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FIFTEEN CENTS

Atkins Campaigns for Boston City Council

By Robert Bares and Jack Tate

Thomas Irving Atkins, 2L, with a tight-knit political organization including two Harvard Law professors and 27 law students, is already fighting for political office at a time when most students are content with mere membership in Democratic or Republican clubs.

Mr. Atkins, 28, recently became the first Negro to place in the election slate for Boston City Council since the "reform" of 1951. He seeks programs in employment, safety, sanitation, and recreation which will encourage neighborhood initiative. And to eliminate "political interference," he supports an appointed School Committee.

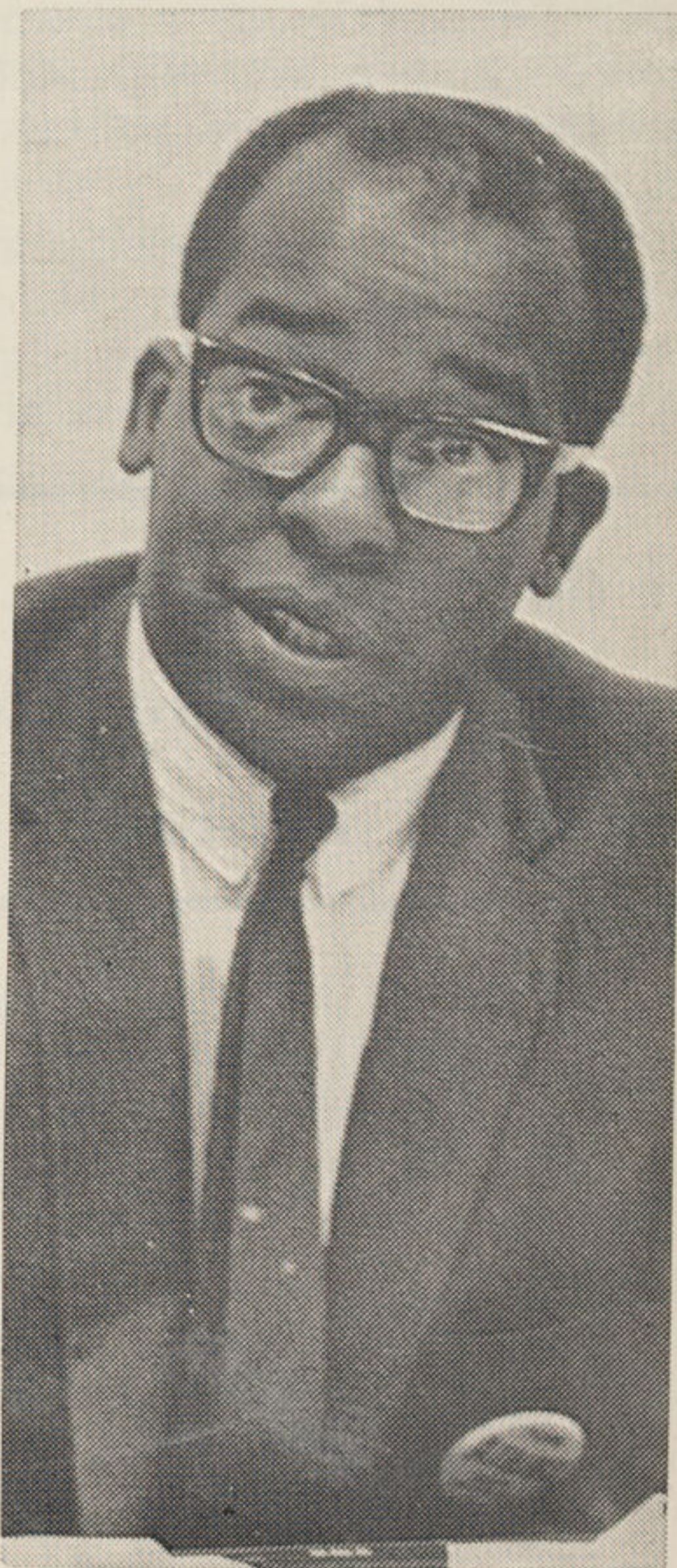
Luckily, Atkins drew first place on the run off ballot, a bit of fortune worth an

extra eight thousand votes one of his supporters estimated.

But Atkins will need about 60,000 votes to win. To marshal these votes, this second year law student has put together a political organization drawing on support not just from the Law School and the people in Roxbury, his home, but also from neighbors and colleges throughout the city.

His supporters have "volunteered" to call over 150,000 voters be-

(Cont. on P. 2)



Candidate Tom Atkins

Senate Acts Quickly

Griswold Confirmed

Acting promptly on President Johnson's nomination of Dean Erwin Griswold for the position of Solicitor General, the United States Senate officially confirmed the new appointment last Thursday.

On October 11, the day before, the Senate Committee on the Judiciary had given the dean's nomination its unqualified endorsement in recommending Senate approval. Reportedly, in the committee

session, support for the appointment was so widespread that no questions were asked of the dean by committee members.

Before he officially becomes a government employee, the dean must be sworn in to his new office in the Department of Justice, a ceremony which is expected to take place early next week.

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Getting Out the Vote For a L

(Continued from Page 1)

fore the Nov. 7 election, and Atkins himself intends to campaign in all parts of Boston.

Prof. Frank I. Michelman, Atkins' Director of Research, explained that he was motivated to join the campaign by Atkins' grasp of the issues and general ability.

He pointed out that his main role is as a coordinator of research into the substantive issues. With the assistance of six Harvard Law Students, Prof. Michelman, who began working for Atkins in late August, prepares position papers, press releases, letters and "white" papers.

Prof. Charles R. Nesson, Director of Strategy, is attempting to increase voter awareness of Atkins through a complex campaign tailored to each of the Boston communities.

If possible, Prof. Nesson plans to expand greatly the role of law students in the campaign, especially as a means of recruiting college women who will hand out literature around Boston's 275 polling places on election day.

Several Boston attorneys and semi-professional political workers, who participated in the Edward Brooke campaigns, are helping Atkins plan for the weeks ahead.

'I don't abide by tradition or the Boston political mentality'

ONLY LAST June many law students were wondering whether Atkins would be able to stay in the Law School. During the Roxbury "riots," on his way home from a conference with the Boston police commissioner, Atkins suddenly found himself in the midst of another dispute between the police and citizens of Roxbury.

The police began firing in the general direction of the Negroes and, according to

newspaper reports, Atkins "attacked" one of the policemen. He was arrested and charged with inciting to riot, loitering, assault and battery on a policeman, and destruction of personal property — a \$1.50 tie worn by the



policeman.

According to Atkins' wife, mother of three young children, he was taken to the police station where, to the police's surprise, Atkins turned out to be one of the Negro leaders.

The fact that he had just been in conference with Police Commissioner McNamara did not make the police feel any easier. They offered to drop the charges if Atkins would sign a release of his false arrest claim against them. Atkins refused, and four hours later he was booked.

SEVERAL weeks later Attorney General Eliot Richardson, himself a graduate of the Law School, in a highly unusual move, dropped all the charges against Atkins.

The Roxbury riots and his difficulties with

Local Candidate for Council

the Boston police were not the only events contributing to an unusually rough final exam period for Atkins.

He spent most of May in bed and some of it totally incapacitated in a hospital. But he took all his exams and passed all his courses.

His recent political activities have placed new strain on his academic work at the law school, and his face has temporarily become a rare sight in some classes. But his political work is so widely admired both by the students and faculty that, if anything, Atkins is more likely to be praised than faulted for stepping off the academic grind temporarily.

ATKINS, who does not shy from the racial issue in the campaign said recently: "I don't abide by tradition or the old Boston political mentality. I am neither limited nor frightened by it.

"I don't think my election would be any kind of breakthrough for other Negro candidates. A lot of people tend to talk in those terms only because they tend to exceptionalize Negro candidates."

Bringing a new dynamism to a political scene dominated by sluggish machine politics, Atkins also brings to the Boston campaign new slants on old issues. Says Atkins: "The major problem of Boston is its educa-

tional inferiority. You can talk about 'bussing children' all you want . . . but it doesn't make much difference if you bus a child from one bad school to another bad school."

On reform of the City Council: "I would replace the present nine man City Council elected at large with a council of thirteen, with eight members from each of the eight 'neighborhoods' and only five at large . . . that way, the eight will have to produce for their neighborhoods or be turned out in the next election . . . something might get done for a change."

ON CORRUPTION: "The corruption in Boston politics is dangerously widespread — it's especially rampant in the appointment of civil service employees . . . This corruption and the educational inferiority are, I believe, two reasons why Boston has lost 180,000 people since 1950, a decline of roughly 10,000 a year."

On the mayoralty campaign: "Though Boston loses 10,000 a year, its Negro population of 100,000 continues to grow. The main issue in the mayoralty campaign is what is to be done for this Negro population . . . The issue now is Louise Day Hicks. So far, Kevin White is only an alternative to 'the issue'; he must stand for something more

(Continued on Page 15)



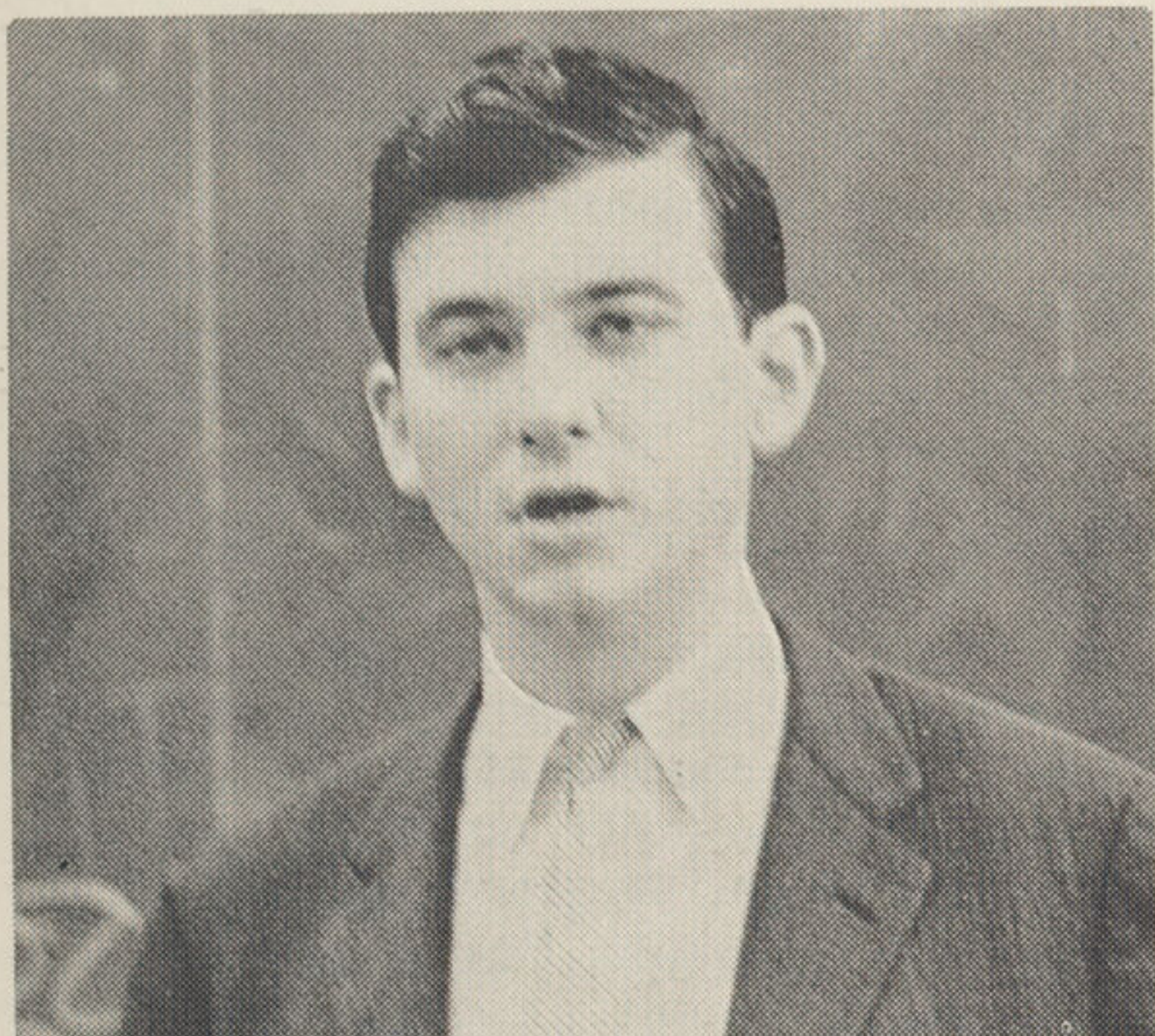
Atkins Discusses
Campaign Strategy
With an Aide

Stock Expert Says Market Will Reach 990

"I don't like to make predictions, but I'm betting the market will be at 990 by December," Charles Harris of the Reynolds & Co. brokerage firm told 60 members of the Bull and Bear Club Oct. 10.

"Most of you want to maximize your investment results, and I will direct my remarks to that portion of the audience," Mr. Harris continued. Members of the audience with dollar marks in their eyes sat spellbound, waiting for word on how to make an instant fortune.

Mr. Harris did not disappoint them.



Charles Harris
Pecunia non odit

"Buy companies strong in videotape like Ampex (Recent N.Y.S.E. price: 38) and Arvin Industries (recent price: 49) And I wouldn't worry about the 28 to 1 price to earnings ratio on that Ampex stock," he said. "Ampex has about 75 per cent of the videotape market and investor interest will probably cause the P & E ratio to widen more over a couple of years.

"If you want an extremely speculative stock, try Mid-America Pipelines (price: 22). The company is highly leveraged—a condition that tends to exaggerate both the rises and declines in a stock's price. And if you are really daring, try buying the warrants in Mid-America—that will multiply your risk by a factor of three, but could have a similar effect on your profit."

For investors lacking the Mid-America

type guts, Mr. Harris recommends Standard Oil of New Jersey, a blue chip stock whose price has been depressed for well over a year.

Contrary to general investor opinion, Mr. Harris contended that inflation is not good for the market because "it indicates something is out of whack with the economy."

"If we don't get a tax increase of significant proportions, I would expect a bear market," he said.

Launching a thinly-veiled attack on conservative managers of stock portfolios, Mr. Harris, who graduated from business school less than two years ago, emphasized that the outstanding characteristic of marketable securities is that they *are* marketable.

"Livermore, the greatest speculator in my opinion, used to say that he would hold no position in the market that he couldn't liquidate in 15 minutes. That may be a little extreme, but he had the right idea—you have got to be able to move out of the market whenever you are ready," Mr. Harris said.

"I feel that a much better return can be made on your investment if you will invest in a stock without any preconceived ideas about holding it five or ten years, as some portfolio managers are in the habit of doing.

"Make up your mind about what your investment purposes are and if that stock fails to live up to those goals, get rid of it.

"As for holding stock in many companies," Mr. Harris continued, "I believe this can be a definite mistake. First, most investors cannot keep up with 20 or 30 stocks and, second, such broadly based investments tend to guarantee mediocrity while not insuring minimization of loss when the market declines. This results from the tendency of the market to decline across the board in a bear market and to rise only selectively in a bull market.

"If your purpose is profit maximization, invest in growth companies that frequently pay no dividends because they are reinvesting the money in the business. This very decision not to pay dividends can result in much greater growth for the company," Mr. Harris said.

"If, on the other hand you, want income, invest in the bond market. There you can get six per cent and more on your investment."

Sees Revolution in Rhodesia:

South African Judge Discusses Apartheid

By Chris Walker

"It is very easy to be philosophical about the situation of other people. South Africans are not wicked or stupid. They simply cannot accept the prospect of becoming a minority in their home country. To them, it is a simple choice between white racialism and black racialism."

Human Rights

Judge I. N. Maisels directed these sobering thoughts towards the International Law Club in an address last Wednesday entitled "Human Rights in Rhodesia and South Africa." Judge Maisels, a white South African, sits on the Supreme Court for the three bantustans or native homelands created by the government under its policy of apartheid.

"Civil rights depend totally on your racial classification," he continued. "Your identity card determines where you can live and work, whom you can marry, and what 'public' facilities are open for your use."

'Abnormal Situation'

He pointed out that the attitude of the white South Africans was a bit "abnormal" because of their "abnormal situation." "They feel that Communists are subverting the government and that, therefore, the authorities are justified in using emergency powers. Executive agencies wield dictatorial powers over individuals." Under the Suppression of Communism Act, any

troublesome individual, especially an opponent of present racial policy, is liable for some twenty-five different types of banning, with no effective court review.

Judge Maisels noted that the creation of separate homelands for the different racial groups is honestly regarded as the most equitable solution. At present, though,

less numerous, and because they were mostly settlers. He predicted a bloody revolution there in the near future but discreetly avoided any such speculations concerning his homeland. During his talk Judge Maisels did not mention his personal views except to comment that "it is sad that such serious inroads [on civil rights] have been made in a country with



Honorable I. N. Maisels

Judge of Lesotho, Botswana, and Swaziland

nonwhite workers employed in white areas are considered migrant labor. Even within their own homeland, Bantu self-determination is limited because Bantu laws are reviewed by the central government. Communications, immigration, and the courts are controlled from Pretoria.

Judge Maisels thought that Rhodesia differed from South Africa in that the whites were proportionately

the English common-law tradition."

During the question period, Albert Mahaka, a Harvard College junior from Rhodesia, attacked the Rhodesian government for allegedly imputing fictitious motives of revenge to the blacks. Judge Maisels responded by citing the refusal of African leaders to accept the 1961 Rhodesian constitution.

(Continued on Page 6)

ILC Team Wins In Moot Court

A team of two students from the Law School, James R. Lowe, '67, and Thomas W. Taylor, 3L, placed second last spring in the annual Phillip C. Jessup International Law Moot Court Competition.

Half a Trophy

Vanderbilt University Law School was awarded the first prize in the final round, by a panel presided over by Leonard Meeker, Legal Advisor to the State Dept. The Best Oralist Award was split between Mr. Taylor and a member of the Vanderbilt team. Mr. Taylor is retaining the silver trophy for the fall semester and forwarding it to Vanderbilt for the spring.

More than 25 law schools took part in the competition, sponsored by the Association of Student International Law Societies.

March to Washington

The Jessup Competition will be held again this year, with regional eliminations held throughout the United States, and the semi-final and final rounds held in Washington, D.C. The number of schools competing is expected to remain about the same.

Students desiring to enter this year's competition, may contact John Cooper, the vice president of the International Law Club, at 491-4818, for further information.

Events of Note

Stephen P. Pyke, a member of the English bar, will describe British experience in the area of legal assistance to the indigent on Friday, Oct. 20, at 4 p.m., in the Pound Room. A practicing solicitor, Mr. Pyke is a former chairman of the London Legal Aid Society and has had extensive experience in the field. All interested students are invited to attend.

Elliot L. Richardson, Attorney General of Massachusetts, will speak about the work done by his office at a group meeting on Tuesday, Oct. 24, at 3 p.m., in Langdell South. While the meeting is directed especially towards third-year students, second-year students are also invited to attend.

Programs in the Air Force open to June, 1968 graduates will be discussed by Sgt. John J. McNally on Tuesday, Oct. 24, at 1:45 p.m., in Langdell North. Sgt. McNally will de-

liver a few remarks and answer questions.

The Harvard Law Wives will hold its second meeting of the year on Wednesday, Oct. 25, at 8 p.m., in Harkness Meeting Room. R. Beatson Wallace, news editor of the **Boston Globe**, will speak on the Arab-Israeli conflict.

Anti-War March Slated for Capital

A group of students from the Law School will travel to Washington this Friday night to join a march protesting the United States' policy in Vietnam.

A table in Harkness Commons has been set up to provide information about the march and transportation to Washington. Several car pools are in the process of formation and round trip bus tickets, costing \$15, are being sold at the table.

The buses will leave Cambridge at 11 p.m. on Friday and arrive at the Lincoln Memorial Saturday morning. After a rally on the steps of the monument, the marchers will proceed to the central mall near the Pentagon where a rally will be held at 3 p.m. The buses will return to Cambridge at about 10 p.m., on Saturday.

For those unable to participate in the programs on Oct. 21, a petition of support for those going to Washington is being circulated among students at the Law School and the graduate schools. A group of about 50 law students has been formed to organize support for the march.

Judge Maisels . . .

(Continued from Page 5)

tion, which prescribed a gradual shift of power from whites to blacks.

That there was no possibility of moderate leadership in these two countries seemed too obvious to point out. To the whites, "any relaxation of racial barriers would mean suicide," according to Judge Maisels. The picture he presented was that of two ruling elites, imprisoned by their sterile and paranoid ideology, heading past the point of no return towards a future of fear.

Breyer Advocates 'Luxury' of Public Service

By Christopher Walker

"Anybody who does not go into public service after law school is making a big mistake. There is the luxury of being able to say what you think, and the responsibility is tremendous."

Stephen Breyer, recently appointed Assistant Professor here, speaks from his experience as a trust-buster in the Justice Department.

Now an athletic-looking twenty-nine, Mr. Breyer has had a busy academic career. Undergraduate work was done at Stanford, followed by a Marshall fellowship to Oxford, a diploma from Harvard Law School, and a clerkship with Justice Goldberg.

He teaches Antitrust II and Evidence. Regarding the latter, he admired the deductive ability of the photographer in "Blow-up" so much that he had his own set of murder prints made. Could Vanessa Redgrave be successfully implicated in the killing? Only those versed in Evidence will know.

No skeptic regarding the effectiveness of large classes, Mr. Breyer uses the traditional "Socratic method" in his Evidence course. In Antitrust, though, he finds that specific cases often do not convey very much information.

Professor Breyer observed that the English tutorial system "forces you to do almost more of what we encourage here. When you are

writing an essay and seeing your tutor for criticism, it is necessary to get a small amount of material and analyze it thoroughly."

Commenting on the role of grades in legal education, Mr. Breyer thinks that they are a "necessary evil." "If they didn't exist, then employers would discriminate on the basis of social standing or good looks. But marks could be based more on outside activities."

Are students now more lively, critical, and social-reform minded than heretofore? Professor Breyer



Prof. Stephen Breyer

thinks so, and remarks that "there all kinds of things that people could write about in *Law Review* type articles,

particularly if they are interested in the poverty program and civil rights.

"Also, in the third year, it should be possible to give all students more practical experience in legal administration, for example in public defender positions." Such experience would count toward a degree in the manner of a regular course.

"Public service motivation is the least important factor in such jobs," he added. "For yourself as a person, it's good practical experience."

Mr. Breyer has no strong opinion about the recent wave of conglomerate mergers that has been remaking American finance. He thinks, though, that "it would be more logical to provide enforcement of merger policy totally within the Justice Department, and to have the Federal Trade Commission concentrate on industry-wide studies, in the way that an administrative agency can do most effectively."

Professor Breyer's secretary used to be a Bunny, but he nevertheless finds the will power occasionally to leave the office to swim and hike. His wife, a former Oxford "blue" or team member, is teaching him tennis, and any would-be joggers are invited to accompany him on early morning jaunts.

Bridge? Like many lawyers, Mr. Breyer is somewhat of a fiend on the subject, and future opponents are hereby warned.

Of the People . . .

Justice Brennan, in his Sesquicentennial address at the Law School only four weeks ago, stressed the broad need for "cross-fertilization" and "shuttling between government service and private practice." His premise was aimed at the Law School as well as the legal profession in general.

In the **Harvard Law School: Dean's Report, 1966-1967**, Dean Griswold only six or eight weeks ago noted the not infrequent departures of faculty members, for varying lengths of time, to receive "practical training" in some official government position.

There proved to be great irony in that statement. But the observation itself may have been too narrow, for campus events suggest that students, as well as faculty members, deserved mention for their activities in government.

Students at the Law School, in general, have no great qualifications for government service, nor, in most cases, have they the opportunity to make long term contributions.

But casual conversations around the Law School uncover many who have spent summers working with Congressmen in Washington, helping with political campaigns or serving in other government posts. A few, even during the school year, serve as aides and assistants for city and state government officials in Boston.

Perhaps the most significant manifestation of this is the current campaign by Tom Atkins, 2L, for a seat on the Boston City Council. Aided by both students and faculty members, Atkins is headed for a hard-fought campaign.

We wish him well.

Harvard Law Record

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TONGUE 'N CHEEK

By Fenno

"Fenno, I think I'm turning into a mystic," confided a friend.

"Why's that?"

"Classes are so dull this year. In evidence last week, for instance, when the prof. sank deeper and deeper into the difference between incompetency and impeachment, I began to add countless layers of ballpoint ink into the digits of my brass seat number. Then my mind began to reflect on all the students before me who had traced and retraced inside '142' and soon I found myself caught in a vortex.

"What pulled you out of it?"

"My pen slipped out of the 'two' inadvertantly and began circling the brass tack on the right."

"I suppose this made it possible for you to tune back in again.

"Oh no, not that. I then began to contemplate the existential qualities of the brass tack itself which seemed more permanent than my ink and perhaps more than human life itself. Think of this tough shaft driven into oak to hold the right side of '142' until Langdell should meet its demise at Doomsday 1,000 years hence!"

"Was this the height of your mystical experience that day?"

"The most searing glare of truth was yet to come."

"On incompetency?"

"Don't be silly. A brilliant beam of sunlight came streaking through the window and illumined pages 16 and 17 of my evidence book like you see in some of the El Greco paintings with St. Paul holding the Bible.

"It must be great being a mystic. There are so few of them around any more."

"It's awful. I've lost all interest in Harkness mixers, touch football games and even beer. By the way, Fenno, how have you managed to weather so well through classes this year?"

"I never go."

Letters to the Editor of the RECORD

Reader Suggests Modest Proposals

To the Editor:

You are to be congratulated on the Sesquicentennial issue of the RECORD of September 22nd. It ably presents a very interesting occasion. It does contain two items which to me call for some further comment.

The taught teaching the teachers has always filled me with dismay. If the taught know so much about teaching, why do they go to be taught? But apparently at the Law School, this is no longer open to debate: the hierarchy has promulgated the Joint Student-Faculty Committee.

What titillates me is your prognostication that from the "meaningful dialogue" set up there

probably will be "changes in the grading system, such as giving a much higher proportion of B's."

Now that really *will* fox those mean old prospective employers [and they *are* the ones against whom everyone is now conspiring, aren't they?]. They won't be able to tell whether the B student is a B student, or a C student masquerading as a B student.

What I can't understand is why you settle for more B's? Why not more A's, — or is that too hard, or has the competitive spirit vanished at Harvard?

The second thing which interested me is Prof. Dawson's efforts to teach employers "in selecting a potential partner." The Professor's observation that skill in law scaled by Harvard law teachers is not really so significant in this

selection of a partner should flatter the teachers. The further observation of the importance of "such qualities as integrity, responsibility and personableness" in this process calls for some comment. Which courses in which law schools prepare students in those important subjects? And if these are such important qualities, why doesn't Harvard have some courses in these subjects, — even electives?

Then after you have re-made the employers into the Professor's image of non-discrimination according to Harvard law teacher's grades, will this cause the employer to run afoul of the other great fetish of today, — discrimination because of you-know-what, which will be encompassed in "personableness"?

J. Edward Thornton, '32
Mobile, Alabama

Transmogrification Of the High Court

To the Editor:

As a recent graduate of The Harvard Law School, as well as his former pupil, the writer is happy to join those who wish Dean Griswold well, both as Solicitor General, and in any future role he may play in government or in service to the school. Yet this expression of personal goodwill for the man does not overshadow the misgivings bordering on despair one feels in reflecting upon the strange paralysis of will which seems to have gripped him as one of the great leaders of our profession for the past generation.

The Dean typifies that leadership in its inability to come to grips with the fascinating phenomenon of the transmogrification of the United States Supreme Court. It goes too far to call the court

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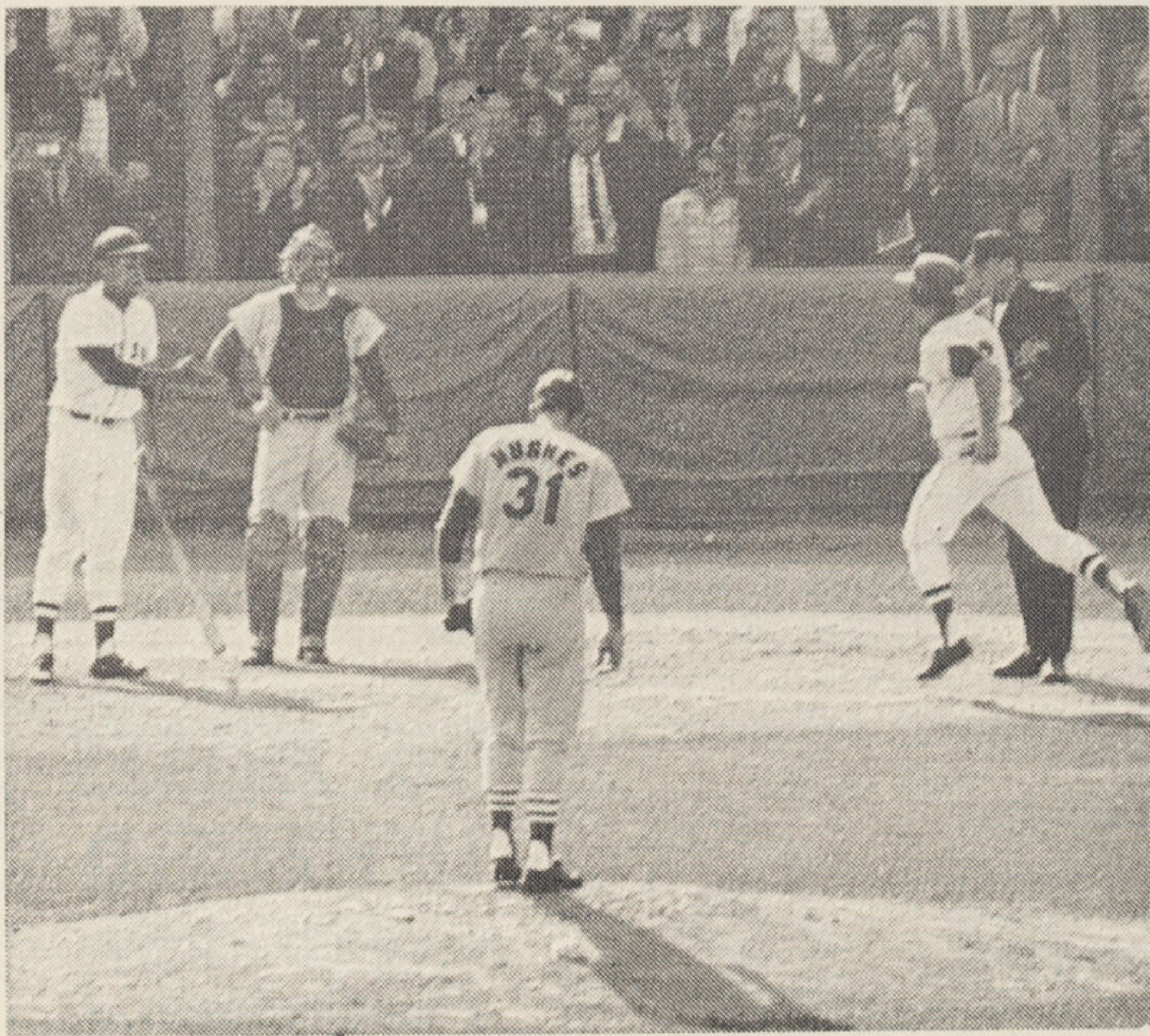


Photo by John Harris

1946: Dean Retires to Go to Washington and
Cards Beat Red Sox in Series, 4 Games to 3.
1967: Dean Retires to Go to Washington . . .

Joint Committee Members Chosen This Week

Out of a hat and on to the Joint Student-Faculty Committee — that's the procedure set up for the selection of new committee members tomorrow afternoon in Langdell South at 1:30.

The drawing, which will be made publicly before any students or faculty members who wish to attend, will mark the end of the complex nomination and selection procedures set up by the committee last year after some criticism of prior procedures.

A pool of 41 names of students interested in serving on the committee this year was gathered by having the presidents of 16 student organizations nominate one second-year and one third-year candidate. Also, any student could become a candidate in the drawing by filing a petition signed by 25 students.

Once the students were nominated, 20 third-year and 21 second-year, the committee contacted them and requested a signed statement indicating their willingness to serve. All 41 nominees obliged.

Fifteen of the sixteen stu-

dent organizations contacted submitted nominations, but two of them nominated only one person. In addition to the 28 students who qualified through that procedure, 13

member or January when the selection process will again swing into action in order to select two first-year representatives for the committee.



A Meeting
of Last
Year's
Student-
Faculty
Committee

ambitious law students filed petitions for their nomination.

Four students will be chosen in the drawing — two each from the second and third-year classes. In addition, of the three carry-over student members from last year, Robert Mnookin, Keith Roberts, and Daniel Taylor, two will be chosen to remain on the committee until De-

Chief "referee" of the process, Professor Clark Byse, admitted that the procedure was somewhat complex, but he emphasized that last year's student members had given unanimous support to the process which avoids the campus politics of a student election and the inside politics of appointment by the dean or members of the committee.

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Recent Book

The World of an Early Judicial Reformer

Chief Justice: The Judicial World of Charles Doe. By John Philip Reid. 489 pp. Cambridge: Harvard University Press, 1967. \$12.50.

By Thomas Geisler

Charles Doe dominated the judiciary of New Hampshire in the late nineteenth century and served as Chief Justice of the state Supreme Court from 1876 to 1896. Since he was never elevated to a federal bench (though he once was a leading candidate for a Supreme Court vacancy), he has been somewhat neglected by history. Mr. Reid's book should prove a major step toward correction of this wrong, for it is a complete, thoughtful and literate biography of Doe as man and justice.

Frontal Attack

Few men have attempted a frontal attack upon sensed inadequacies of the legal system quite as energetically as Doe. In such areas as evidence, civil procedure, and the law of criminal insanity, he was a relentless innovator, personally accomplishing reforms which in other jurisdictions required legislative action. Unfortunately, the positive achievements effected by Doe were

somewhat clouded by his unorthodox methods and by certain traits which his critics pounced upon as "eccentricities."

Reid contends that Doe was able to impose his reforms upon his sometimes unsuspecting fellow judges by virtue of his extreme facility with the "common-law method." In particular, Doe consistently managed to turn substantive issues into adjective issues, rules of construction into inferences of probability, and matters of law into questions of fact.

Rule Against Perpetuities

Perhaps the most famous (or infamous, as you will) example of his techniques is *Edgerly v. Barker*, 66 N.H. 434, 31 Atl. 900 (1891), in which the testator had established a gift to his grandchildren which by its terms violated the Rule against Perpetuities. Doe rebelled against declaring the gift totally ineffective, since he believed that the testator's primary intent was to make a gift and that the specific terms were of only secondary importance.

Doe considered that the Rule against Perpetuities was a rule of construction conflicting with the doctrine of general intent and thus attempted to reconcile them.

"[The testator's] intent that the grandchildren shall not have the remainder till the youngest arrives at the age of forty years is modified by his intent that they shall have it, and that the will shall have effect as far as possible." This solution came under scathing attack from John Chipman Gray.

Again, in the area of criminal insanity, he refused to apply *any* hard-and-fast rule, M'Naughten or otherwise. "All symptoms and all tests of mental diseases are purely matters of fact, to be determined by the jury."

**'We shall have
to put the
rascals on . . .'**

As a trial judge, Doe broke with the established common law rule that a party was incompetent to testify in his own behalf. This rule provided the basis for numerous eloquent lamentations by counsel for clients clearly guilty that innocence could easily be shown but for the fact that the clients' lips were sealed. Eventually Doe lost his patience with such orations and interrupted one lawyer to tell him he could put his clients on the stand.

The astonished lawyer at first couldn't believe his ears. Finally, after Doe repeated himself, the lawyer, sensing that the jig was up, turned to his colleague and whispered, "Well, John, we shall

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Griswold Confirmed . . .

(Continued from Page 1)

In the meantime, the dean will be helping with the transition of his old responsibilities to Acting Dean Casner, and he will be making plans for his own impending move from the Charles to the Potomac.

To express their best wishes to the new Solicitor General, the students at the Law School held a farewell reception for retiring Dean Griswold last Tuesday afternoon at 3:30 in the Harkness Quadrangle.

Entirely student planned and run, the reception was marked by a generous supply of cider and doughnuts and by an absence of long talks and orations.

Gerald Gleason, 3L, spokesman for the students, presented Dean Griswold with a silver water pitcher and a matching tray and



Farewell Gifts

glasses. The pitcher was inscribed: "To Dean Erwin N. Griswold with great appreciation from the students of the Harvard Law School. October 17, 1967."

Twenty-nine student organizations sponsored the reception, which was open to faculty and staff as well as students.

Doe Defends Geese from Wild Mink Attack

(Continued from Page 11)

have to put the rascals on . . ."

But some of his actions left him vulnerable to attack. For example, although he rarely read fiction, on one occasion he apparently did read *Les Miserables*. Unfortunately, he read it while presiding over a trial. As Reid puts it: "Every now and then he would be brought back to the business at hand by some lawyer's rapping his desk to register an objection, whereupon Doe

'Open Window' policy made him enemies

would look up, ask the attorneys to review the facts and repeat the objection, make his ruling, and return to the book."

Fresh Air Fiend

Doe's fondness for fresh air even in the coldest of New England winters was another characteristic which his enemies poked fun at. A Concord newspaper, noting his "open-window" policy in court, once attacked him in a mock indictment entitled, "The Law of Assault and Battery and of Torture by Over-Heating or Freezing."

Doe's opportunity to join the Supreme Court came in 1881, when the "New England seat" was left vacant by death. Al-

though Doe's abilities were appreciated, he was criticized as being "erratic." In support of this latter proposition, his enemies circulated his opinion in the "Mink Case," *Aldrich v. Wright*, 53 N.H. 398 (1873). There the defendant, accused of killing minks out of season, argued that he had shot them in the belief that they had endangered his geese. The lower court had applied the test applicable to human attackers, whether the minks represented a real rather than a mere apparent threat. Doe's opinion, which had originally been drafted as a dissent (and which he may not have had time to revise when the court was won over by it) poked fun at this reasoning by anthropomorphizing the minks and geese.

"For the legal purpose of this case as between the defendant

and the minks, the pond and the island were the pond and the island of the defendant; his geese were rightfully there, and the minks were there without right. And there was something to be done; for there was no duty of living with or yielding to intruders who manifested a propensity to eat their co-tenants."

Frivolous Attack

His opponents' attack upon the "frivolity" of this opinion may have contributed to the ultimate passing over of Doe for another man.

Reid gives a full account of both the personal life and the jurisprudence of Chief Justice Doe. The book lends credence to Dean Pound's assertion that Doe was one of the ten greatest judges in American history.

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'Boston's Problem—Educational Inferiority'

(Continued from Page 3)

positive than that . . . Mrs. Hicks is, I think, ahead at this time and likely to gain, unless something is done soon."

Commenting on his support in the black community, Atkins stated: "I have large support from all groups—from the most conservative to the most radical . . . The reason for this is that I take my stand on each issue on the merits and not on the basis of any preconceived political doctrine. I am not a political doctrinaire."

ACCORDING to his campaign card, if Atkins should win, the Boston City Council would have a supporter of "higher standards and higher salaries for our police, more foot patrolmen for our streets", as well as equalization of "our out-dated tax assessment laws."

Atkins also supports numerous improvements in jobs, recreation, and in cleanliness and safety, with encouragement for the neighborhoods to make efforts on their own to accomplish these ends. Atkins vigorously supports improvement in all housing, with the provision that neighborhoods themselves control the urban renewal programs. To improve education he supports an *appointed*

School Committee to "eliminate political interference."

Atkins, once general manager of Bill Russell Enterprises, is now president of the Boston NAACP. His educational background includes a B.A. from the University of Indiana, '61, an M.A. from Harvard, '63, and over one year of Law School studies here.

A member of Phi Beta Kappa, Atkins speaks frequently to student and community organizations. A fellow Boston City Council candidate has called him "able, intelligent and well-grounded in the issues."

HIS CHANCE of winning will depend heavily on how well his workers can get out the Roxbury vote where some 27,000 voters are registered.

However, in the primary he ran very well in both Back Bay and Beacon Hill, and his campaign is designed to attract a balanced vote city-wide.

Voters are being urged to cast "bullet ballots" for him in order to increase his share of the vote without adding to that of the other candidates. Several of his supporters, however, are worried that such an approach will cause several of the liberal candidates to lose by small margins.

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Right in the Square

Letters to the Editor of the RECORD

(Continued from Page 9)

oligarchical. This would be to ascribe to it an initiative and administrative function patently lacking.

Yet to regard it as continuing today as of old, but with new legal subject matter as its current concern is also wide of the mark. The blind eye fails to recognize the qualitative self-generated alteration in the Court's role.

Our vocabulary shortcomings are in part at fault. "Activist" seems the best anyone can do in characterizing the Court today but that term cannot capture the essence of the change manifest in

the nature of the Court's parthenogenetic rebirth.

The law as a society-supporting force is not attractive once it discards the ever so sophisticated regulation imposed upon itself by binding precedents and Constitutional interpretive doctrines. Who would choose to have his system of government guided by lawyers who freely ignored the restraint of their own case law? Lawyers are not bred to be kings or philosophers.

Perhaps it is unfair to complain [that] the Dean, as representative of the intellectual leadership of our profession, did not come forth and

challenge the means utilized by the Court's majority, where the ends it serves are at once so emotionally tinged and so appealing as precursors of ultimate justice between men.

We have become blinded to the crimes committed against our law in the name of civil rights. Someday the enormity of this transgression of man over law will be grasped by all. Sad to say, Dean Griswold, rather than contending with this challenge, has stood mostly silent, or even apologized for the Court gone wrong.

John E. Fick, '65
Decatur, Illinois

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