal Aid Bureau voted to admit several new members based on criteria other than grades (See Story, Page 3). The *Harvard Law Review* is also studying the possibility of recruiting other than the highest-ranking students. The winds of change are beginning to blow through the Law School.

The open meeting offers an excellent opportunity to make your views known. Don't pass it up.

Harvard Law Record

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TONGUE 'N CHEEK

By Fenno

I lay trapped beneath a pile of rubble which had cascaded upon me when, in attempting to sidestep a bus, I had slipped into one of the precipitous excavation pits on Massachusetts Avenue.

The debris muffled the roar of the dog-like excavation machinery above as I patiently waited for the rescuers to reach me. They seemed to have some difficulties but finally a one-inch pipe was thrust down to my cramped hollow, allowing air to breathe and words of encouragement from the world above.

"Can you hear me down there?" came the distant voice of Secretary Bruce. "Do you know what day it is today, Fenno?"

"Tuesday! I may be dazed but I'm not shook up enough to lose track of everything."

"Yes, it's Tuesday, but do you know what other day it is?" came the insistent reply echoing down the pipe.

"Oh come on Mr. Bruce! You're not going to make me take my commercial transactions exam down here. My mouth is full of asphalt crumbs and I've got a terrible headache."

"Don't be a baby about this, Fenno. You know that the faculty doesn't allow make-ups and I must give you the exam if you're able to take it. This is the way things are going to be on the outside. If you give up too easily now, you won't be able to face up to these trying situations in the future. One day you'll thank me for this."

"But I'm in no shape . . ."

"You're only losing precious time, young man. Why you said just a moment ago that you were only dazed."

A scratchy, rumbling sound ensued and shortly a tattered copy of Bobby Braucher's commercial transactions exam was thrust out of my end of the pipe.

"Oh Mr. Bruce," I plained.

"Yes?"

"Could you drop down a pen?"

Letters to the Editor of the RECORD

Protestant Ethic — A Thing of the Past?

To the Editor:

Re: the letter of Mr. Peyton Randolph Harris, '15. Now I understand. Wall Street firms no longer discriminate against Jews because of *religion*, but rather because of certain *ethnic* (?) defects, e.g., individualism, ambition and (unethical) competitiveness. Ironically enough, there was a time when these all-American traits epitomized the so-called "Protestant Ethic." But, alas, as we all should know, the Protestant Ethic has long since been replaced by the Organization Man. (See Whyte, *The Organization Man* [1956].)

Theodore Hochstadt, 3L

Library Draughts Termed Habit Forming

To the Editor:

Mr. Gernant's letter, published in the December 15 RECORD, struck a quivering chord within the undersigned. During my first year in Cambridge, I, too, suffered horribly from the chill Reading Room draughts: on one occasion, I had to abandon my sports coat when its elbow patch froze solid in the dribble of perspiration from my lathered brow.

During my second year, however, I came to tolerate the cold, and toward the middle of the third year, toleration became craving. The taste thus acquired required for its cultivation substantial modifications in my new office here. The firm was kind enough to remove a generous portion of my south wall so that the winter breezes from the Ohio River might play about my ears and induce the same degree of icy concentration that I was at last able to achieve

at the Law School.

Take care, Mr. Gernant, lest ye become similarly addicted.

Frederick O. Kiel, '66
Cincinnati, O.

Cries of Bias Are Unwarranted, Unjustified

To the Editor:

Richard C. Tufaro's own brand of "damaging and parochial thinking", as reflected in his letter in your December 15 number brings to mind those who went away from the Sermon on the Mount complaining about the food. Implicit in that letter is the assumption that being hired by a major law firm is the end itself. To the extent that the objectives of firms, students and the Placement Office is in *placement* of a somewhat permanent nature, the assumption is erroneous.

Getting hired is only a beginning. And the haste and over-

eagerness of the firms and the students tends very often to lead to little more than temporary hiring, not placement. The rate of young lawyer employment turnover is high. Practice with a firm involves not only the new lawyer's academic abilities, but demands as well competence in dealing compatibly with the other lawyers and the clients of the firm. If a person hired is to succeed in this respect, there are many factors which must be considered, one of undeniable relevance being the general background of the *people* who collectively are the firm.

Accordingly, I find Mr. Tufaro's criticisms shortsighted and unjustified. He has responded to sound advice with an unwarranted cry of "discrimination." His suggestion that firms sign a pledge of some sort would, like a loyalty oath, serve only to offend the principled while failing to deter the unprincipled. I suggest that Mr. Tufaro may be suffering from a

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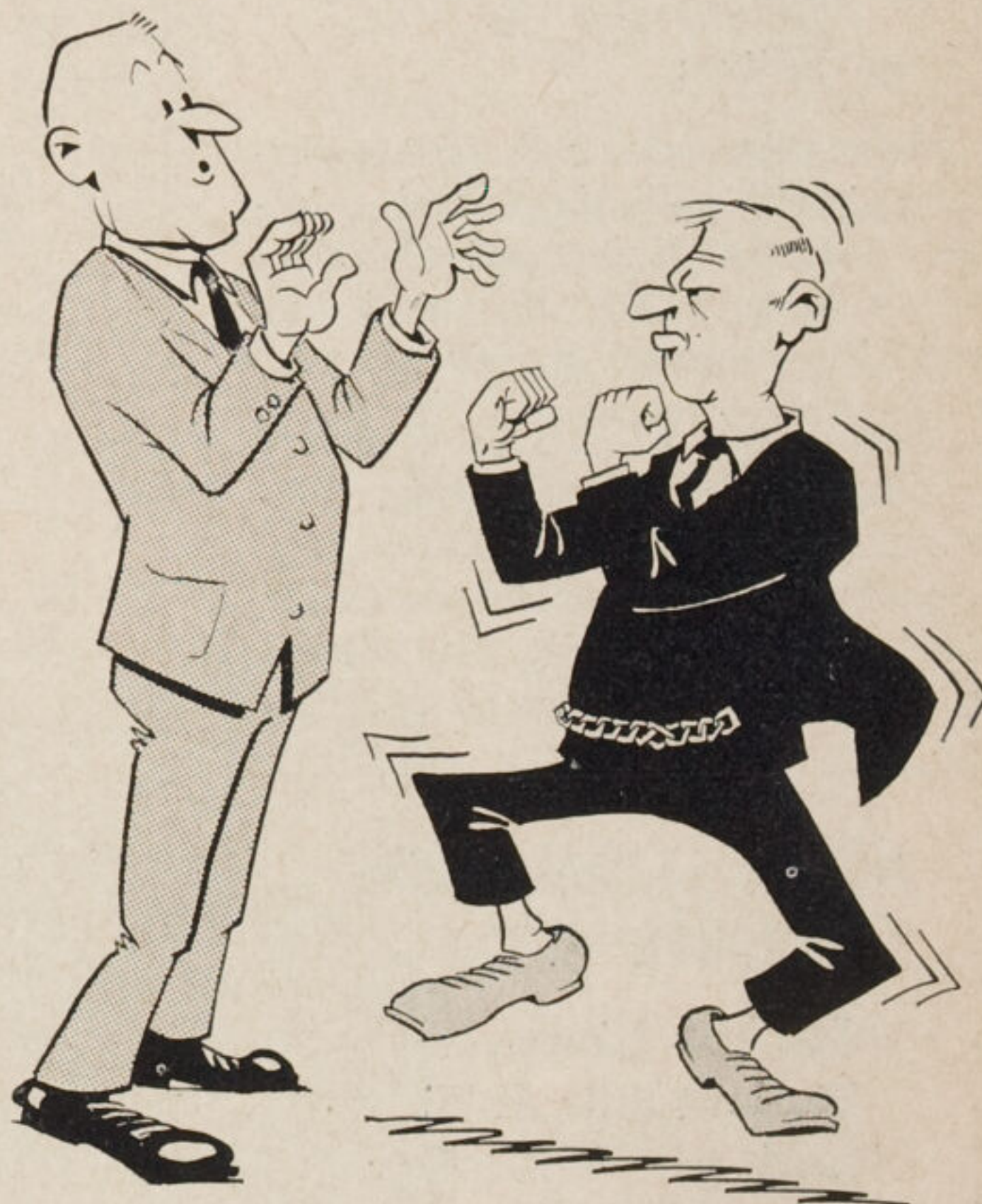
Whoa there!

Hold every-

thing! I said

"lawyer"

not "liar."



CHARLIE SHERWOOD

Letters to the Editor of the RECORD

(Continued from Page 9)

malady known as Anticipatory Sour Grapes.

Wilfred Elliott Gardner, Jr., '63
Boston, Mass.

Crackanthorpe Controversy Revisited

Sir:

I wish to express the indignation of my family at the impertinence of Mr. Charles A. Wright. His suggestion that the careless and sloppy misspelling of our illustrious name in an upstart colonial rag should somehow be preserved is preposterous. My commendations to the diligent efforts of Mr. Nolen.

Your obdt. serv.,
Sir Athelstan Crackanthorpe, Bart.

(Ed. Note: The above letter is from an American-based branch of the family, postmarked San Francisco, Calif.)

Reader Offers Sequel To Miss. Women Jurors

To the Editor:

I recently returned from Mississippi and read the amusing letter of James Robertson (RECORD, October 14, 1966). I would like to add the sequel to his story.

As a result of the all-Harvard argument referred to by Mr. Robertson, where the defendants also argued the systematic exclusion of Negroes from juries, Judge Price "promised" to come up with

an all-male venire for the October term of court. Two cases in which the defendants were represented by the Lawyers' Committee for Civil Rights Under Law were set over for trial in the October term.

But pulling an all-male jury would be no mean trick, for of the approximately 9,000 names in the jury box, over 7,000 were women (substantially all of the registered women voters in Washington County). Also, the proportion of Negroes in the jury box was not more than about 8%. (Judge Price was not troubled by a provision of Mississippi law fixing the maximum number of names in the jury box at 800. Nor was she troubled by the fact that many names had been carried forward from prior years—when the proportion of Negroes was even lower—in clear violation of another provision requiring that the jury box be emptied each year.)

No Women

From this universe, Judge Price adroitly picked a venire of 40 names, without a single woman and with about 50% Negroes! The *Delta Democrat-Times* quoted Judge Price as having said that she excluded women "on purpose." Since it seemed rather unlikely that the venire had been pulled at random, the defendants renewed their motions to quash

the jury. This time, they switched horses and argued (that is, I argued; Holland Capper had gone back to Chicago) that women could not constitutionally be excluded from juries.

The argument, in effect, was that now that Mississippi law was being complied with, that law is unconstitutional. Second, we argued the systematic *inclusion* of Negroes, on the theory that race is an impermissible standard in the selection of juries. We also argued numerous violations of Mississippi law.

Prosecution Dropped

The hearing on the motions was aborted. The City attorney announced that the City was dropping the prosecution of one of the cases. (It had grown out of an NAACP boycott which was discontinued two days before the motions were to be heard.)

I had the county clerk on the stand and was proceeding to inquire about Judge Price's refined technique of jury selection when the county attorney (the only non-Harvard man on the scene, but an astute lawyer) noticed that the other defendant was not in court. His case was dismissed and, since there were no other jury cases set for the October term, the jurors were sent home.

Thus, the Washington County jury system emerged unscathed. But I am sure that another Har-

(Continued on Page 16)

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Recent Book

How Not To Run A Peace Conference

Blueprint for Peace Being the Proposals of Prominent Americans to the White House Conference on International Cooperation. Edited and with an Introduction by Richard N. Gardner. New York: McGraw-Hill Co., 1966. 404 pages, \$7.95.

By Michael B. Crutcher

Within the past few months there has been considerable agitation in the press over news that the Central Intelligence Agency underwrites publication of books for distribution abroad (and by inference for sale here at home.) Apart from a sigh of relief that the C.I.A. was interested in art as well as in bribing heads of state and fomenting counter-revolution, this disclosure produced a literary guessing game.

Which of our best-selling favorites were hatched, or at least promoted, by the invisible government? Surely none of the tax-payers' dollars found their way into the pocket of John Updike or Jacqueline Susann, but was *Fail-Safe* a primer for patriots and *Funeral in Berlin* a subtle lesson in the necessity for constant vigilance?

Tedious, Banal

At last a book appears that is clearly in the national interest, and yet is so painstakingly tedious and banal that it could only

have found its way into print through C.I.A. sponsorship. And if *Blueprint for Peace* is the current C.I.A. Book-of-the-Month, then writers who live by their pens need not fear unfair competition.

Nothing Like It

Blueprint is subtitled "Being the Proposals of Prominent Americans to the White House Conference on International Cooperation," and is edited by Richard N. Gardner, who teaches law at Columbia. As Gardner explains in his introduction, President Johnson convened this conference in coordination with a United Nations Resolution making 1965 "International Cooperation Year" (ICY). The result, Gardner notes, was unprecedented: "Nothing quite like it had ever happened before. Some 5,000 people, representing all aspects of American society, gathered in Washington in response to personal invitations. Thirty committees, including leading authorities in each field, presented reports to the Secretary of State containing over four hundred recommendations on subjects ranging from Arms Control to Youth Activities."

It was Gardner's formidable assignment to hack through this

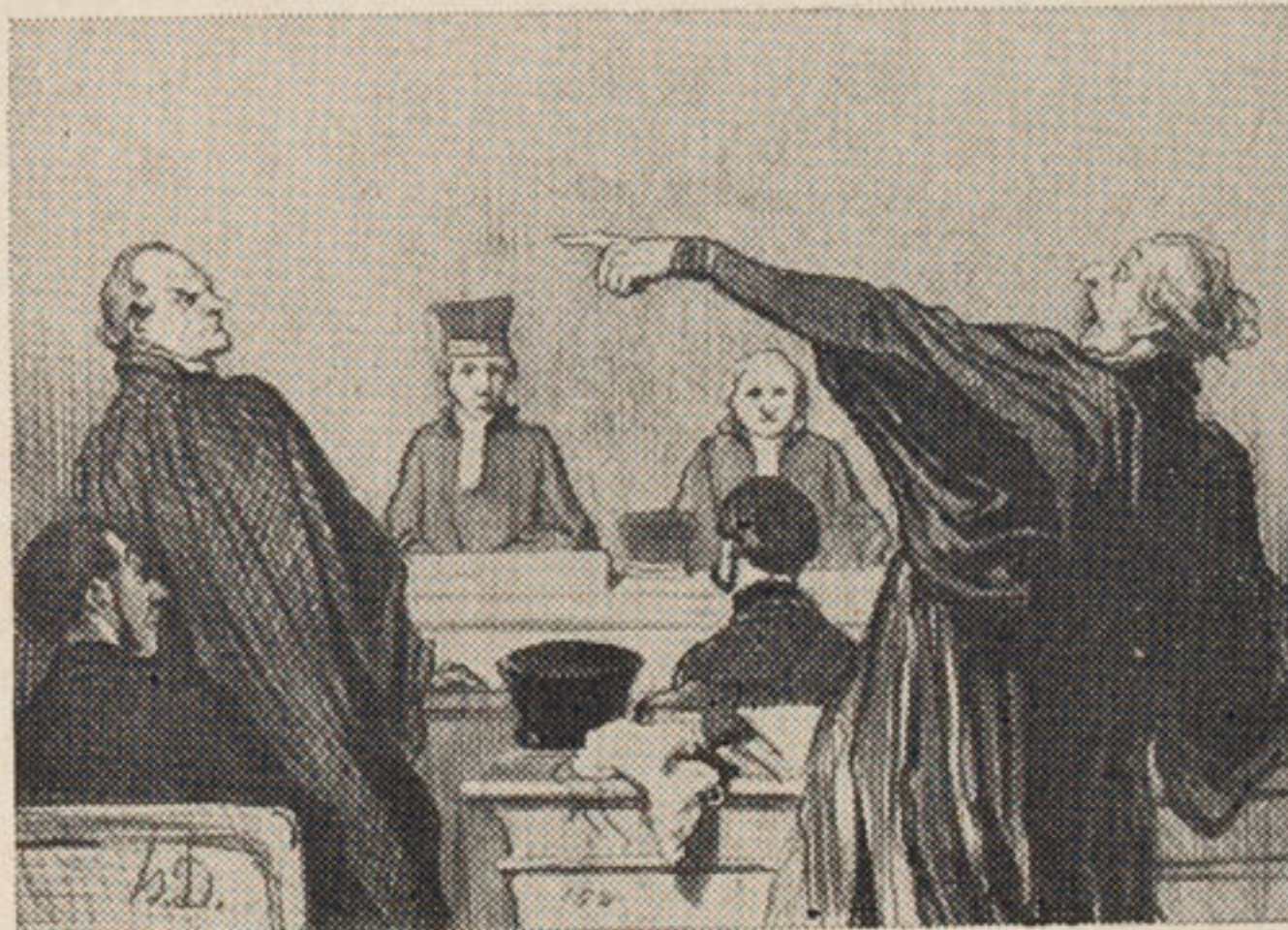
maze of paper and select and edit the major reports. *Blueprint* is the fruit of this work. Two dozen odd reports are included, each beginning with a capsule history of past international cooperation on the chosen subject, outlining current U.S. policy, and then closing with a numbered list of recommendations for policy makers.

If we may extend the old saw that the best way to kill an idea is to give it to a committee, then we might observe that the bigger the committee and the bigger the idea, the more certain the kill. The Herculean task before the conference simply did not allow easy answers or quick solutions. The ensuing reports, while varying in quality, usually end up about where they start, and the overall effect is that of a vague and sonorous recapitulation of the problems which they attempt to tackle.

Another Conference?

Ominously, many reports list as their number one recommendation a new conference. Yet this is no real criticism of the men involved: what more could they do? The list of Committee Members and Government Consultants

(Continued on Page 15)



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Latin American Development Efforts

"If our western philosophy can't help them make it, we will not have much credibility anywhere else in the world," David Bronheim, '56, told the International Law Club last Thursday in his talk entitled, "Latin American Economic Development—the Role of the American Lawyer."

Mr. Bronheim, the Deputy U.S. Coordinator for the Alliance for Progress, stressed that there are no easy answers to the problems of social, political, and economic development in countries which "obviously missed the boat by a couple of hundred years." Work has begun on obvious things like roads, schools, and houses, he reported, but the

harder problems, like changes in attitudes, "have been swept under the rug."

The agricultural sector ranks as a major weakness in most Latin American economies. Although 50 per cent of the population lives in rural areas, he said, tradition discourages the upper classes from going down to the farms with their education.

Inefficient farm methods and high food prices have far reaching effects, Mr. Bronheim pointed out. Undernourished city workers do substandard work, and their malnutrition can lead to permanent physical harm. Also, with high food prices, the workers have little money left over to buy the manufactured goods of the country's struggling industry.

Education, health, and birth control were other problem areas in most Latin American countries. Point-

ing to the need for birth control, he admitted that "the U.S. can't do much about it."

Within this background, Mr. Bronheim came to the role of lawyers — "everything has as its roots some kind of a legal problem." First, he said, a great deal goes on in the traditional areas of law. There is the O.A.S. Charter, which guides the formal dealings of countries with each other. Also, there is the area dealing with our own relevant legislation.

The documents drafted for our lending and aid programs make up a less traditional field of legal involvement, he said. The questions of who can sue and what the parties' rights are "make up 75 per cent of the legal work we do."

Involvement in the actual economic planning and development of a country is a third area open to quality lawyers. "Latin America doesn't have the necessary legal talent," he said, but U.S. training is not adequate either. "There is very little concentration on the evolu-

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ts Need Help of High Quality Lawyers

tion of society affecting and affected by the legal system," he said, and that makes it hard to understand problems in Latin America."

A Brazilian labor law, for example, had a provision that workers could not be fired after 10 years of service to an employer. The result of the law — workers were always fired after 9 years on a job.

The two most difficult problems according to Mr. Bronheim, are the administration of justice and the initiation of reforms at the

mass level. As in this country, he said, "the administration of justice for poor people is almost non-existent." People won't do business with strangers, he reported, since "the capacity to get conflicts adjudicated fairly and swiftly is slight." A fair and rapid method of settling disputes is needed to encourage departure from their barter economy.

"The administration of justice becomes crucial in the tax area also," he asserted. "The courts there are reluctant to punish persons

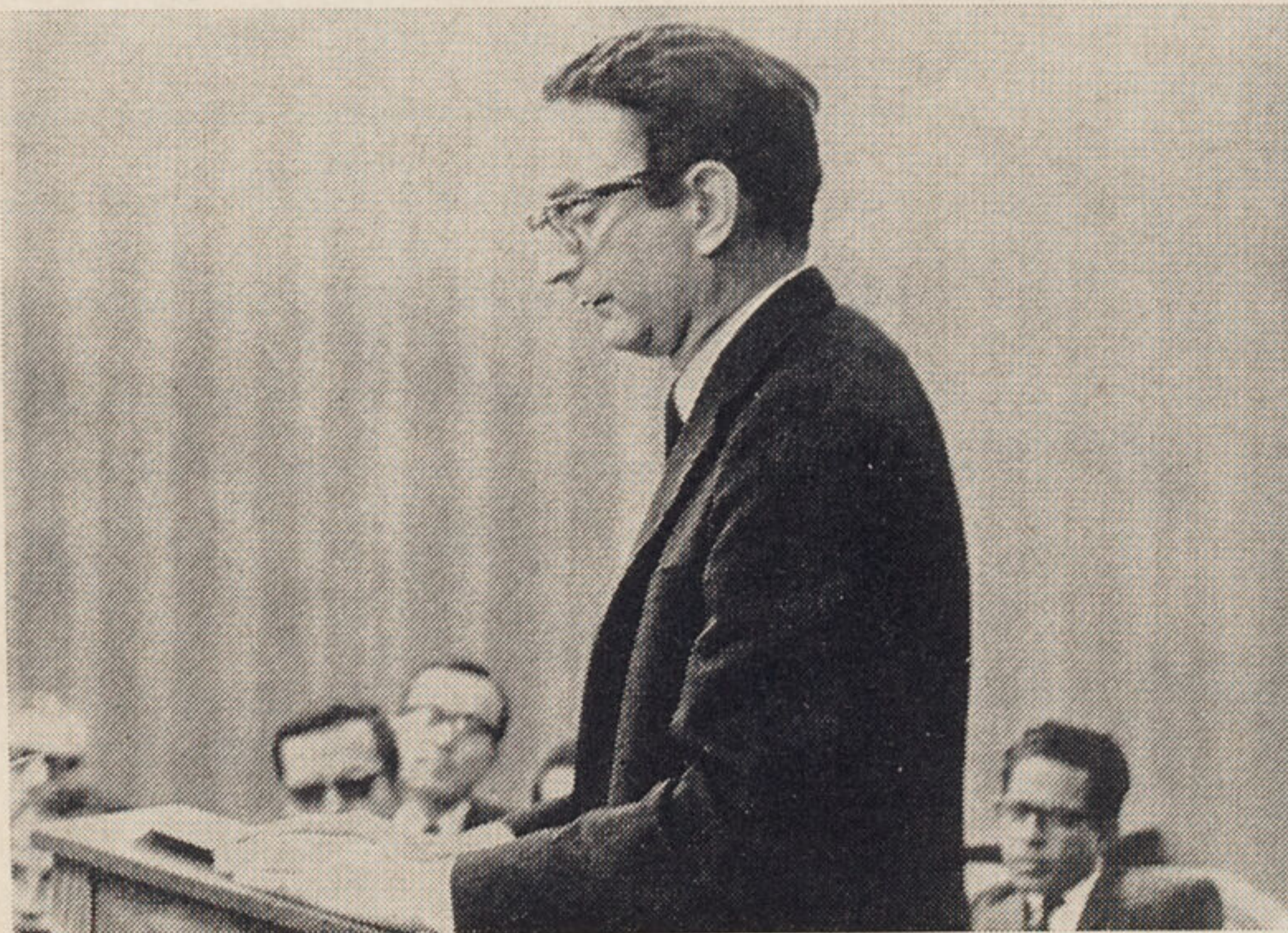
for non-payment of taxes." So far, he said, U.S. efforts in the area have been aimed at collection of taxes and not reform of inequitable tax laws.

Referring to reforms at the mass level, Mr. Bronheim observed that the remarkable thing about Latin America is that it is trying to be democratic from the top — to spread power out. With Peace Corps help, town meetings are being used to solve local problems. But even here, he said, successful efforts circle back to the administration of justice.

If the legal systems of Latin America are to be helped, he concluded, "they are going to need help from U.S. law schools. Their record stands out — the singular absence of any effort at all." Some law schools are beginning to participate, he admitted, but mostly in the area of private foreign investment or in government.

Still, Bronheim predicts that the hemisphere is really beginning to roll. "If I had to give advice," he offered, "I would say 'Go South.'"

— TEPASKE



Mr. David Bronheim

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Clark Kerr . . .

(Continued from Page 5)
honesty, and integrity and within the means of the people."

Even the medical profession was represented. After questioning their lack of any "profound shock" during the student uprisings two years ago, an M.D. bluntly stated, "I suggest that you and the members of the AAUP stay out of the affairs of California. The citizens of this state are capable of handling their own affairs without your interference."

Concerning further action by the AAUP, Prof. Byse in-

**'The citizens of California are
capable of handling their affairs
without interference by the AAUP'**

dictated they intend to follow closely the situation of higher education in California. "Our purpose," he said, "is to do the best we can to encourage sound educational conditions."

Founded "to advance the ideals and standards of the academic profession," the 52-year-old AAUP claims to "serve the interests of all teachers and research scholars at institutions of higher learning. Among its specific activities is the annual presentation of the Alexander Meiklejohn Award for Academic Freedom. Ironically, in 1964, the award was presented to President Clark Kerr and the Board of Regents of the University of California.

How Not to Run a Peace Conference . . .

(Continued from Page 11)

in the Appendix reads like an *Esquire* Chart of The Establishment. They are an enormously talented selection of individuals, and one gets the feeling that if any three of them had devoted their energies to a single one of the myriad of sub-topics in the book that significant advances might have been made.

Instead, all of them were brought together in an effort to accomplish everything, and quite naturally they achieved very little. The conference was unprecedented and we can hope that this single precedent will not be followed.

A White House Conference gives the people a sense that something is being done in government, and that they have a part in it; it gives the govern-

ment a handy device to mask the barrenness of its own policy. The conference may always be cited by propagandists as evidence of progress, and if such progress is recorded in books like *Blueprint for Progress*, the propagandists may rest assured that no one will check up on them to see if they are telling the truth.

Apologists for these conferences may insist that they are better than nothing. But if the conference does represent, as we must assume it does, an attempt to bring new ideas and new men into government policy making, then it is a highly inefficient and misleading contrivance. The men who participate in them will be at the mercy of government story-tellers and they will not have an adequate chance to shape policy in compensation.

In that respect, the White House Conference is an acute example of the historical inability of American policy machinery to

draw upon outside talent for fresh ideas.

If the peace-makers are to prevail, then they will need better tools than White House Conferences. The fact that such a conference was called underscores the need for intensive policy research in this area.

Many thoughtful critics have pointed out the built-in disadvantage in policy making which favors hawks over doves.

**The problems are too
important to trust
these conferences
with finding solutions**

With an enormous defense budget and well-fed military policy centers such as the Rand Corporation, it becomes harder and harder for non-military strategists to develop sophisticated proposals for international cooperation that can stand up against the competing schemes of the Defense Department.

Military strategy today far outpaces strategy for peace. White House Conferences cannot offset this imbalance and if they fool us into believing that they can, then they are worse than nothing. *Blueprint for Peace* grapples with questions that are too important to be left to White House Conferences. Such conferences may deceive us into thinking that progress is being made, and if the C.I.A. published *Blueprint*, then perhaps that is the reason.

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Letters to the Editor of the RECORD

(Continued from Page 10)

vard lawyer, perhaps even Mr. Robertson, will take another crack at it.

William Bennett Turner, '63
New York, N. Y.

Death Penalty Denies Due Process

To the Editor:

Now that so few people are executed and the theory of deterrence is so largely discredited, it has become very wasteful of time and money to make trials longer and more costly by putting people on trial for their lives, and to have countless hearings on appeal from death sentences with resulting retrials in many cases.

The resulting burden on state and federal judiciary seems considerable and fruitless. To cure this burden the Supreme Court need only declare the death penalty unconstitutional as indeed it is, because every execution denies the due process of law by which Dr. Sam Sheppard and many other defendants who have been allowed to remain alive have eventually been exonerated of the original findings of guilt.

Such a decree would not only be the most complete and effective solution to a long-standing and troublesome social and moral issue but it would serve more completely and effectively to promote the efficient administration of justice with all questions about the death penalty removed. Until the Su-

preme Court makes such a decree, however, I submit that abolition should be made a primary concern of both the Congress and the state legislatures in order to accomplish these objectives to whatever extent is possible by the legislative method.

Philip H. Bunker, '14
West Roxbury, Mass.

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