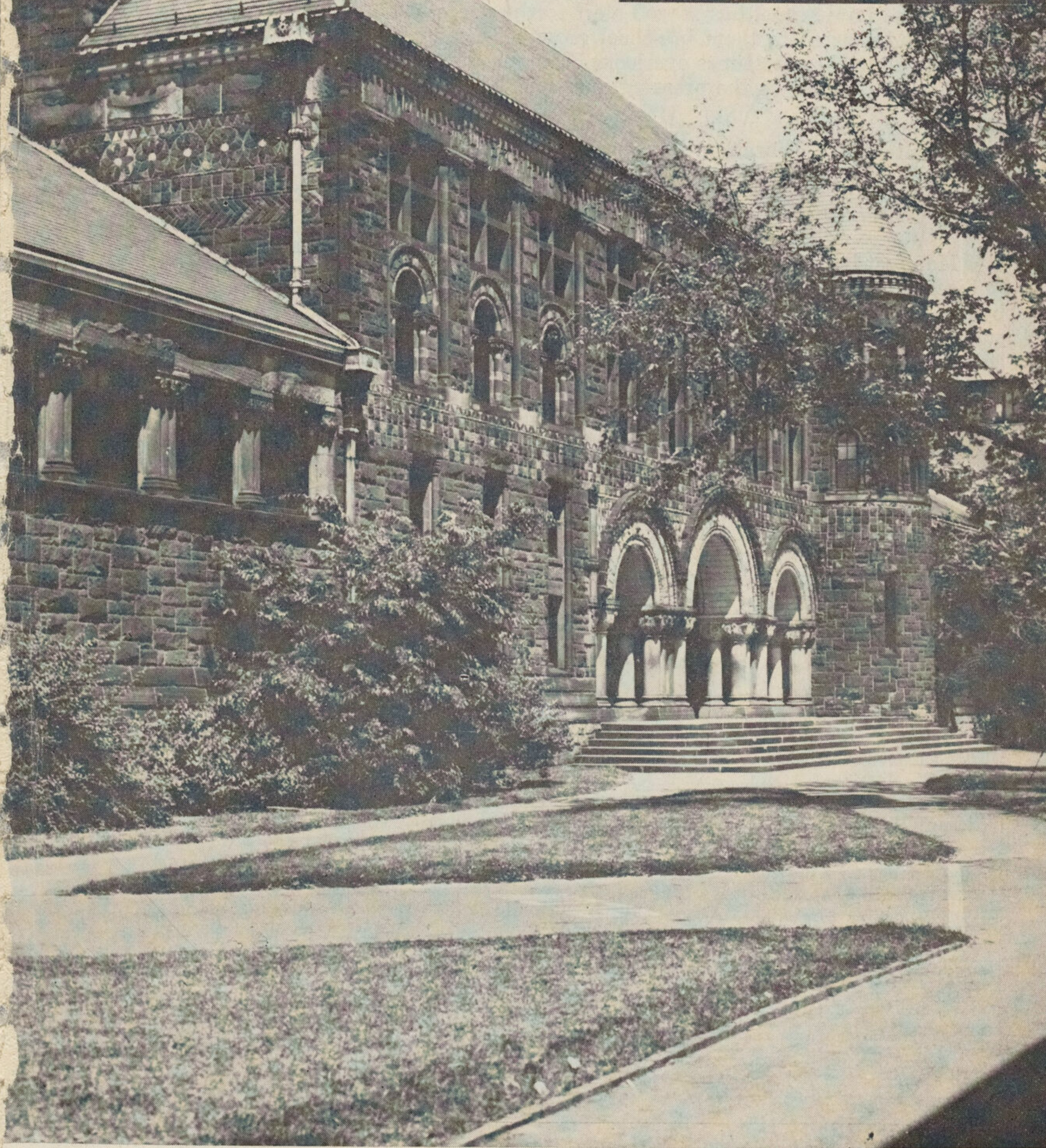


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Harvard Law School: 1817-1967

Looking Backward

For 150 years, the Harvard Law School has been educating students in the Law — educating them to meet the needs of their time and their society.

There was the rise in corporate law training about the turn of the century, and in tax law during the 1920's and 1930's. More recently, international law has risen to the fore, as the Law School has stayed alert to the needs of our society and reacted to them in school growth, in course offerings, and in the sometimes overlooked contributions of the faculty and students to the pressing questions of the day.

Rather than bask in the glory of times past during the Sesquicentennial Celebration, however, the Law School has wisely chosen to bring to the campus some of the men in the forefront of the attack on today's social, as well as legal, problems.

Manifest in new legal services programs for the poor and in discontent with the old code of legal ethics, and evidenced by the collapse of the rule of law during the horror of last summer's riots, unprecedented challenges face all of us — as law students, as faculty members, and as practicing lawyers and judges.

Hopefully, the weekend's seminars will provide new insights into these problems, as well as possible courses of action to solve them.

For alumni and for students the opportunity is here to listen, to learn, and to act.

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The Law at

Any anniversary celebration provides an opportunity both for reflection on the past and for renewal for the future. Harvard Law School's Sesquicentennial promises plenty of both.

The symposia, discussions, and lectures will provide an intellectual background to the celebration's other facets.

Beginning with the addresses Friday morning at 10 a.m., by the Rt. Hon. Viscount Radcliffe and Princeton Professor Stuart Hampshire, the law will be viewed in its relation to "the wider study of man," according to Professor Archibald Cox, director of the Sesquicentennial. (See page 32 of today's issue for the detailed program of events)

After a luncheon, at which Professor Arthur Sutherland will speak informally on some of the great figures in the Law School's past, atten-

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HARVARD LAW RECORD

Harvard: Seven Score and Ten

tion will be directed towards the "Law and the Social Sciences."

Saturday morning will see "The Challenge to the Legal Profession" taken up in a symposium with Second Circuit Court of Appeals Judge Henry J. Friendly moderating a panel discussion in which Supreme Court Justice William J. Brennan will take part.

"The Challenge to Legal Education" will occupy the attention of those speaking in the afternoon, headed by Dean Erwin N. Griswold.

The panel will be led by Associate Dean A. James Casner.

Events at the Sesquicentennial will be climaxed by a banquet held in the Commonwealth Armory, on Saturday evening, at which Professor Paul A. Freund will act as toastmaster. Following greetings by Massachusetts Governor John Volpe, Mr. Chief Justice Warren will deliver the principal address.

In honor of the Law School's one hundred and fiftieth anniversary, a Ses-

quicentennial fund has been established to increase both the endowment and the physical plant of the Law School.

As of the close of August, 1967, contributions to the Fund totalled over \$5 1/2 million, with a final goal of \$15 million sought. The drive will terminate in June, 1968.

Solicitation thus far has been largely restricted to institutions and individuals which the School felt would make very substantial donations.

The President Writes:

On this 150th anniversary it is a special pleasure to extend the University's congratulations to the Harvard Law School through the pages of the Harvard Law RECORD, for yours is the voice of the students as well as of the School.

The students, after all, are the heart of every educational enterprise, and the achievement of the Harvard Law School is owed largely to the concerns and careers of former students. By such I mean not only those who have valued and helped advance the Law within Harvard itself and within other institutions, but also those who, trained here in the Law, have gone out into the world to contribute those qualities of courage, reason, tough-mindedness, and fair play which all of us like to think are the attributes of law at its finest and best.

There is a wonderful subtlety in the Commencement citation which certifies that the new law graduate of Harvard is now deemed qualified to practice "those wise restraints which make men free," for it bespeaks the two precious counterpoises of

(Continued on Page 30)

The Dean Writes:

The Sesquicentennial Celebration at the Harvard Law School marks an important point in the history of the School.

Plans were made for a Centennial celebration in 1917, but it was never held because of the entry of the United States into the war in Europe. There was a "Law School Day" in 1886, in connection with the celebration of the 250th anniversary of the founding of Harvard College. But that was more than 80 years ago. The result is that the present occasion is the first within the memory of anyone now connected with the Law School.

An anniversary is a time for taking stock. We should look with gratitude on the work of the persons who founded the School, and who carried it through its many years of growth. But the important aspect of an anniversary celebration, I think, is to look ahead, and to use the occasion to recognize the challenges of the future, and to make plans which will enable the School to meet those challenges, and to continue its significant

(Continued on Page 30)



Pres. Fusey and Dean Griswold

Remembrance of Things Past, Present,

By J. David Gernant

To choose Professor Arthur E. Sutherland to write **The Law at Harvard: A History of Ideas and Men, 1817-1967** was to choose happily, for it wedded a careful scholarship to a style of elegance and wit.

The new book, unlike the anonymous and institutional **Centennial History** of fifty years ago, is stamped with a just pride of authorship; it is a coherent tale of the ideas that shaped the School and of the men who shaped those ideas.

This review, to give an idea of the ground the author covers and some of the conclusions he reaches, will be a kind of synopsis of the tale he tells, concentrated on the less well-remembered period before Dean Langdell.

The story of the School up

to 1870 is a story of modest beginnings, near extinction, under Story a sudden rise, and after Story a custodianship so feeble that Ropes and Gray's **American Law Review** declared in 1870: "For a long time the condition of the Harvard Law School has been almost a disgrace to the Commonwealth of Massachusetts." From the time when Langdell's new system gained favor in the 1880's until the present day, the welfare and success of the School have never been in "serious doubt."

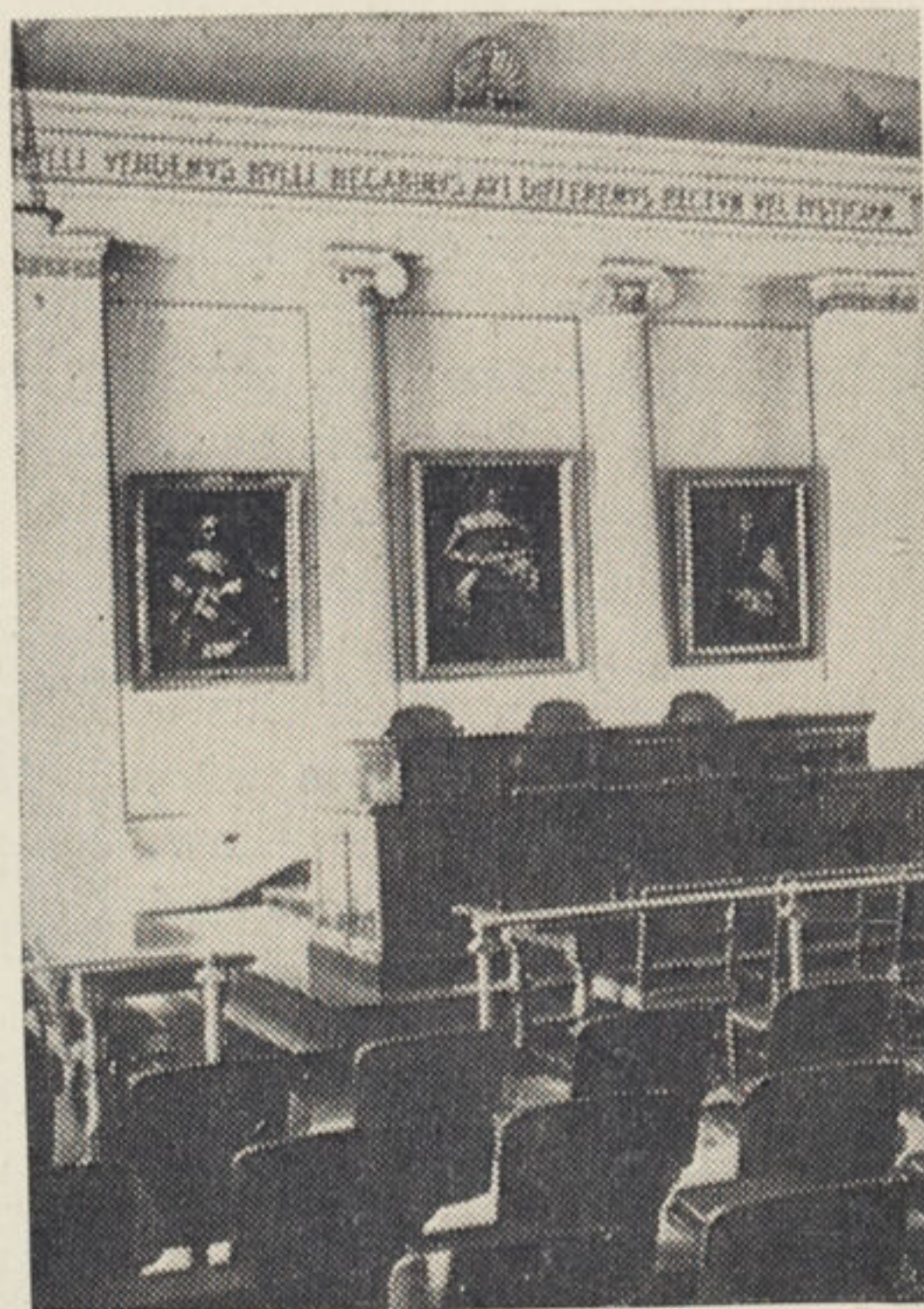
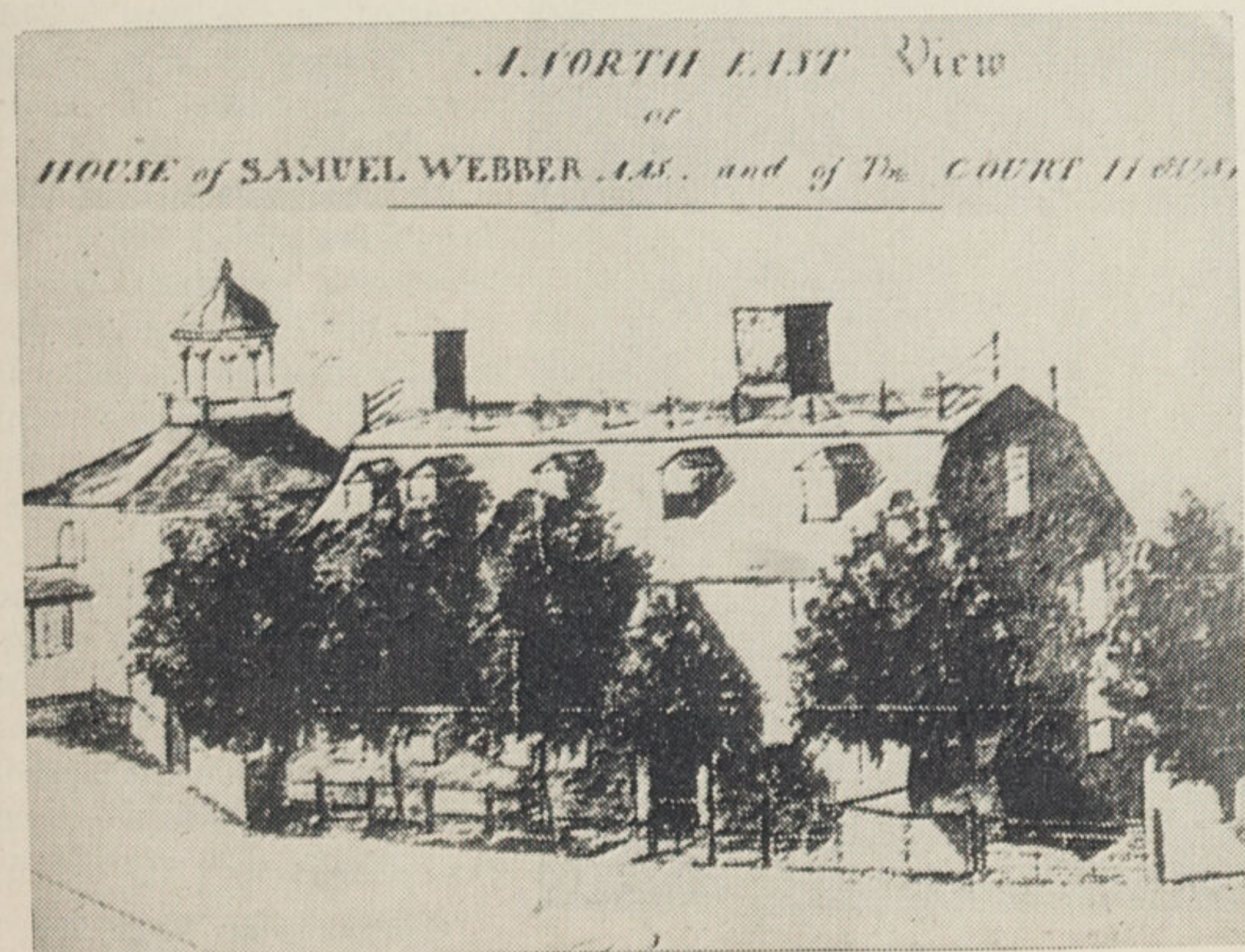
The Harvard Law School began its days in 1817, after Isaac Royall's initial bequest for a chair in law had grown through compound interest. The chief justice of Massachusetts, Isaac Parker, became the first Royall professor in 1815.

Realizing the deficiencies

of the instruction he offered to students at the College, Parker proposed the establishment of an organized school for the education of students especially for the law.

In the spring of 1817, Parker's suggestion was adopted and tuition was set at \$100, "subject to be reduced."

In the same year, Asahel Stearns, the district attorney for Middlesex County, was appointed to the full-time professorship of law. As a bonus, his wife took sick students into their



The Law School's first classes were held in Webber's house, (left), then in Dane Hall and finally in Austin, which houses the Ames Courtroom (above).

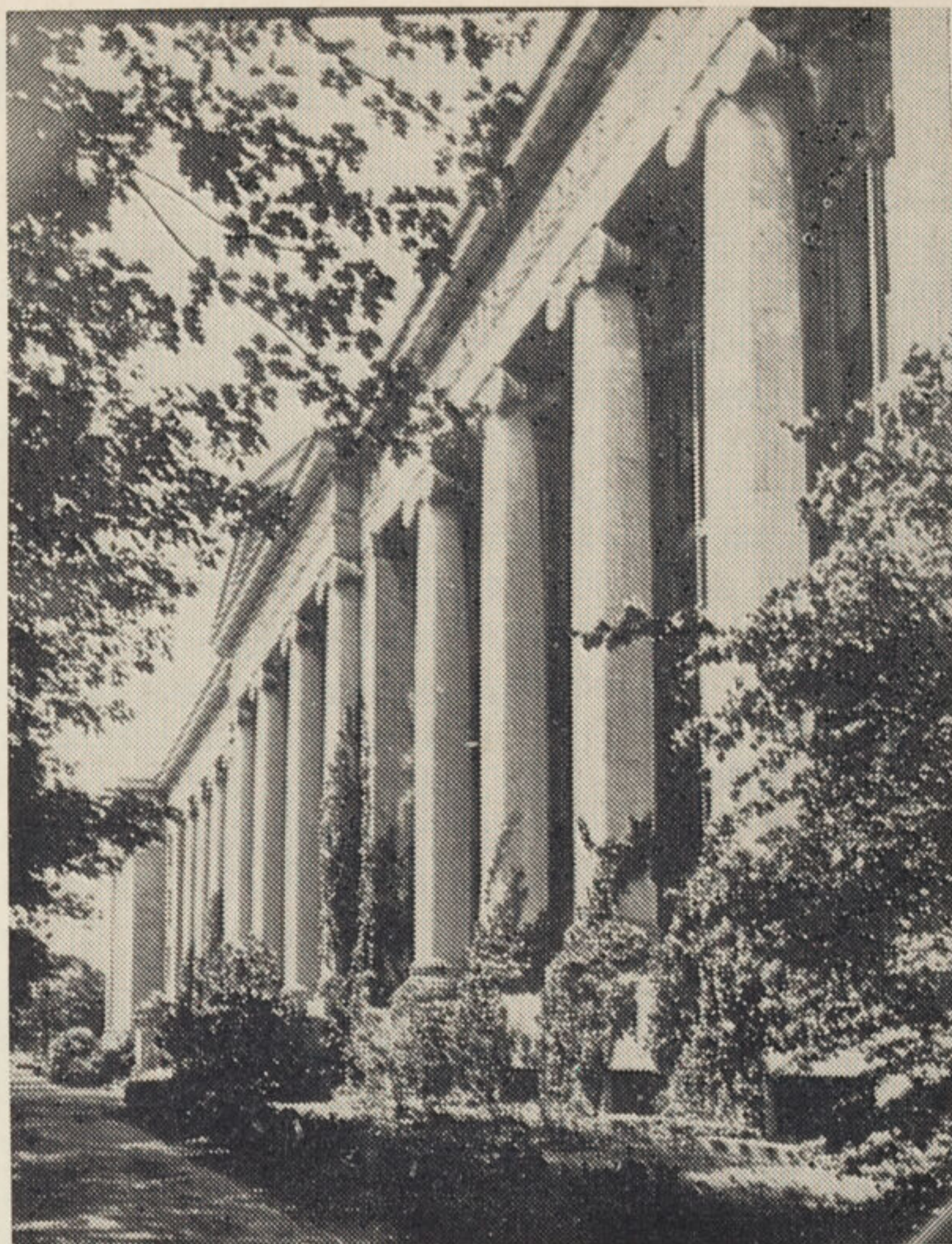
And Future

home, cared for and fed them, until, according to a contemporary account, they could "return without loathing to the coarse fare of Commons' Hall."

Despite his efforts, however, at building a separate library and prescribing a course for study, his repeated attempts to get a separate building for the school were doomed to failure, for enrollment fell off drastically. By 1828, the number of students at the School each year had fallen from about five to a low of two.

In January, 1829, great things were astir. Josiah Quincy, a lawyer, began his term as President of Harvard, and generous gifts from Nathan Dane were soon to provide both a house for the School and the services of Justice Story. With Story as Dane Professor came the appointment of John Hooker Ashmun as Royall Professor. Though the School had no dean, it was expected that Story's prestige as a Supreme Court Justice together with his reputation for learning would attract students, without whom the School would fold up and die. The magic worked; the School revived; and by 1845 there were 140 students.

Charles Sumner's letters of the early Story days illustrate that some things, at least, have not changed: "Late to bed and early to



*the
law
at
har-
vard*

rise, and full employment while up, is what I am trying to bind myself to . . ." Any student who remained in residence at the School for 18 months was awarded an LL.B. There were no written examinations.

In 1843, Rutherford B. Hayes entered the Law School; in 1877 he became the only graduate to become President of the United States. At the end of his first year, Hayes mentions in his diary what thousands since have discovered: "Since I commenced the study of the Law, I have taken no sufficient recreation."

By 1844, Story was 65 and tired. A year later, he resigned from the Court, intending to devote his remaining years to writing and teaching. But, within a

month, he was dead and the first renaissance of the School was over.

For 25 years after Story's death, the School continued to educate students in the Law, but without Story's brilliance or magnetism, and without innovation or imagination. By 1870, Ropes and Gray's journal refers to it as "almost a disgrace."

During those years, however, the students continued to be excited and exuberant — students such as Langdell, J. B. Thayer, Oliver Wendell Holmes, Jr. and John Chipman Gray.

In due course, with Langdell's appointment as the first dean of the Law School in 1870, the second renaissance began. During his term a bachelor's degree

(Continued on Page 30)

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The 'Evolutionary' Process of Reform

By Jack Tate

"This may be a little hard to believe," wrote Vice Dean Louis A. Toepfer in 1958, "but I once knew a student who didn't want to know his grades.

"When his examination results reached him, he simply burned the envelope, contents and all."

Mr. Toepfer would have found it much less difficult to believe that many students resorted to fire after they had seen their grades, which often tend to be below 70.

But the Law School, under the leadership of Dean Erwin N. Griswold, has attempted to provide a channel for student protest without arousing the pyromaniacs among them.

In November, 1966, the Dean, having read in the RECORD a protest letter by John T. Conner, '67, decided to establish a Joint Student-Faculty Committee "to exchange views between the students and the faculty and to report these views."

This was not the first committee set up to deal with reform in the Law School. Back in 1877, a committee was set up which ended up extending the period of instruction from two to three years. In 1915, the curriculum was partially revised once again.

Then, in 1934, the first "Committee on Curriculum" was appointed by the President of the University, upon the unanimous recommendation of the faculty. The 1934 Committee carried out the

first complete and general study of the entire curriculum. Among other things, it recommended that a permanent student-faculty committee be established in order to provide a channel for student comment and criticism. None, however, was forthcoming.

The second major review of the Law School began in 1945 with the appointment of the "Committee on Legal Education," dealing primarily with the problem of an overcrowded curriculum.

The committee considered extending the course of study to four years but rejected the idea. It also considered the possibility of allowing electives in the sec-

and other changes were instituted as well.

The "Committee on Legal Education" was reestablished in the late 1950's and reported back in 1960. As a result of the report, more of the second year was made elective. The ranking of students with grades below 72 was discontinued, and letter grades were recorded alongside of the number grades in order to diminish the possibility of misinterpretation by outsiders. Finally, a "Continuing Committee on Legal Education" was established.

This last faculty committee is still active today, and passes on all matters dealing with the curriculum before



In 1877 the residence requirement in Dane Hall (above) was increased from 2 to 3 years.

ond year but rejected this idea as well. As a result of the committee's labors, the Group Work Program under the instruction of the teaching fellows was begun, mid-year examinations in the first year were established

they are finally decided upon by a vote of the faculty.

Establishing a joint committee of faculty and students, however, was a novel experiment. The group's powers are those not of action but of persuasion, and

Strikes Hard at Harvard's Status Quo

most students and faculty seem to agree that the experiment has succeeded and that under the chairmanship of Professor Clark Byse the committee has been a most persuasive one.

In the 1966-67 school year alone, the Joint Student-Faculty committee served as the impetus in whole or in part for:

- steps to eliminate discrimination in hiring through the Placement Office.

- institution of a one-week reading period for first year students immediately prior to final examinations.

- attempts to open positions on the honoraries without regard to rank in class.

- abolition of second year curriculum requirements.

However, for the present, lack of second-year requirements will probably bring little change in students' schedules, for what students would abandon the opportunity to take "How to Make Money," "How to Count It," and "How to Keep the Government from Getting It" — Corporations, Accounting and Taxation in that order.

But students from those on the **Law Review** to those at the bottom of the class remain dissatisfied with the system.

Marvin Gray, 2L, who is on the **Review**, said, "The knack for taking an exam, I am convinced, can add five points to a student's exam grade.

"Of course, those who win a race are seldom dissatisfied with the way it was run," he pointed out, "but there is something wrong when a student who would be making A's and B's at most other law schools makes 68 or 69 here. To most people in the country that means F even if we do call it a C plus."

Robert Mnookin, 3L, and an original member of the

Student-Faculty committee stated: "A lot of the professors like being able to compare their grades with top members of the class. They represent one of the many vested interest groups who will probably try to hold out against reform."

Chairman Byse, for one, wants to be certain that the almighty average does not cause the student to "objectify" his limitations so that



Overcrowded Classes Come in for Criticism

Joint Student-Faculty Committee, suggests that the Law School use a letter system of grading with a much higher percentage of B's.

"Obviously, we are just playing with labels by calling what was a C plus one year a B the next," he said, "but I feel that these labels can have significant practical and psychological effects.

"Harvard College graduates 70 per cent of its students with honors and still manages to recognize its very top students. Harvard Law School could do the same."

One member of the Joint

he begins to think of himself as a 69, 72, or 64.

Secretary of the Law School William L. Bruce, not a member of the committee but nonetheless an articulate advocate of improving the grading system, points out that grades "serve to make a student who has always made the best marks painfully aware of some of his academic weaknesses and limitations.

"But at the same time that we make him aware of these weaknesses and thereby seek to break him out of his self-satisfied mold, we

(Continued on Page 28)

The Six Pillars of the Modern

Compiled by J. David Gernant



LANGDELL

1870-1895

was most receptive to Langdell's "scientific" approach to the law, and a scientific method for teaching it which would by 1895, when he left the deanship, revolutionize law teaching in the United States. Now, we take the "case method" rather for granted, but in 1870 it was a daring innovation.

For seven years, until the older faculty members had all departed, the method of teaching law split the faculty. By 1877, however, Langdell was the senior professor as well as dean, and his influence at the School became more considerable until the old-time lecturers of law gradually disappeared.

The first dean had little use for mediocrity, and with his coming, the School's admissions guidelines shifted in emphasis from good moral character to industry and high intelligence.

Along with the coming of Langdell came the practice of written examinations in each course. A student familiar with today's convoluted questions will relish the seeming simplicity of a question by Professor Gray in Real Property: "What is the distinction between a right *in rem* and a right *in personam*? Give an instance of each."

Langdell remains today the leadingest in a long history of leading lights at the Law School; in recognition of his pioneering dar-

CHRISTOPHER COLUMBUS LANGDELL, named the first dean in 1870,* presided over the rebirth of the Harvard Law School, which had slipped badly during the Civil War.

With his own scientific bent, Charles Eliot, president of Harvard at the time,

ing and resolve, the chief temple of learning at the Law School bears his name.



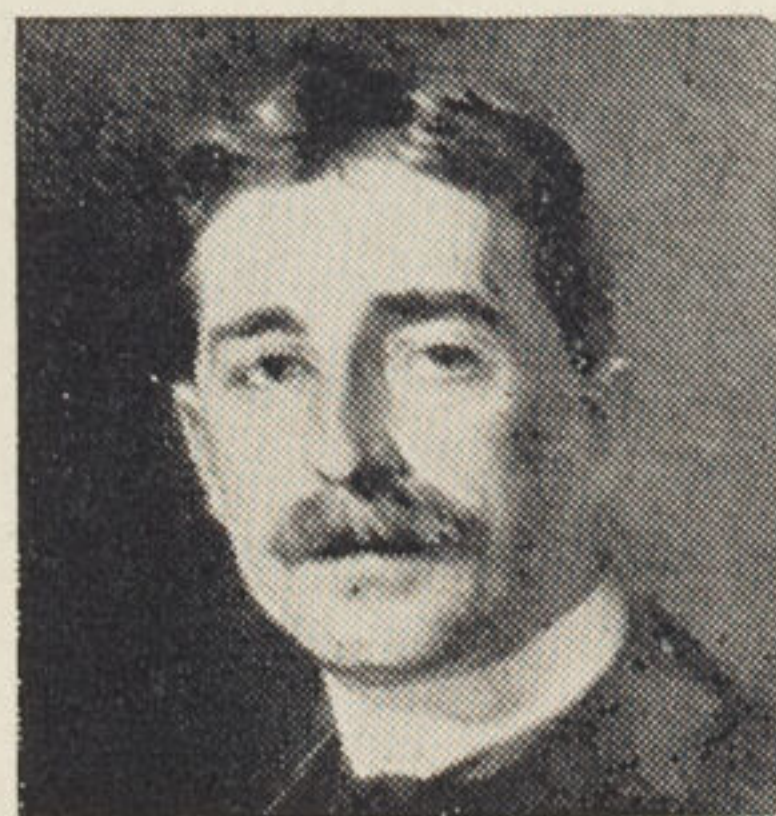
AMES

1895-1910

Twenty-two years later, when Ames succeeded Langdell, President Eliot paid tribute to the decision of Langdell to hire Ames, calling it one of the three great accomplishments of his 25-year deanship.

His new departure was no more — and no less — than the hiring of a teacher with no other than academic experience in the law, just one year after his graduation. Up to the time Langdell made this pathfinding choice, all professors of law had come from years of practice or from the bench.

Ames's influence on the law of every state was great, both through his writings and through his students, who went out to staff many of the great law schools. Prof. Sutherland reports that ten of his students later became deans.



THAYER

1910-1915

going a coveted seat on the Supreme Judicial Court, he finally became so burdened with

WHEN JAMES BARR AMES was appointed in 1873 an assistant professor for a provisional period, heads shook and tongues wagged and people wondered if the new dean, Langdell, was subverting the School.

Twenty-two years later, when Ames

succeeded Langdell, President Eliot paid tribute to the decision of Langdell to hire Ames, calling it one of the three great accomplishments of his 25-year deanship.

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Ames's influence on the law of every state was great, both through his writings and through his students, who went out to staff many of the great law schools. Prof. Sutherland reports that ten of his students later became deans.

ONE GATHERS from the sketch Prof. Sutherland gives, that Ezra Ripley Thayer was a reluctant dean, coming to the office directly from a great Boston law practice, having twice previously rejected an offer of a professorship.

After taking the deanship and foregoing a coveted seat on the Supreme Judicial Court, he finally became so burdened with

*The information in this series of portraits was derived from Arthur Sutherland's *The Law at Harvard, The Centennial History of the Harvard Law School*, and the files of the *Harvard Law RECORD*.

Era in the Law School's History

the work of a dean that he could no longer survive; he died tragically at an early age.

Thayer was kindly and gentlemanly, thorough in leading class discussions and in drawing students even of lesser ability into them. He gave himself to his students selflessly, welcoming them into his office, on Sundays into his home, and visiting sick students weekly at Stillman infirmary.

Only a part of his writings was ever published; Thayer's philosophy was "The reputation of the School will suffer no injury from what I do not write."



POUND

1916-1936

was awarded a doctorate in botany. Five years later he was dean of the Nebraska Law School, at 35 a professor at Northwestern's Law School, at 37 one at Chicago, and at 38 at the Harvard Law School, where he remained for nearly sixty years, teaching and writing. The hiring of Pound, presumably on the basis of his article, "Liberty of Contract," was one of the accomplishments of Thayer's deanship.

After coming to Harvard, Pound wrote "The Scope and Purpose of Sociological Jurisprudence," the first of countless papers (his bibliography is immense) that were to flow from his pen right into the 1960's. The paper marked him as an innovative thinker, one with a gift for "taxonomical" organization of a subject to facilitate analysis. His training in botany served him well in the law.

Tireless, and devoted to an extreme to his students, he earned their gratitude from such activities as an informal loan fund and a 24-hour "on call" assistance service for

students facing the wrath of the local police captain for some misdeed or another.

The seven o'clock start of his daily office routine served never to dull his wholehearted enjoyment of an evening moot court argument or a student-prepared dinner.

Among Pound's peculiarities as dean (he succeeded Thayer in 1916) was that he would teach any class if a professor were ill. The story is told that when he did this one day, he began the class by excusing himself for two minutes while he studied the seating chart at his desk in the front of the room. When he looked up and began the class, he put away the chart and called by name anyone who wished to take part in the discussion.

Pound retired as dean in 1936. He was given the first appointment as University Professor and taught until 1947. Until early 1964, he came to his office in Langdell every day to continue his writing. When he died, his last paper was still in galley-proof form.



LANDIS

1937-1946

contribution to the present life of the School was the departure from the old system of admit-and-fail, which had come to be thought wasteful. The class that entered in 1925 numbered 575; 363 returned in 1926, a drop-out rate of 37 per cent. Landis changed this to the system of strict admission which we have today, with an academic failure rate of less than 1 per cent.

Landis was one of the most brilliant men ever to pass through the Law School. As an undergraduate at Princeton, he published a full-dress law review article in the

(Continued on Page 31)

JAMES McCAULEY LANDIS held the office of the dean from 1937 to 1946, but was an active dean for only the first four of those years (the exodus of both students and professors during World War II was almost complete).

Perhaps his greatest innovation and

The Red and The Gray: The Growth of

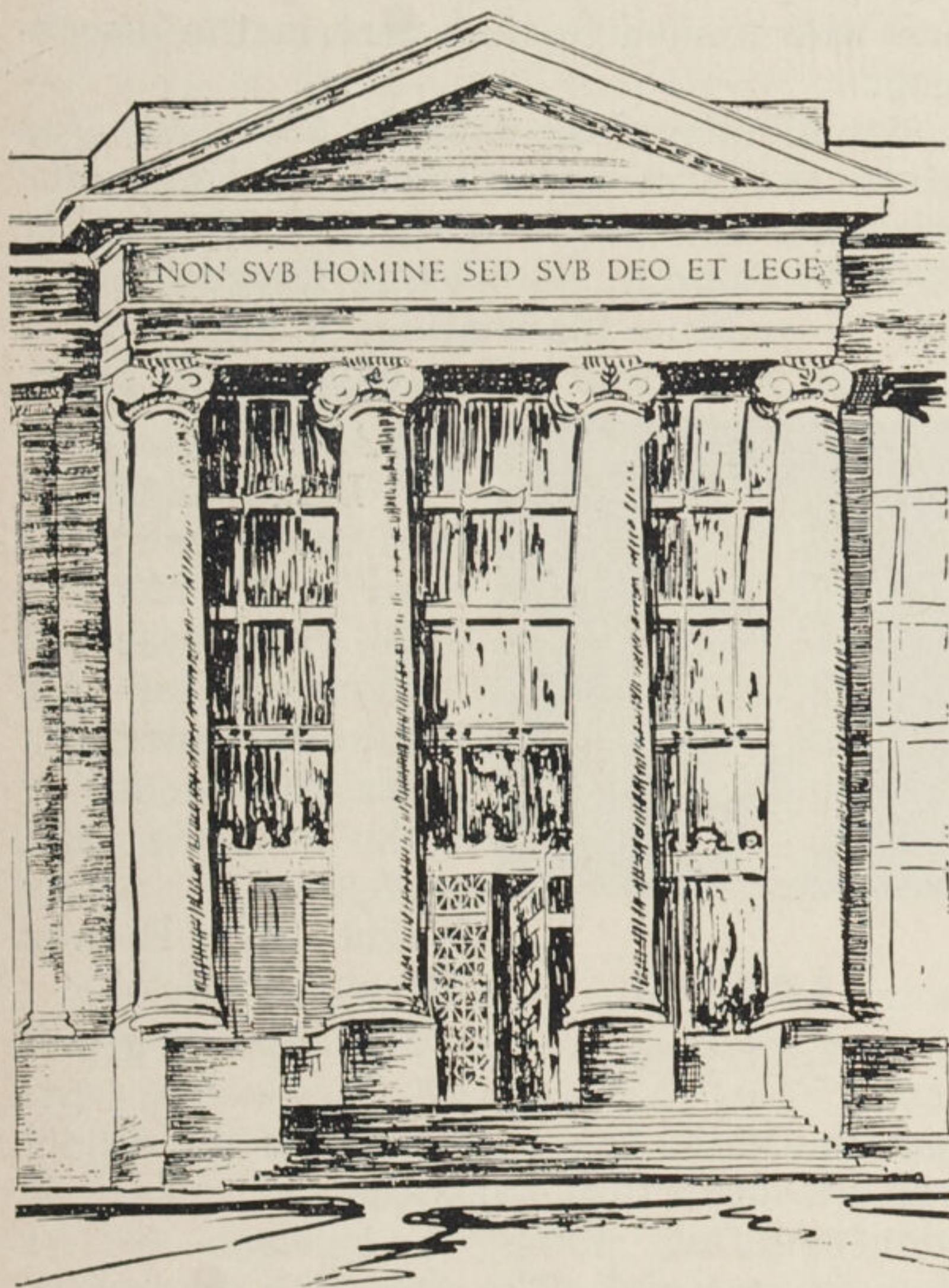
Architecture is the art which so disposes and adorns the edifices raised by man, that the sight of them may contribute to his mental health, power, and pleasure.

— *Ruskin*

Houses are built to live in, more than to look on; therefore let use be preferred before uniformity, except where both may be had. — *Bacon*

By Thomas Geisler

Behind Langdell Hall, work is currently proceeding on the greatest expansion in the growth of academic facilities at the Harvard Law School since Langdell Hall was com-



pleted nearly forty years ago.

Two new buildings, the Faculty Office Building and the Classroom and Administrative Office Building, will be completed in approximately two years. These two structures will give the school much needed space. Some need is already felt.

There are presently not really enough small seminar rooms, and the library (which has more than doubled since 1929) still ex-

pands at a rapid rate. The needs of the future are also contemplated, for the Sesquicentennial Program for Continued Leadership envisions growth of the graduate, research status, and various other programs.

Thus it is appropriate at the Sesquicentennial to begin this expansion, which is only the latest (and presumably not the last) in a series since the very beginnings of the School. If history is at all instructive, it tells us that the Harvard Law School is an institution of growth.

The fledgling Harvard Law School was originally housed in a few rooms of Farrar House," or "College House Number 2," which once stood on what is now the westerly side of Harvard Square. A drawing made of it at the beginning of the nineteenth century shows it to be a pleasant building, with gambrel roof and surrounded by trees. A few rooms appeared sufficient at first, since there was only one professor of law, a fairly modest library, and six students in the first year, 1817.

College House Number 2 remained the home of the School until 1832, but some of its inadequacies were earlier noticed by Professor Asahel Sterns. The offices allotted to the School excluded lodgings for the students, who were, however, permitted to take university lodgings which were not needed by other men at the university.

The upper floors of College House Number 2 were indeed used as rooms of residence, but not (surprisingly) for law students. Rather, they were occupied by some undergraduates and by quite a number of "resident graduates." These latter were there pursuant to a university statute which permitted alumni of any college to become resident graduates for a fee of five dollars, which entitled them to remain indefinitely, an occurrence far from uncommon.

In 1825 Professor Stearns requested from the Corporation better quarters for the school. Any such plans for expansion were dropped at the time, however, since the University was then experiencing financial difficulties.

By 1830 the Corporation was again inter-

a Little White Schoolhouse

ested in a new building for the Law School and directed the President and Treasurer of the University to prepare a plan for it. One somewhat dissenting voice amidst preparation for the new building was Justice Joseph Story, who by this time had become the first Dane Professor of Law at Harvard, in connection with a gift made by Nathan Dane (who was a participant in the drafting of the Northwest Ordinance).

Story expressed some doubt as to whether the expansion, which called for the expenditure of \$7,000 after all, might not perhaps be somewhat premature. President Quincy appeared to have greater confidence in the work being done by Story and his fellows, however, for he approached Nathan Dane to obtain the necessary funds.

Dane Hall was located in the Harvard Yard near the Square, upon ground close to the present freshman dormitories of Straus and Matthews. It gave the appearance of a Greek temple, graced as it was with four Ionic pillars in front, and contained a library, offices for the two law professors, a lecture room, and two smaller rooms (one of which was for the use of the librarian). It was enlarged in 1845. At the beginning of its life, it was seen as an admirable location for the School. Gradually, however, it began to burst as the School grew.

The darkness
of learning:
Langdell
before
fluorescent
lights



By the latter part of the century, this grand building was no longer being spoken of in grand terms. Dean Langdell, in his Report for 1878-79, noted the general dissatisfaction with Dane Hall, which was founded upon many bases.

Aside from its "architectural shortcomings," Dean Langdell emphasized the extremely poor ventilation, the eye-straining cross-lighting, the almost unbearable heat of the lecture room in warm weather, increasing noise from Harvard Square, and the precariousness of the books amidst climatic and other conditions conducive to decay.

(Continued on Page 24)



~~~~~  
A wingless  
Langdell Hall  
before the northern  
portion was added.  
~~~~~

Supreme Court Judges, Lawyers

ABA Members Present Discussions

Three bright lights of the American Bar Association will speak at the Sesquicentennial Celebration on Saturday: Earl F. Morris, president of the ABA; Geoffrey C. Hazard Jr., administrator of the American Bar Foundation; and Edward L. Wright, Special Committee on Evaluation of Ethical Standards for the ABA.

Mr. Morris, recently installed as president at the ABA convention in Hawaii during August, graduated from the Law School in 1933, doing his undergraduate work at Wittenberg College in Springfield, Ohio. An Ohioan by birth, he decided to return to Ohio to practice law with the Columbus firm of Wright, Harlor, Morris, Arnold & Glander.

His colleagues, aware of his leadership and debating abilities, elected him president of the Ohio State and Columbus Bar Associations. He was shortly called upon to serve on the ABA's national policy making body, the House of Delegates. This in turn led to service on many of the Association's committees, including the Unemployment and Social Security Committee, Committee on Civil Rights and Racial Unrest, Joint Committee for the Effective Administration of Justice, and the Federal Judiciary Committee.

Beginning in 1952, he led the active fight to include lawyers in the federal social security system, a goal finally endorsed by the ABA in 1956. The endorsement encouraged Congressional amendment of the social security act, which now includes lawyers.

Mr. Morris has been an active participant in many other national legal organizations. He is a past chairman of the National Conference of Bar Presidents.

A member of the Association of Life Insurance Counsel and of the Legal Section of the American Life Convention, Mr. Morris also is a life member of the Sixth Circuit Judicial Conference.

Ceremonies at Include Remarks by

By Steven Stern

Even the most critical commentators on the Eisenhower years in the White House have admitted that his appointments to the nation's highest court were, on the whole, excellent. Two of his appointees, Chief Justice Earl Warren and Associate Justice William J. Brennan, will speak during the Sesquicentennial. (See Schedule, Page 4)

It is clear now that the appointment of Warren in 1953, coupled with that of Bren-



Justice William J. Brennan

He will speak at the Sesquicentennial Banquet in the Commonwealth Armory.

Prof. Hazard, who will speak Saturday afternoon at Holmes Field, earned his law degree at Columbia in 1954 after receiving his B.A. from Swarthmore. Presently a professor of law at the University of Chicago Law School, he practiced law in Oregon and California before starting to teach law at the University of California, Berkeley, in 1958.

He is co-author of "Pleading & Procedure, State and Federal" (1962) and the author of

to Give Talks During Celebration

Sesquicentennial Warren and Brennan

nan in 1955, was instrumental in bringing about a virtual revolution in the fields of civil rights, reapportionment and criminal procedure.



Chief Justice Earl Warren

The effects of this revolution can best be gauged by the public statements elicited by critics of the "Warren Court." "I'd hang him," said Fulton Lewis, Jr., the conservative columnist in Boston, obviously feeling

(Continued on Page 26)

numerous law review articles such as "The Indispensable Party: the Historical Origin of a Procedural Phantom" (1961) and "May v. Anderson: Preamble to Family Law Chaos" (1959).

Prof. Hazard has taught a wide range of courses including civil procedure, legal process, trial practice, legal history, equity, constitutional law and federal jurisdiction.

Mr. Wright, who will speak Saturday

(Continued on Page 31)

Radcliffe, Hampshire Speak on Philosophy

Sparking the discussion Friday morning at Holmes Field about philosophy's relevance to the law will be the Rt. Hon. Viscount Radcliffe, former Lord of Appeal in Ordinary, United Kingdom, and Stuart N. Hampshire, professor of philosophy at Princeton.

Lord Cyril Radcliffe has made a name for himself in more than one walk of life. After a distinguished career as a barrister, in 1949 he became a Lord of Appeal in Ordinary (the highest English court below the House of Lords). During the Second World War, when he was Director General of the Ministry of Information, he was described as "one of the most brilliant of the temporary Civil Servants."

Born in 1899, he took a first in "Greats" (classics and philosophy) at New College, Oxford. He then read law, was Eldon Law Scholar in 1924, and in the same year was called to the Bar from the Inner Temple. He took silk in 1935, and 1943 was elected a Bencher of his Inn. From 1922 to 1937 he was a Fellow of All Souls College, Oxford.

Created a K.B.E. (Knight of the British Empire) in 1944 for his wartime services, he returned to the Bar after the war. In 1947 he was given another government assignment as Chairman of the Punjab and Bengal Boundary Commissions. In physical term as well as judicial, the task was arduous, for one commission sat at Lahore and other in Calcutta, and Sir Cyril had to travel several thousand miles by primitive means.

His public service in recent years has covered a wide field. In 1956 he was appointed Constitutional Commissioner for Cyprus, and headed the mission which formulated the first proposals for a new constitution for the island.

Then in 1957 he was appointed Chairman of the Committee of Enquiry into the Monetary and Credit System — the first full study

(Continued on Page 31)

The Gannett House Gang Journal

By U. Heep¹

ON MAY 11, 1887, when Christopher Columbus Langdell was Dean and the Law School was only seventy years old, the **New York Daily Register** carried an article describing a new student activity. "We welcome," it said, "the **Harvard Law Review**, a handsome, large octavo pamphlet of fifty-four pages, the purpose of which is modestly stated in the first of the editorial Notes, which says: 'The **Review** is not intended to enter into competition with established law journals, which are published by lawyers of experience.'"

The **Review**, which Louis Brandeis helped to found, outlived the **Daily Register** which announced its birth, and is today more than half the age of the Law School. It is the oldest publication of its kind and, though many similar journals have been founded, its circulation is four times that of its nearest rival² — which makes it the only self-supporting law review in the world.

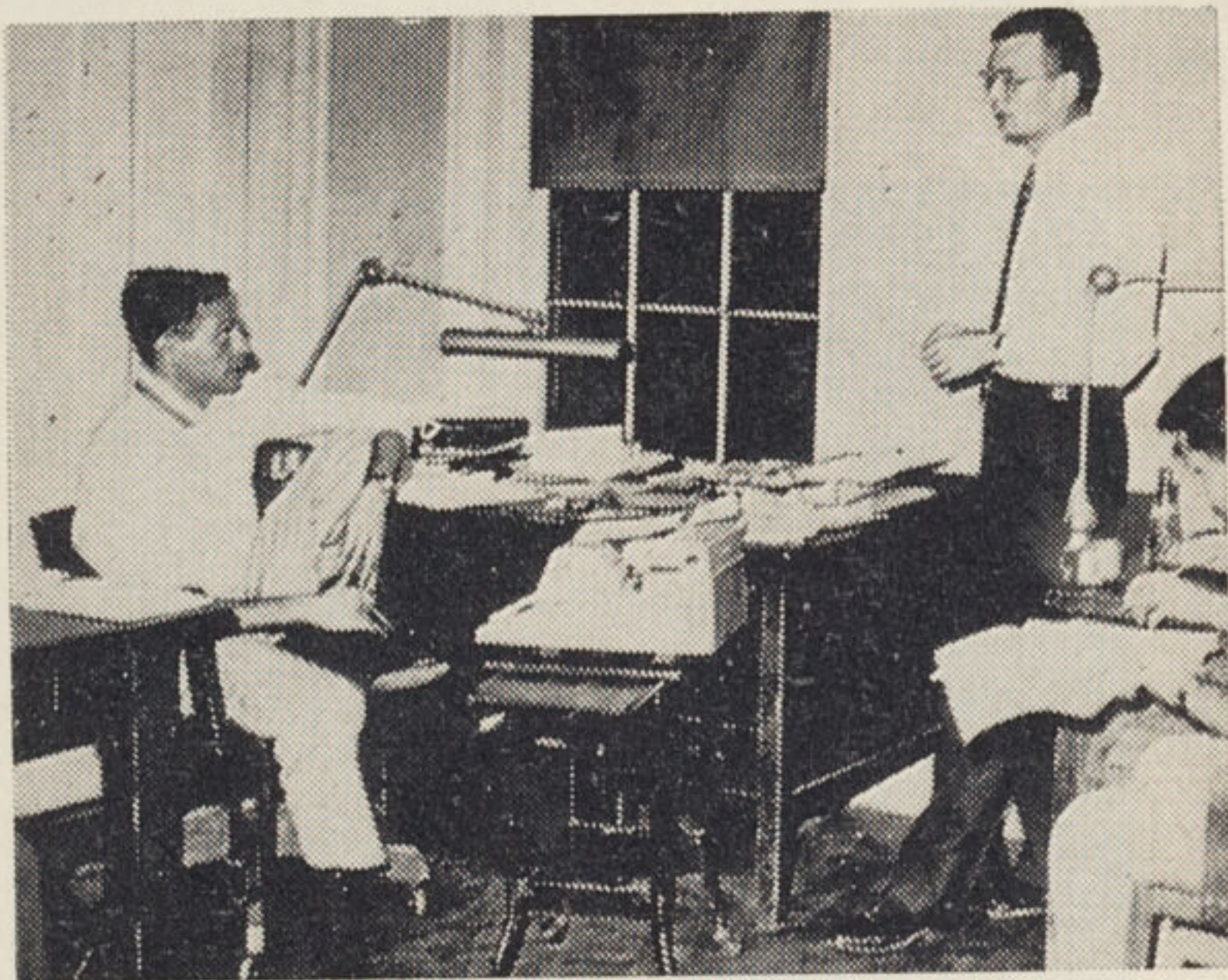
The **Review** has grown from 54 page-issues, from a staff of 15 to one of 61, and from obscurity to prominence. This growth was not due to long periods of brilliant leadership, but rather to an environment in which the Law School itself forebore to interfere, and in which eighty successive groups of **Review** editors devoted most of their waking hours to its publication.

IN THE early years, the articles by law professors, lawyers, and judges which fill the first half of the magazine were hard to find. By Volume 42, however, an editor was able to threaten a Columbia law professor with nonpublication if he remained unwilling to accept certain editorial changes in his work.

The professor wired Felix Frankfurter, a **Review** alumnus, "What will become of sociological jurisprudence?" Mr. Justice Frankfurter wired back: "To hell with sociological jurisprudence. The independence of the stu-

dent editors of the **Harvard Law Review** is paramount." Cheered by this support, editors have been ruthlessly mutilating the manuscripts of the mighty ever since, reckless of the consequences to their grades or later employability.

Attitudes toward fellow students on the **Review** are no more mellow. The philosophy



Student Editor Weinreb at work.

of the organization has always been that any piece of work can be improved, that new second year members have a great deal to learn, and that one of the things they must learn is how to respond constructively to harsh criticism.

One editor, for example, embellished a colleague's draft with the notation, "Did you write this, or did your typewriter?" and, circling a blank space, "The best part of the manuscript!"

THOUGH THE **Review** was published during both World Wars, as well as the Spanish American War and other disturbances, it tended to fall behind its publication schedule in times of great national distress. To remedy this flaw, a new policy was inaugurated after World War II: a copy of the **Review** was to be placed on the desk of Dean Griswold, himself an alumnus, on the tenth of each month the **Review** is published.

This deadline has been met, though there are tales of the ink drying as a worker rapidly stitches the binding together in a speeding car en route from the printer to Langdell Hall. This tradition has prevented

¹The writer admits to an intimate connection with the **Review**, which might be the source both of an uncontrollable urge to drop footnotes, and of some bias.

²Ed. Note: The **RECORD** too knows of footnotes. It also knows that the **Review's** paid circulation is below the **RECORD's** paid circulation of over 12,500.

and How It Grew

the **Review** from falling two or three issues behind, as other law journals are wont to do, and the resulting reliability may in part account for the fact that fifteen manuscripts are submitted for every article published.

The content of the magazine is of course a matter of much more serious concern than its punctuality, and the steps taken to assure its quality are more intricate than those of most law offices or judges. Every piece of student work passes through a minimum of eleven stages, involving at least ten people.

SMALL WONDER that the final product is unsigned: the original author may not recognize, let alone endorse, the group product. In order to stave off chaos the **Review**, which is larger than most law firms, is divided into seven departments, and staffed by twelve third year officers. Assignments are handed out daily, at 9 a.m. and 2 p.m. in the summer, and 1 p.m. and 6 p.m. when classes start. Though it is untrue that an editor found a half-day assignment in his box which directed "Learn Polish" it is true that a man was given two days this fall to learn Autocoder, a language spoken by IBM.

While the work is demanding, it is not continuous: in recent years the work week has been reduced from six to five days (except for writing assignments and other exceptions) late in the fall, and holidays are given, when the work schedule permits, for Christmas, Thanksgiving, and examinations. Indeed, time has sometimes been allowed to prepare for examinations as well as to take them.

THE RIGOR OF the **Review**, and the exclusiveness of which it is sometimes accused, have led to periodic demands for reform. This seems to occur about every twenty years, and there are reports of **Review** committees which attest to each event. Notwithstanding this, the **Review**, though it has changed, has not reformed. In fact, each committee has recommended the same reforms, cited the same drawbacks, and dissolved without action.

One source of perennial concern is the

fact that there are people in the class who are capable of doing **Review** work, but who are not on the **Review**. The difficulties of devising and administering a fair, competitive system which would do a better job of identifying these people than the grading system, however, have hitherto proved insurmountable.

Indeed, Felix Frankfurter thought that the **Law Review** was the most democratic organization of which he had ever been a part, since the only standard which it recognizes — however imperfectly — is that of demonstrated ability. Others, however, feel that the **Review** is the captive of tradition: the cover of the **Uniform System of Cita-**



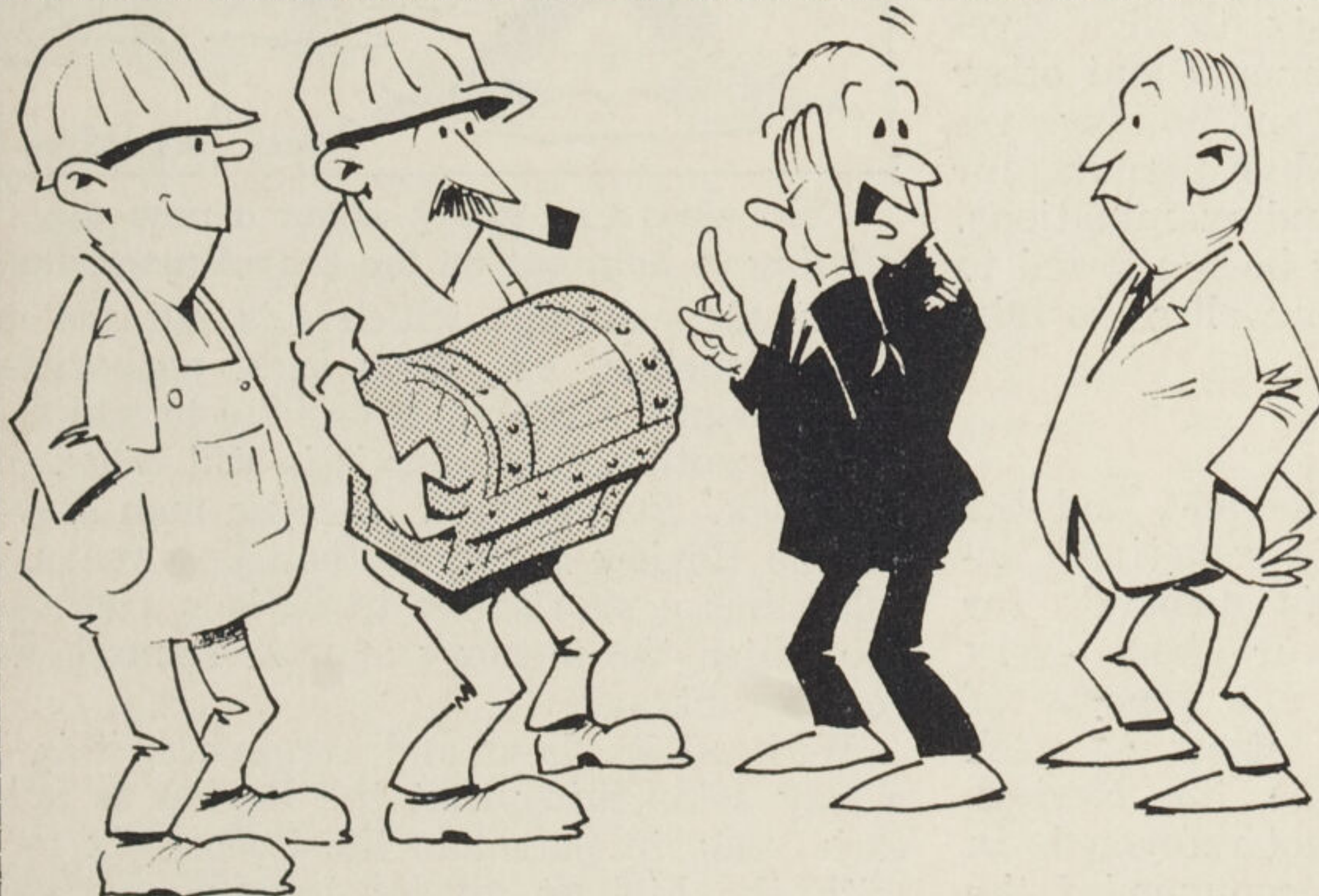
"So what's so funny about a new guy offering to help out on the school magazine?" tions, for example, which sets out the accepted method of citing legal authorities, was recently changed from blue to white in the eleventh edition, but it is still called the bluebook. Fortunately, since no man serves on the **Review** for more than two years, it takes but a short time to build a tradition for which the memory of man runneth not to the contrary.

With all its flaws and arrogance, it is in a way astonishing that the **Review** is able, each year, to persuade the twenty-six men with the highest grades to give up their summers and labor for two years, with insults as their only pay, to sustain the enterprise.

A Matter of Construction



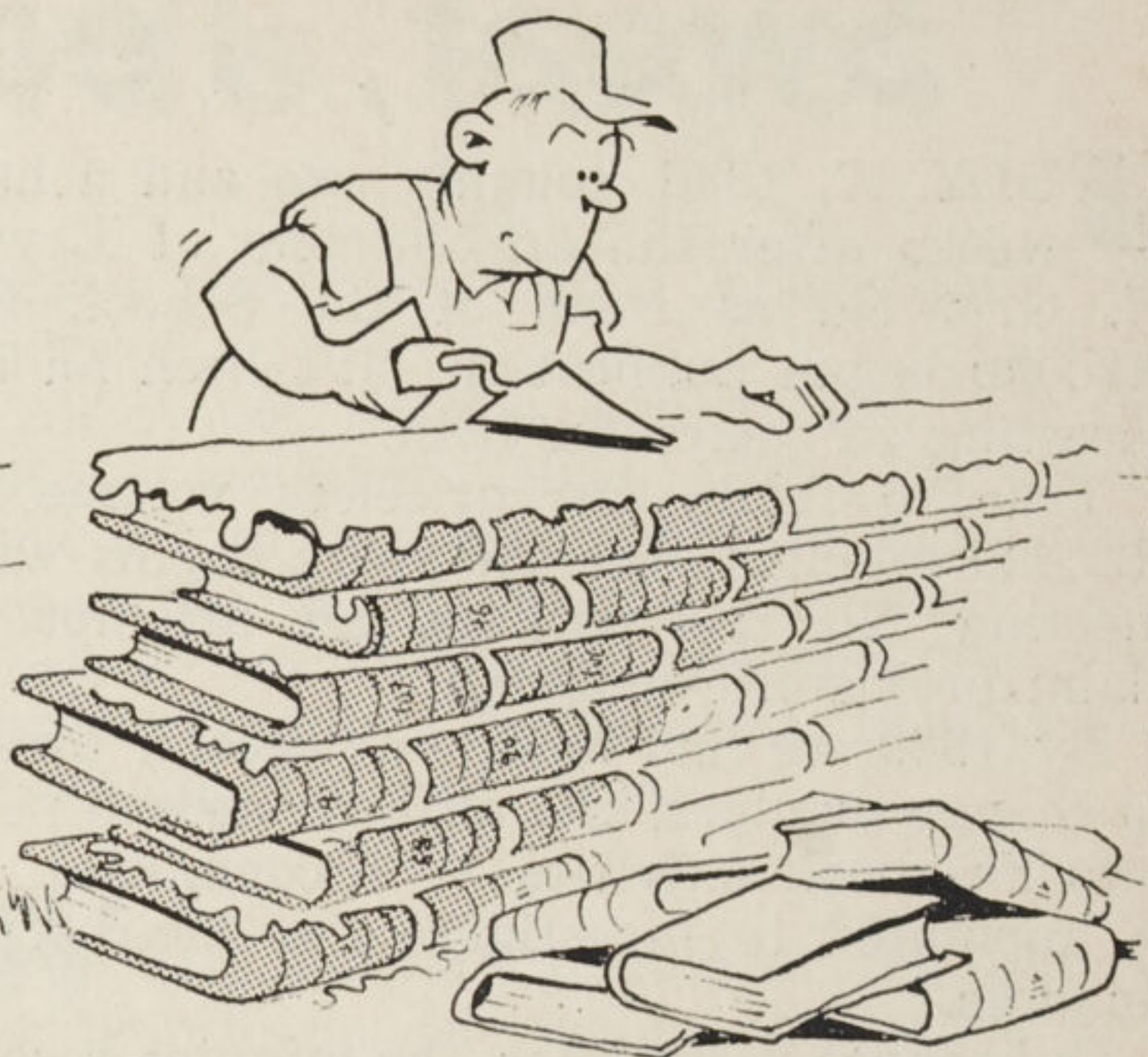
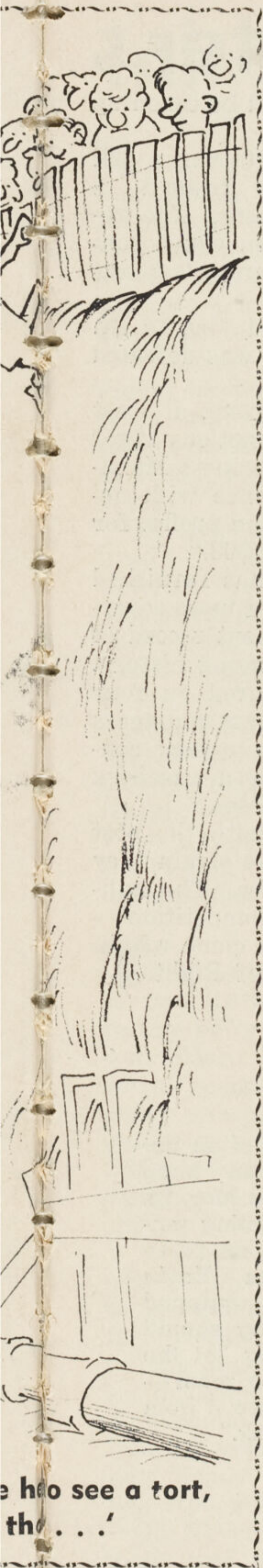
'No wonder these Harvard guys is confused.
Y'cughta see the kind o' stuff they read.'



'Well, what have we here, fellas? —
Get Leach on the phone . . . Quick!'

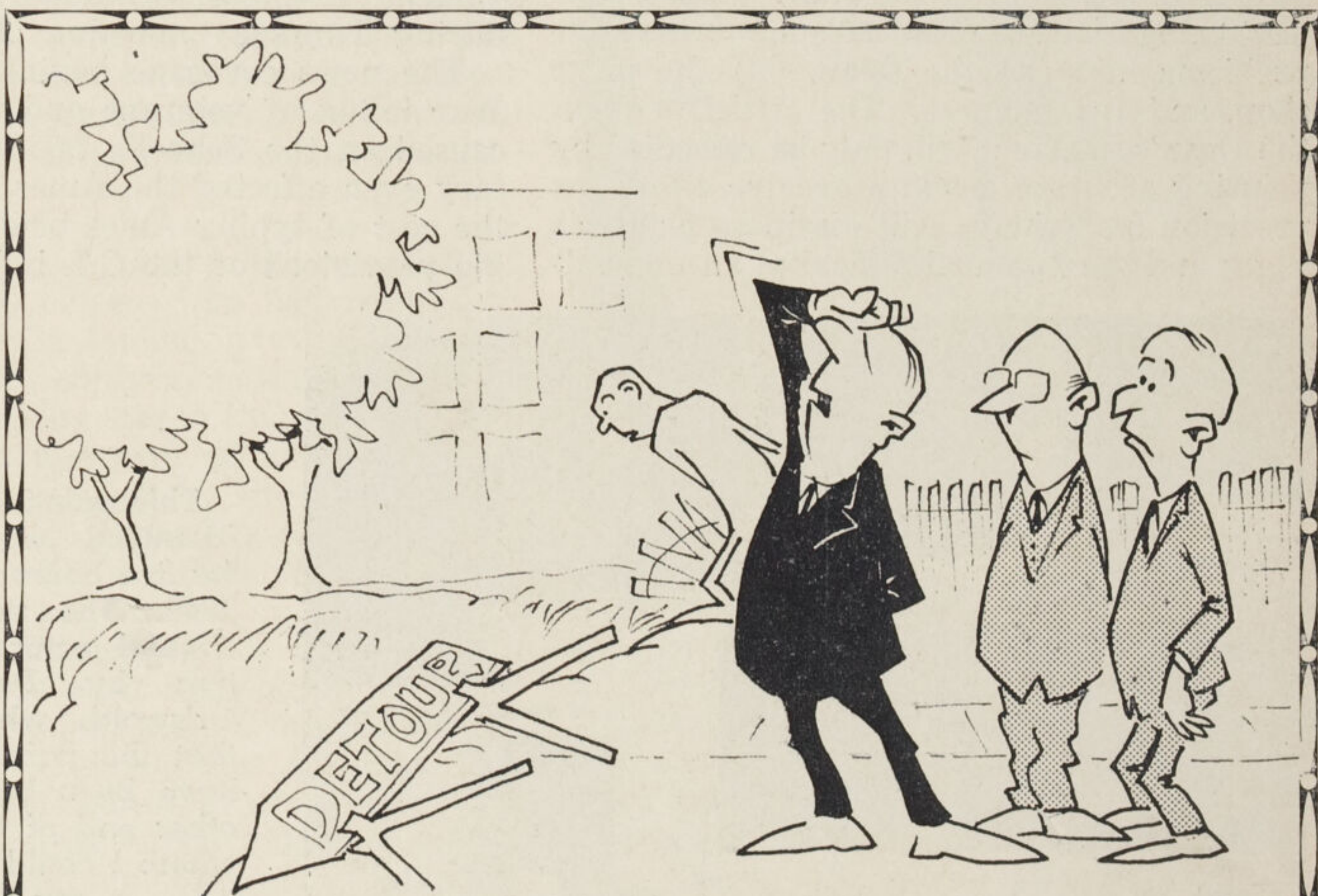


'They say they're hoo se
whatever th . . .'



**'... But 247 volumes of the Federal Reporter
don't just disappear ...'**

Cartoons by Charles Sherwood



**'... Every Thursday morning for 37 years ... just
like clockwork ... out the back door of Langdell at 9:04,
a brisk walk to Austin North ...'**

Sweat, Tears and Printer's

JULY 17, 1946, roughly two and a half weeks after the appointment of Erwin N. Griswold as Dean of the School, the RECORD began publication. It's been an interesting 21 years for both.

True to form, the priceless volume of RECORD minutes over the years begins with meeting No. 2 — perhaps an attempt to claim prehistoric origins.

By 1949 we had made our second threat to change printers, and also our second peek into Yearbook activities — “A committee . . . is appointed to investigate the Yearbook's finances.”

Only three years later, the minutes record a fifth mention of some rather recurrent new business, “There is a need for new staff members.” The same meeting brought out the fact “that advertising was in bad shape.” The RECORD was not born without labor pains.

THE MINUTES of April 1956 raise a host of new problems — at least for the freshman members of the staff. “The President categorized the RECORD's administrative problems into (a) the Dean, (b) the print shop, and (c) finances. The criticism from the Dean's quarters will only be remedied by printing accurate news; a greater effort for precision on Fridays will dissipate printer's rage; and the financial difficulty, an impend-

ing budget deficit of \$1400, will be taken up at future board meetings.”

That same year we decided to run a poll evaluating student opinion toward a strengthened student government. The result of the poll — “The problem which concerns most people . . . is automobile parking.”

Two years later, a motion to buy a St. Bernard puppy out of surplus was defeated 3-2.

With age, however, the RECORD, at least in its minutes, lost the rambunctious vigor of its youth. By 1967, “The Business Manager reported, that, in accordance with accepted accounting principles, the profits for the first semester amounted to \$63.”

Through it all, the RECORD has furnished the Law School with 21 years of news coverage and a like time of permanent record of the School's recent, gradually aging history.

The paper itself first appeared on four oversize pages. But alert business managers have gradually pared it to its present convenient size, easily hidden in a casebook during Thursday morning classes.

The news coverage begins with the post War influx of veterans and the strain they caused on the School's facilities. The military even affected the Ames Competition — the cost of typing Ames briefs came within the provisions of the G.I. bill of Rights.



This painting of an unidentified woman hung for five hours on Mar. 24, 1948. The painting enlivened lectures on Taxation by Dean Erwin Griswold, who quipped that the painting should have been hung “at the other end of the room — where I could see it from my desk.”

Ink Stain 'Record's' Pages

SOON AFTER, the great issue of admitting female law students hit the campus. Interviews with seven students in February 1947 produced four receptive opinions, two hostile, and one indifferent. One yea-sayer applied strict analytical reasoning to the question:

"There are really two questions here which should be kept apart. First, should women study law? An unequivocal Yes . . . To the second question, i.e. should women study law at HLS?, I would be inclined to say give it a try."

On October 11, 1949, the RECORD headlined: "HLS To Admit Co-eds." Later in October, the first woman was interviewed. The petite blonde was hoping to attend Harvard because "it is the very best." When asked if she looked forward to the study of law, she replied, "I love the law!"

The Forum, in 1953, announced in the RECORD a discussion on three-dimensional movies, featuring a 20-minute 3-D "short feature" of an abdominal operation. "The Forum expects this to be one of the most interesting programs presented by the organization in the current school year."

THE SAME issue carried the resignations of two RECORD officers who had refused to testify before the Jenner investigating subcommittee. The editorial noting acceptance of the resignations stated that such acceptance "was not approval of all the investigative techniques used by the Jenner, McCarthy, and Velde Committees," but rather disagreement with the stand taken by the officers at their appearance.

"We believe that opposition to these committees' methods must suspend at the doors to the hearing-room, though one should not face contempt, ridicule, or suspicion for voicing objections before or after answering as the law requires." The following week's issue contained an announcement that, after "careful consideration," the Faculty of the Law School had decided not to expell the two students.

On November 12, 1953, the RECORD's editorial was directed at Senator McCarthy's

remark that there was a "smelly mess" at Harvard.

All is not peaches and cream with the RECORD, however. More often, it's apples and cokes to take the place of the supper that never got eaten. Among the most hard-working of all student organizations, the RECORD requires tremendous numbers of man-hours for each issue.

WHILE SOME publish on the tenth of the month, on selected months, (See Page 14), the RECORD's schedule of twenty issues per year is designed to keep editors on their toes, and able to go without sleep three days



The 'Record' starts them young.

in a row: Sunday, when the copy is butchered by the editors before being consigned to the tender mercies of the linotypists; Monday, when the misleading headlines are matched with their stories; and Tuesday, when the editors miss all those last-minute corrections that should have been made because they collapse of exhaustion before completing the job of copy-reading.

All in all, however, with the cooperation of the Record's Alumni Committee and the Dean, the RECORD always seems to muddle through — even with Sesquicentennial issues.

Why Johnny Has Little Time for His

"Abandon all else, all ye that enter here," the incoming student is told. "The Law is a jealous mistress" is another way the thought is often phrased, though the speaker usually means by "The Law" the narrow confines of this year's casebooks and cites therein.

Students in ever increasing numbers, however, are disregarding these time-worn maxims. And the number and variety of student organizations at the Law School increase apace.

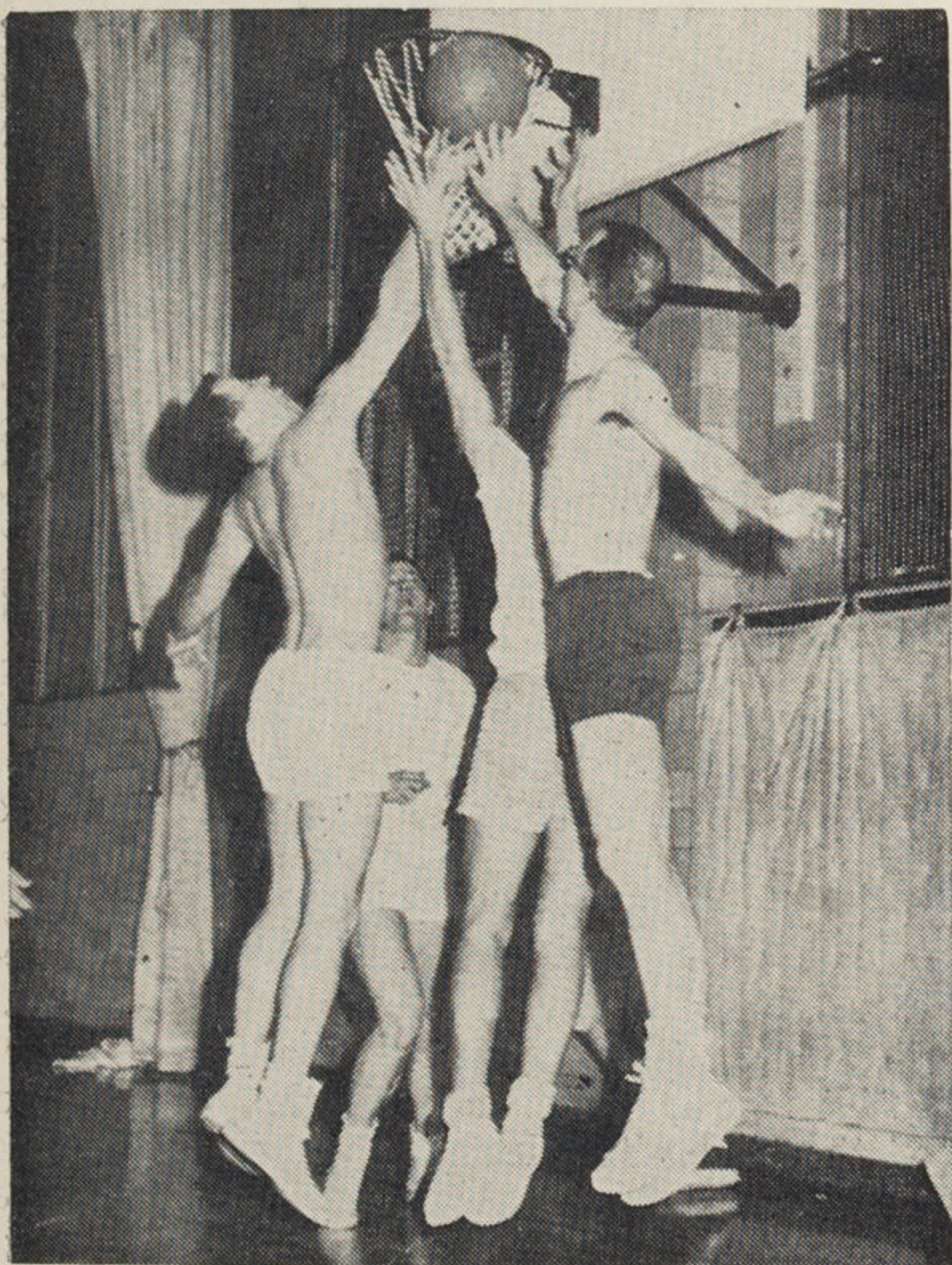
Most of the groups, of course, still deal with The Law in one form or another. The many publications bear-

ing the imprint of the Harvard Law School — attest to the many thousands of hours spent each year in the Langdell Library by students going beyond and beneath their casebooks. The **International Law Journal**, the **Civil Rights-Civil Liberties Law Review**, the **Harvard Journal on Legislation** and the **Harvard Legal Commentary**, the journal of the Second-Year Writing Program, all provide participants with the experience hitherto available only to those members of the granddaddy of all law reviews. (See story, page 12)

And then there are the

parent organizations of the journals, the **Civil Rights Committee**, the **Civil Liberties Committee**, the **International Law Club** and the **Legislative Research Bureau**, which also keep their members at work in the Library as well as outside.

For many, however, research alone, resulting in an article with limited publication and a limited audience, cannot supply the excitement and perhaps glamor of the courtroom. All first-year students get a taste of it with their Ames cases in the fall and spring, under the supervision of the Board of



Both physical (left) and intellectual activities abound. Below, Former Secretary Russel Peck signs up for Ames.



Schoolwork and Exams

Student Advisors since 1910. Many students come back again in the second year — to reverse the losing streak or to extend it, with the final goal of an Ames semi-final or final berth.

Increasingly, students are leaving the cloistered halls of the Law School, however, and with their moot court background are beginning to participate in the courtrooms of the Commonwealth of Massachusetts as well as that of Ames.

The Legal Aid Bureau has, since 1913, offered this type of opportunity to those students near the top of the class, and has recently expanded to admit students on a basis other than grades alone.

Furthermore, it has been joined by other groups which offer comparable experience. The Voluntary Defenders, for the past 18 years, has offered a chance to defend criminal clients, and, under a Massachusetts Supreme Judicial Court rule, appear in court for them. The Community Legal Assistance Office provides much these same programs, although it has branched out into other areas as well.

On the other side of the courtroom, the Harvard Student District Attorney Project, begun last year, allows third-year students to act as prosecutors in certain lower courts.

For others, however, the Law is a springboard to

other occupations or professions, and some groups reflect this shift in emphasis; the Young Democrats and Young Republicans for those with a political bent; the Bull and Bear Club for those with their sights on Wall Street tickers; the Dorm Council for the campus politicians; and the Yearbook for the campus financiers.

Then, too, there are the public spirited groups, those that provide the campus with services, imagined or real — such as the redoubtable Forum, much imitated but never duplicated; the Student Bar Association; the Yearbook; and the Dramatic Society with its yearly extravaganza of wit and folly.

Nor is the body wholly neglected in the students' pursuit of the excellence of the mind, for the intramural games of basketball, football and innumerable, lesser and/or less strenuous activities continue to flourish even as the average LSAT score rises over 670.

Sometimes, the two aspects are even combined, *mens sana in corpore sano*, as in the Blanks — though one can overestimate the value of their intellectual exercises.

On the whole, students are becoming more and more aware that the world does not begin and end with the halls of Langdell and Austin.

Illustrative of this is the modification of the Dean's speech to entering students.



The Law School Show

No longer is it "Look to your right. Look to your left. One of you three will not be back next year." Nor is it "I would advise you to see one movie per month." The advice has now become "See two movies a month — and perhaps a concert or two."

Even more heartening is the fact that the advice is being heeded and that law students are widening their worlds. And this bodes well for the Law as well as the students.

'This is the Way Things Used to be

By John TePaske

"There I was in the Great Harvard Law School," reminisced Burt J. Thompson, the oldest living graduate of the Law School. "And boy, that was tough going," he added, with sparkle in his eyes and a touch of pride in his voice.

Born May 19, 1872, and a graduate in the class of '04, Mr. Thompson, a native and lifetime resident of Forest City, Iowa, now lives in comfortable retirement ("Been retired since about 90," he admits) in the old white house where he and his wife spent most of their 56 happy years together before she died last year.

His journey to the Law School, more an escape or experiment than the culmination of scholastic ambition, came after a degree from Grinnell College, '94, a venture around the world, and several discontented years in his father's banking business.

An old Grinnell pal, then at Harvard, invited him to "come and sit around the Law School for a while."

"I had no idea of being a lawyer," he admits, but the big decision was made — "I just have to get out of here, Dad."

"I entered six weeks late, but they still let me matriculate," he continued. "Back then they didn't give a damn if you attended lectures or not. But at the end everyone had to pass the exams. I

had to take them and did, and hell, I got through the examinations," he exclaimed with reenacted surprise.

After a summer back in the bank young Burt Thompson had another talk with his father — "I'm going back to see what I can make of it."

"The same ordeal," he reported, again with that hint of pride, "Tougher than Hell. And darned if I didn't get through it."

"Ready to take a banking job?" asked his father that summer.

"No," was the reply, "I just want to find out if I can make the great Harvard Law School exam tests."

Here was the real iron

test — sink or swim — the big exam that decided who would be admitted as lawyers.

"There were 300 and some in the class and only 150 made it," he said, setting a dark stage. "They posted the names on a bulletin board," he continued, building suspense, "and we all had to crowd around and check the results. And you know," he smiled, "I'll be damned if my name wasn't there."

"Up in Austin Library after the exams, I ran into Dean Ames," Mr. Thompson mentioned quite nonchalantly. "He offered his congratulations on my graduation and asked if I was anxious

~
this
was
the
way
it
was
~

Law School of Harvard University
Cambridge, Mass.

September 23, 1921.

Dear Mr.,

Your letter of September 4th has just come to my hand. I do not see how we can possibly do anything further for you. If a man fails to be entitled to enter the second year class at the close of his first year's work, except by special vote of the Faculty, it is certainly then for him to understand that he must do or die in the second year. And you have died.

Very truly yours,

Edward A. Haven

Acting Dean

At the Great Harvard Law School'

to practice law. 'Well, not really,' I replied, at which point the Dean became incensed. He just turned around and walked off, leaving me standing there."

After a month or two of indecision, the new law



Burt J. Thompson

graduate finally made up his mind. "I cut off a small board," he said gesturing with his hands a size of about one by two feet, "and painted 'Burt J. Thompson, Lawyer' on it."

"Things were mighty rough; it was several years before I felt comfortable in the court house," he admitted. "Then something began to fit. I don't know what it was. But, by golly, I discovered that this was where I belonged."

"I joined the Bar Association—that was the smartest thing I ever did—and

began to get involved in it," Mr. Thompson said. "I began to get acquainted with the tall ones, the giants of the Bar," he added, with a broad gesture. "And holy smoke, it was just like a new world."

"There weren't many easy spots," he pointed out, "but it means something to be a lawyer. It's a great privilege to be a good lawyer. People drop their problems, their rights, even their very lives into your lap, and it's up to you."

Mr. Thompson described trying the only murder case his county ever had. In the manner of those times, the trial played to a packed house. He, like most of the others, was just a curious onlooker.

As the trial began the judge asked the defendant, "Do you have a lawyer?"

"No."

"Do you want one?"

"Yes."

"Do you know who?"

"Yes."

"Who do you want?"

"Burt J. Thompson," the defendant answered to a startled judge, a surprised audience and a dismayed young attorney.

The judge was the brother-in-law of the prosecuting attorney and several respected townspeople claimed to be eye witnesses, supporting the prosecutor's case. In addition, hearsay evidence had the defendant saying, "I'll kill that sonofabitch if

I can get my hands on him."

But, defender Thompson worked on the case all summer long and came up with photographic evidence to impeach the witnesses and new evidence to support a claim of self defense.

"I saved the defendant's neck," Mr. Thompson reports, "and I learned more in those weeks than in many months or years."

Today, forced to restrain his activities by a serious ear infection, Mr. Thompson strains at his unaccustomed leash—"I'm old in energy, but still young in enthusiasm. Boy, I want to get back in the thick of it."

The "thick of it" from the past near-century includes a

**'There were 300
in the class and
only 150 made it'**

host of honorary degrees, bar association offices, and bar awards. Past president of the Iowa State Bar Association and founder of the Iowa Bar Foundation, as well as a former member of the ABA House of Delegates and chairman of the ABA Section of Bar Activities, Mr. Thompson has been honored with the Award of Merit of the Iowa Bar and a recognition award from the American Bar Foundation.

'World Tree' Heralds Griswold Era of

(Continued from Page 11)

There was also insufficient space for the growing faculty and staff.

Shortly thereafter, Edward Austin, a Boston businessman, pledged \$100,000 for the construction of a new hall. H. H. Richardson was taken on as architect for the building, which provided a new library and a number of classrooms. Austin Hall was completed in 1883, at a final cost of \$135,000, the excess of which Austin also contributed.

The classrooms of Austin are still used as such, but the magnificent library reading room, high-ceilinged and with great hardwood beams carved with wild boars and dragons now serves as the James Barr Ames Courtroom, scene of the upper level Ames moot court arguments. Although the Hall did not provide living quarters, there was need for them as the enrollment continued to climb.

Thus, when the University built nearby Hastings Hall in 1889-90, that hall became the domain of law students. Gannett House, which today serves as the location for the Law Review and some other organizations,

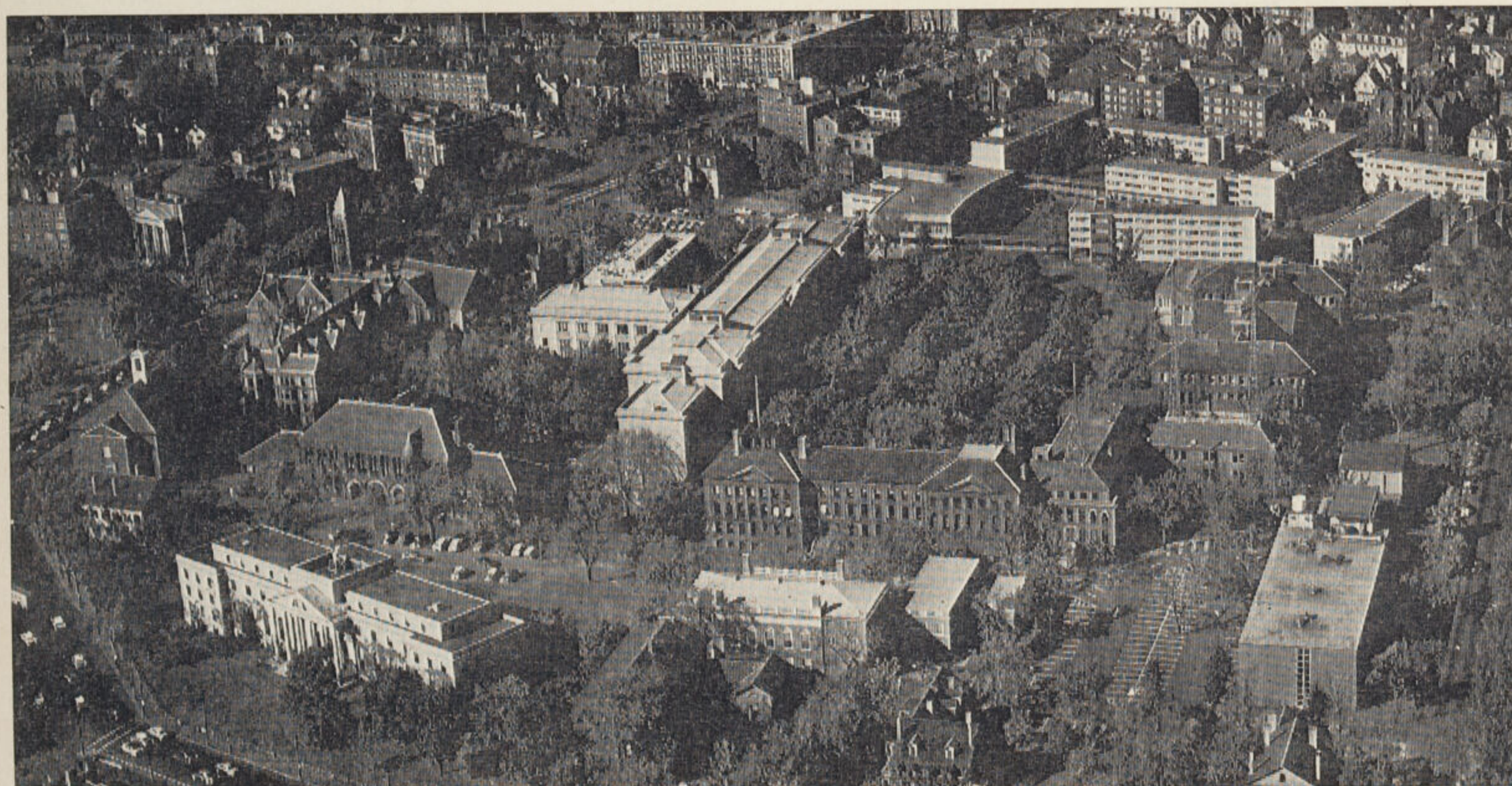
was in earlier years also a residence hall.

Even Austin Hall, however, soon became too small, much sooner than the fifty years anticipated by President Eliot and Dean Langdell. The student body increased beyond all expectations, more than three and a half times in the period from 1885 to 1904, to a total of 764.

The increased enrollment, besides presenting a problem, presented part of the solution, for with more students came larger amounts of tuition monies, a good portion of which could be employed to enlarge the School once more.

Or perhaps "twice more" is the better phrase, for Langdell Hall, though largely conceived as it now stands, was actually built in two distinct stages. The Corporation took on as architects for the project the successors of Richardson.

The original intent was to complete in due time a building running approximately as long in a north-south direction as the present Langdell is. However, such a vast increase in size was not needed at the time, and the first construction at the site was of what is now the southern part of the Hall. Even



An aerial view of the Law School as it was — 1965.

International Law

that part cost over \$400,000.

Langdell served for approximately twenty years in its initial state. However, the inexorable growth of the library, student body, faculty, and administration again put pressure on the existing facilities. Dean Pound in his Report for 1925-26 wrote:

I have repeatedly called attention to the entire inadequacy of our buildings. . . . Many of our lecture rooms are crowded beyond what is safe, and we are compelled to use at least one room which is not adapted for a lecture room and causes serious inconvenience. . . .

The 1927 first year class contained 694 men, or something shy of the entire 1904 school population. By 1927 the faculty had grown to thirty. In his Report for 1926-27, Dean Pound wrote: ". . . until Langdell Hall is completed we shall be constrained to put a limit upon the number of those admit-

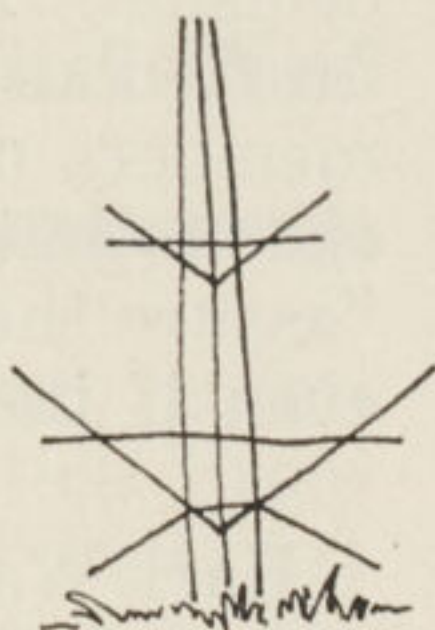
the plans for a cluster of five Law School dormitories and the Harkness Graduate Commons.

This complex, including also some dormitories for graduate students in other parts of the University, was designed by Walter Gropius; the rather modernistic style was in contrast to some of the older academic buildings of the School and is perhaps best exemplified by the World Tree, a branched affair of steel tubing which was planted in the grass courtyard which the Harkness dining rooms overlook.

Although something named the "World Tree" sounds somber and ominously connected with the blacknesses of Norse mythology, in practice the Tree has been taken to heart and is occasionally ornamented with a Halloween pumpkin or some Christmas ornaments. Still, it doesn't entirely *look* like a World-Tree.

Harkness, and the dormitories, have probably added a measure of cohesion to the student body which much earlier Professor

"Methinks we
should build
our school
right by
yon tree . . ."



SHERWOOD

ted to graduate courses. . . . We must now await with patience the course of construction of a monumental building."

The problem was perhaps more pithily summed up in a subsequent fund-raising pamphlet. "Callers upon the Professor of Legal History will find him in the basement of Langdell Hall in a room which was formerly used as a vault and is entered through a steel door with combination lock."

There the Law School stood until after the Second World War. In 1948-49 there arose



Stearns had hoped for in his plans for the replacement to College House Number 2.

The major post-war change in the academic facilities prior to the current construction was the International Legal Studies wing, which connects to the west wing of Langdell. There is now housed the international library, as well as a number of seminar rooms and faculty offices.

The two new buildings now in progress are thus only one more step in the expansion
(Continued on Page 27)

'Warren Has A Place in History,'

(Continued from Page 13)

that to "Impeach Earl Warren," was too conservative.

On the other hand, New York City Corporation Counsel and former U.S. Solicitor General J. Lee Rankin exclaimed: "I rank Warren with Charles Evans Hughes and

**'I rank Warren as one
of the three greatest
Chief Justices we ever had'**

John Marshall as one of the three greatest Chief Justices the United States has ever had."

It does not appear that Warren's talents blossomed in Law School; he certainly was unhappy with the case system, explaining that "the law school made a fetish of discouraging the acquisition of practical knowledge and they were so committed to the case system that they denied you the opportunity of seeing things in perspective." Passing his exams with median grades while holding a part-time position with a law office, he received his J.D. from Berkeley in 1914.

Large Victory Margin

In elective political office from 1926, Justice Warren occupied the positions of District Attorney of Alameda County, then Attorney General of California and finally Governor of California for three terms, rolling up the largest victory margin in the state's history in his last campaign in 1950.

It is not clear whether or not Warren had been promised a seat on the Court by Pres. Eisenhower, although rumors circulated that Mr. Justice Frankfurter was about to resign and Warren was to replace him. Frankfurter, contacted about this rumor,

stated only that "I suppose I may quit someday, unless I achieve immortality."

Then, in September, 1953, Chief Justice Fred Vinson died suddenly. Acting on the advice of Attorney General Herbert Brownell, Jr., Eisenhower appointed Warren, indicating that he "wanted a man whose reputation for honesty, integrity, middle of the road philosophy, experience in government, and experience in the law" was unquestioned.

Confirmation Held Up

His confirmation, however, was held up for five months. Southerners, realizing that *Brown v. Board of Education* was pending, feared he was too pro-Civil Rights; conservatives felt he was "soft on communism." Nevertheless, the Senate confirmed him on Mar. 1, 1954.

In what was probably a masterpiece of judicial statesmanship, in his first major decision, *Brown v. Board*, Warren, C.J., drafted an opinion that satisfied all the other members of the Court, and rendered a decision that would, as Marquis Childs said, "assure the Chief Justice a place in history," even if the Court did little else.

Politics of Humanity

Earl Warren is now 76, having spent 14 years on the highest bench in the land. His reputation as one of the most capable state executives has long been established; former Governor Edmund G. Brown believes "he was the best governor California ever had." His reputation as one of the greatest Chief Justices is also established, notwithstanding the small vocal minority that villifies him. In the final analysis, Earl Warren as Chief Justice has furthered no narrow partisan issues, but has practised what Leo Katcher calls "the politics of humanity."

William Brennan took his seat on the Supreme Court Oct. 15, 1956, when Associate Justice Sherman Minton retired, and his appointment was approved by the Senate the following year by a voice vote; only Senator McCarthy dissented — with a loud "No."

Interviewed in Washington right after the announcement of his appointment by Pres. Eisenhower, Justice Brennan said that his appointment was a complete surprise. He noted that even after the Attorney General

'Brennan Will Be a Great Justice'

called him and asked him to come to Washington the next day, he had no idea why he had been summoned.

His modesty to one side, however, Justice Brennan's career before ascending to the bench was notable. Graduating from the Law School in 1931, he joined the largest firm in Newark, N.J., becoming a partner in 1938. In 1952, New Jersey Governor Driscoll named him to the Supreme Court of New Jersey, where he distinguished himself.

Chief Justice Arthur Vanderbilt of the New Jersey Supreme Court was reported to

counsel in criminal prosecutions; all these have been extended to the states in the past decade. Not free from controversy — they have been called "coddling criminals" and "hamstringing the police" by some — these rights have been called fundamental by others.

When first appointed, Justice Brennan was generally approved of by the faculty at the Law School. Professor Paul A. Freund, who was president of the **Harvard Law Review** while Justice Brennan was a member of the Legal Aid Bureau said he thought "he'll make a great justice." History has proven him correct.

Only Sen. McCarthy dissented from Brennan's approval—by a loud 'No'

have written a letter to the President recommending the appointment of Justice Brennan, who was the youngest man on the Court when appointed. Secretary of Labor James Mitchell of New Jersey was also among those suggesting him for the high court. The two men had met when Mr. Mitchell was a personnel consultant for Western Electric Co. and Justice Brennan was counsel for the company.

His first term on the Court saw a swing towards a libertarian position, in which the winners were the individuals, not the Government, which had almost invariably carried the field before 1955. In late 1957, the Court handed down a number of decisions which infuriated anticommunist groups, then came the *Mallory* decision and in 1962, the school prayer case and *Baker v. Carr*.

Since Justices Warren and Brennan have been on the Court, it has extended most of the guarantees of the Bill of Rights. The exclusion of illegally-seized evidence and of confessions obtained under "psychological duress," or from persons not properly informed of their rights; the right to free

Buildings . . .

(Continued from Page 25)

of the School to maintain its excellence. They will, at this juncture, be very important.

The five floors of the Faculty Office Building, to be located southward from the west wing of Langdell, will, as the name implies, provide office space for about thirty faculty members as well as administrative staff. The fifth floor will contain a faculty "working library" of 25,000-30,000 volumes and provide the amenities of a lounge.

The Classroom and Administrative Office Building will also be five stories tall, with the basement containing new quarters for the Medical Clinic, and also storage space for books. The first floor will contain five classrooms, seating from 75 to 100 students. There will also be several student lounges and discussion areas.

The second floor will consist of seven somewhat smaller classrooms, some designed especially for seminars, ranging in capacity from 35 to 60 students, and the first level of a three-story "general purpose meeting room," with mezzanine, designed to accommodate 700 to 800 persons for lecture functions or 400 for large dinners.

The third floor (besides including the second "level" of the three-story high general purpose room) will contain new offices for the Admissions and Placement staffs, with ten interview rooms.

Grading System Gets Low Marks

(Continued from Page 7)
must be careful not to stifle the elation of his former successes. To do that means either to kill his ideals or his self-image or both.

"With his self-confidence gone and his aspirations dimmed, he is far less likely to make a significant contribution to society."

But the fears of Dean Bruce, Prof. Byse, other members of the committee and many students are not shared by such men as past Dean Toepfer, who asked in a report in 1958; "Are Harvard Law Students really so sensitive and delicate that we should dress our judgment of their merit in broad generalities lest we shake their confidence? If so, perhaps the fault lies with admissions rather than the grading system."

But, despite Mr. Toepfer's loaded question, "The Judgment" remains an awesome moment for Harvard Law Students, even for the less "delicate" among them.

Many find the system contains "inherent absurdities" such as siphoning off students from the top one and two per cent of the college graduates of the nation and then giving the majority of them C averages that numerically appear to be D or F averages on most commonly recognized grading scales.

Mr. Toepfer, himself, noted that there has been a great deal of experimentation with grading systems since examinations as we know them were first used at the Law School in 1871.

Passing marks over the years have been set at 70, 65, 40 and 60. Today, even though the theoretical maximum is 100 and the minimum 0, the actual range is about 55 to 85.

In the past 40 years there has been a dramatic reduction in the number of failures, lowering the total from about 37 per cent of the first year — class in 1926 to about one per cent in 1967.

Some
students
are
interested...



In recent years the "inflation" in marks has not only reduced the number of failures, but also has increased the minimum average necessary to "make" **Law Review**. Those minimums were:

1964	75.2
1965	75.7
1966	76.27
1967	76.0-76.5

The minimum for 1967 is given as a range because the administration decided to eliminate public reference to the fact that averages are computed down to 1/100th of a point.

Student mathematicians, grounded in statistics, showed last year that a numerical average of 72.3, for

instance, was not necessarily indicative of better performance than an average of 71.9 since professors make discriminations between exam papers only by units of one or more.

The nuances of this widely accepted theory are best left to statisticians, but its practical results have made the Law School more self-conscious about discriminating between students whose averages differ by

one-tenth or even one-hundredth of a point.

Nevertheless, differences of this nature can mean that instead of ranking 99th in the class, a student ranked 120th. Why? His numerical average was about 2/10's of a point lower.

Most students, especially those entering the system for the first time, want to know, first, how will his performance here be measured, and second, what effect will this measurement have on his life at Harvard and on his chance of getting a job after Law School.

Many people could tell the bewildered first-year student the way the system is today, but suggestions for chang-

from Many

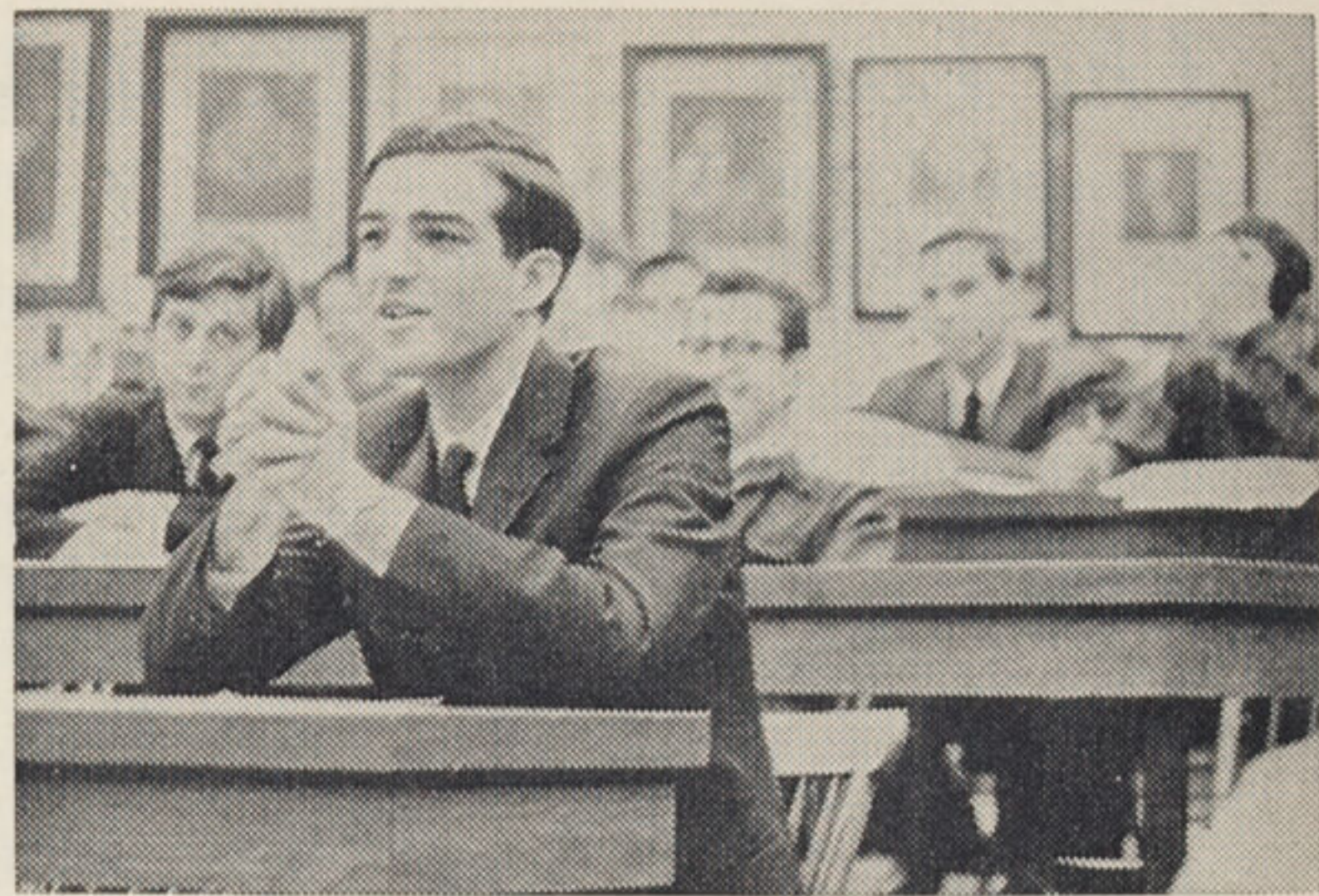
ing the system run the gamut from complete abolition of grades to Professor Sutherland's tongue-in-cheek proposal that the Fahrenheit boiling and freezing points be made excellent and failing marks respectively.

Others want to change the effect of grades both at the selection of honoraries and job placement levels.

Professor John Dawson, a member of the Joint Student-Faculty Committee and known for his innovations such as a second practice exam, suggests that the Law School could improve its grading system by sending the students only the specific mark made in each course and not his overall average, which many students use to "objectify" themselves.

He also proposes that employers be given only very

Last term's open meeting



then be forced to interview the students and ask them specific questions about their marks instead of being able to pre-exclude students without a certain minimum grade average.

"This might help the employers become more aware of the multiple factors that should be considered in selecting a potential partner. Certainly such qualities as integrity, responsibility and personableness should play an important role in the

become a permanent institution at HLS.

"I want to see evolutionary, not revolutionary changes at Harvard Law School," said the Dean.

If the committee continues its rapid pace, the Law School is likely to see a new spate of "evolutionary" changes this year.

Most will probably be concentrated in the following areas: (1) Changes in the grading system, such as giving a much higher proportion of B's. (2) New methods of joining the Law Review, the Board of Student Advisors, and the Legal Aid Society, in addition to the present class rank method. (3) Attempts to use factors other than just exam writing in grading student performance. (4) Encouragement in lessening the importance of numerical averages in job placement.

Harvard Law School is not likely to become another Berkeley as it was described in the undergraduate "Crimson" last year. But at both the student and faculty levels, many men are pressing for changes which they hope will result in renewal at the Law School.



Some are bored...

general indications of students' performances. For instance, a student ranking 100th in his class would be reported as being in the top one-quarter, while a student with a 68 average would be reported as being in the middle of his class.

Professor Dawson points out that the employer might

selection."

Whatever changes come in the next years, the Joint Student-Faculty Committee will probably be a major impetus to action.

Dean Erwin Griswold, who views the committee as a channel of communication and of constructive thinking, believes that it might

The Law. . .

(Continued from Page 5)

from a reputable college became a prerequisite to admission, mandatory written examinations were begun, and in 1876, the course was lengthened to three years. And the grandest innovation of all, of course, was his revolutionary case method.

The story of the Law School in the twentieth century comes almost as an anti-climax to the excitement of the "Langdell Era," as Sutherland calls it. The modern Law School was established between 1870 and 1910, with the more recent history one of continued physical and intellectual growth on the foundation laid in those years.

Sutherland concludes his book with a chapter on "To-

morrow," — "So for tomorrow; the School must be ready to put away former things . . . if change all around calls for . . . new ways. . . ." The advice was heeded as recently as last spring, with the formal dropping of second-year requirements as well as other innovations (See Story, Page 8), so Prof. Sutherland can claim some success as a prophet.

More significantly, with this book, Sutherland has shown himself an historian of importance and a writer of skill, one whose research is meticulous and untiring, whose style is light and lucid, and whose work is explanatory as well as descriptive.

Not often is a scholarly history also fun to read. This one is.

Pres. Pusey. . .

(Continued from Page 3)

the law's ideal — the protection and encouragement of human liberty and the undergirding of liberty with responsibility and discipline.

An undercurrent of awareness of these two ingredients has flowed irresistibly through the Law School's history, alongside an equally strong concern for the advancement of the law as a profession. It helps explain the striking changes in the School's program, the altered attitude of both teachers and students, and the School's ever-increasing preoccupation with human need in the world outside the university, in the conviction that the law must be studied and practised as much as a human and social instrument as a majestic, awe-inspiring institution to be analyzed

(Continued on Page 32)

Greetings from the Dean . . .

(Continued from Page 3)

contribution to American law and to American social progress.

For two days we will join together, to renew friendships of the past, and to lay foundations for the future. These should be memorable days of great significance in the life and development of the School.

Of course, we are greatly honored by the presence of Chief Justice Warren, Lord Radcliffe, and the others who are participating in the Sesquicentennial program. Perhaps it is appropriate to add that it is an especial pleasure to welcome back to Cambridge two of our alumni who have achieved high posts in the legal profession, William J. Brennan, Jr., LL.B. 1931, Associate Justice of the Supreme Court

of the United States, and Earl F. Morris, LL.B. 1933, President of the American Bar Association.

We have made great efforts to plan this celebration so that students can participate in it. In many ways, it would have been convenient to hold the meeting during the summer, or earlier in September. But we wanted our students to be able to participate in it, and so we planned the celebration for the opening week of school, with classes omitted on the two days of the meetings. We hope, too, that students will attend the final banquet in the Commonwealth Armory in Boston, on Saturday evening. Tickets for students for this occasion are being made available at a greatly reduced price through a grant made by the Harvard Corporation. The members of the Corpo-

ration expressed a desire to make a contribution towards the expenses of the Sesquicentennial celebration.

When we suggested that we would like to use this to make it possible to sell tickets to students at a reduced price, they agreed. We hope that a large number of students will take advantage of this opportunity, and that they will join with the many other guests and friends of the Law School during all of the events of the two days in what we hope will be a significant and memorable celebration.

I would like to take this occasion to express appreciation to the RECORD for the contributions which it has made in the more than twenty years of its history, and particularly for the special issue which it is publishing in connection with the Sesquicentennial Celebration.

Erwin N. Griswold
September 14, 1967

Six Pillars of the Modern Era . . .

(Continued from Page 9)

Michigan Law Review. He was a case editor of the **Harvard Law Review**, and impressed others on the **Review** with the weight of his learning and prodigious memory.

Unsatisfied with the relative quietude of life in Cambridge, Landis left the deanship to return to Washington in 1946. Beset with troubles and unhappy, he died in 1964.



GRISWOLD

1945-

DURING HIS TERM as Dean, Erwin Nathaniel Griswold, though quick to disclaim sole credit, has seen the faculty doubled in size, the school's endowment quadrupled and the amount of student financial aid increased 23 fold.

Under his supervision, a multi-million

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

During his administration, what Roscoe Pound termed "the Griswold World Law Era" achieved stature — the number of international law courses grew from 2 to 23 — seminars became an integral part of the

Lawyers . . .

(Continued from Page 13)

morning at Holmes field, is a native of Little Rock, Arkansas, where he has practiced law for the past 38 years with the law firm of Wright, Lindsey, Jennings, Lester & Shults.

In addition to this active practice, he has found time for much civic and other public service. He was chairman of the Arkansas Board of Law Examiners from 1938-41 and co-draftsman of the Arkansas Probate Code in 1948. He served as Commissioner of the National Conference of Commissioners on Uniform State Laws from 1945 to 1957 and as a member of the Second Hoover Commission Legal Task Force from 1954 to 1955.

curriculum for all students, and programs in student writing attained hitherto unimagined heights.

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

Dean Griswold may not be the great, colorful personality that Dean Pound was, but, to the extent that the current success of the Harvard Law School can be attributed to any single living person, that person is Erwin Griswold.

Philosophers . . .

(Continued from Page 13)

of Britain's monetary mechanism which had been made in 30 years.

Lord Radcliffe is a connoisseur of art and has a fine collection of French paintings.

Prof. Hampshire came to Princeton University in 1963 from the University of London. In 1964 he was named Chairman of his department, and the following year was appointed first incumbent of the Class of 1943 Professorship, a "University Professorship" recognizing a distinguished teacher-scholar without regard to the individual's area of specialization.

He teaches undergraduate courses in metaphysics, problems of philosophy, and moral philosophy, and graduate courses in the philosophy of the mind and Aristotle.

His fields of interest are the philosophy of the mind, the theory of knowledge, moral and political philosophy, and aesthetics. In common with most of his contemporaries at Oxford, he has been greatly influenced by G.E. Moore, Wittgenstein and by current analytical methods of philosophical argument.

Program of Sesquicentennial Events

Friday, September 22, 1967

Holmes Field

- 9:30 a.m. — Academic Procession
10:00 a.m. — Convocation, Addresses
Viscount Radcliffe: "The Lawyer and His Times"
Stuart Hampshire: "Morality and the Natural Order"
1:00 p.m. — Luncheon, Informal Remarks Harkness Quadrangle
Arthur Sutherland: "... Now Praise Famous Men ..."
2:30 p.m. — Law and the Social Sciences Holmes Field
David Cavers, presiding
Lon L. Fuller: "Some Unexplored Social Dimensions of the Law"
Talcott Parsons: "Law and Sociology — A Promising Courtship"
Alan M. Dershowitz: "Psychiatry and the Legal Process: A Knife that Cuts Both Ways"

Saturday, September 23, 1967

Holmes Field

- 9:30 a.m. — The Challenge to the Legal Profession
Henry J. Friendly, presiding
William J. Brennan: "The Responsibilities of the Legal Profession"
Edward Wright: "The Proposed Code of Professional Responsibility"
Gary Bellow: "The Extension of Legal Services to the Poor: New Approaches to the Bar's Responsibility"
Frank I. Michelman: "The Legal Profession and Social Change: The Challenge to the Law School"
1:00 p.m. — Luncheon Harkness Quadrangle
2:30 p.m. — The Challenge to Legal Education Holmes Field
A. James Casner, presiding
Erwin N. Griswold: "Intellect and Spirit"
David Riesman: "Some Observations on Legal Education"
Geoffrey C. Hazard, Jr.: "Challenges to Legal Education"
6:30 p.m. — Sesquicentennial Banquet Commonwealth Armory
Paul A. Freund, Toastmaster
Greetings and Addresses:
John A. Volpe, Governor of Massachusetts
Erwin N. Griswold, Dean of the Harvard Law School
Earl F. Morris, President of the American Bar Association
Earl Warren, Chief Justice of the United States

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Pres. Pusey. . .

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and interpreted through precedent and changed conditions.

On this momentous anniversary the University looks back in pride and gratitude to the many — students, teachers, graduates — who have helped to bring the Harvard Law School to its present high level of achievement and looks ahead with hope and confidence to the School's continued progress, usefulness, and influence in the affairs of men.

Nathan M. Pusey

14 September 1967