



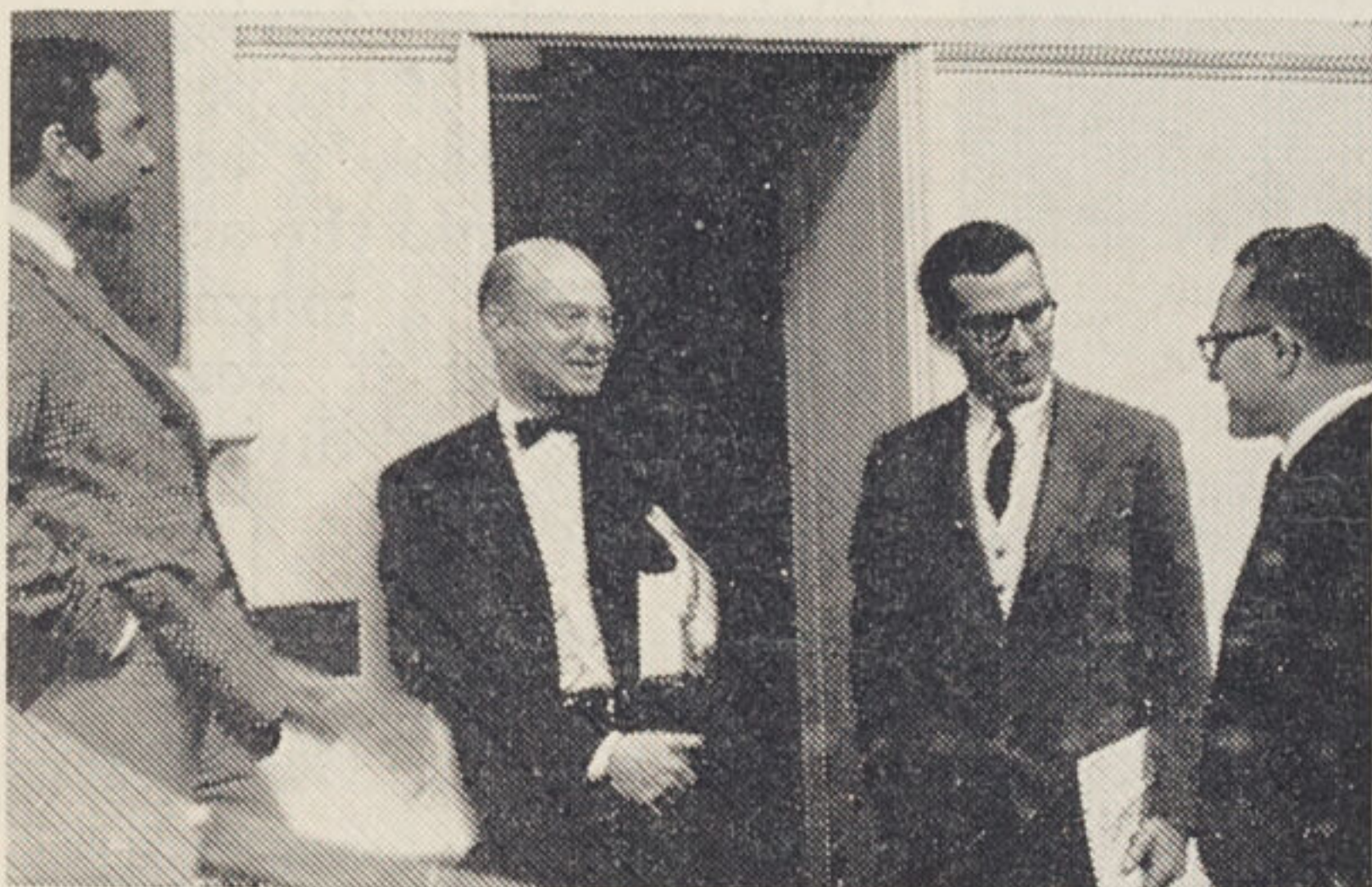
Harvard Law Record

America's Oldest Law School Newspaper

VOL. 46 NO. 4

CAMBRIDGE, MASS., FEBRUARY 23, 1968

FIFTEEN CENTS



Conference Before Vietnam Class

Exam Reading Period Adopted for 2L's, 3L's

Second and third year students beginning this May will have a three day pre-exam period as a result of a faculty vote Feb. 13.

According to Prof. Clark Byse, Chairman of the Joint Student Faculty Committee, students from the joint committee made an "excellent" presentation of the merits of the study period before the Continuing Committee on Legal Education.

The Continuing Committee on Legal Education, chaired by dean-designate Derek C. Bok and composed exclusively of faculty members recommended to the faculty that pre-exam study period proposals be adopted.

The Joint Committee and the Continuing Committee still have under consideration the proposal that Saturday classes be eliminated.

Prof. Byse suggested that the abolition of Saturday classes might be most easily defended for first year students who do not have elective courses. The great number of electives in the second and third years greatly complicate scheduling problems, he said.

(Continued on Page 16)

Course Examines Viet Policy

By Roger Lowenstein

Commencement of a Vietnam "course" in Langdell South Middle and publication of a student-faculty Vietnam statement in the *Wall Street Journal* marked Monday, February 19, at the Harvard Law School.

About 400 students crammed into a room seating 310 to hear Prof. Alan Dershowitz lead off a discussion of "The War Power: Allocation of Authority between Congress and the President." Backing up Prof. Dershowitz and participating throughout the uninterrupted two hour discussion were Profs. Chayes, Bator, Sacks, Jaffe and Fisher.

One student commented afterwards that "this was the tensest classroom I've ever been in." The expectant crowd was clearly aware that something unique at the Law School was underway, despite Prof. Dershowitz's characterization of the course as a normal law school activity, examining fundamental issues of grave contemporary concern.

(Continued on Page 12)

'Record' Break

The next issue of the RECORD will be distributed March 7. There will be no RECORD on February 29. The RECORD does not believe in February 29.

Freund Discusses Draft Card Burning Law

"I'm not hopeful of a decision on constitutional grounds in favor of the draft card burners," declared Professor Paul Freund on Monday in a talk on the "Constitutional Issues Involved in Draft Card Burning."

Prof. Freund devoted the first segment of his lecture to discussing whether some forms of symbolic speech are protected by the First Amendment.

He next devoted himself to an examination of the governmental interests vindicated by the statute. He said that Solicitor General Erwin Griswold, in oral argument, began by noting that the government was concerned with the extent of the protest movement and, only when prodded by the Court, did he cite also the need for duplicates if the selective service files are lost or destroyed. Furthermore, the cards are useful since they contain a physical description of the registrant.

The First Circuit, he said, knocked out the draft card burning aspect of the charge, noting that it was a duplication of the crime of non-possession of a draft card. The court remanded to the district court for a consideration of this issue. The appeals court's resolution, Prof. Freund said, is unsatisfactory since the defendants were not charged with that crime, and "How can the Supreme Court affirm on a count that wasn't included in the indictment?"

However, he feels that the Supreme Court will uphold the draft law since a governmental interest, though tenuous, is present, and the Court will probably not find that the Congressional intent was to stifle dissent.

Finally, he discussed the bearing of the case on civil disobedience. The historical purpose of civil disobedience



Prof. Paul Freund

has been to sere the conscience of the community by making a personal sacrifice. It is somewhat inconsistent with that purpose, he noted, now to claim that they had a right to act as they did.

If the purpose is to test the constitutionality of the law, he said, the objective may as easily be met by bringing only one test case. Moreover, "the effort to make a test case does not justify widespread violation of the law."

"This doesn't mean that the law should always take you up on your challenge," he noted.

If the purpose is to dramatize the protest, burning a facsimile would, he felt, be just as effective. "If you're burning the original to show your earnestness, then you're just inviting punishment. There is no magic in burning your draft card unless you have a ritualistic belief in its efficacy." Prof. Freund recalled in this regard that the Georgia legislature, after having repealed an act of the previous legislature, took a copy of the act out into the sun and put it under a magnifying glass so that it would be "consumed by divine fire from heaven."

'Review' Votes

The door to the smoke-filled room in Gannett House finally opened, and another of the legendary *Law Review* elections drew to a close with an announcement this week that Richard M. Cooper, 2L, has been elected president of the *Harvard Law Review* for the coming year. Mr. Cooper, a resident of Philadelphia, Pa., is a graduate of Haverford College.

Morris Clark, Marvin L. Gray, Jr., and Thomas R. Meites were chosen Articles Editors, while Harold Cohen and Roger C. Park were named Case Editors.

Note Editors for the coming year are Roger E. Berg and Martin D. Minsker. Phillip E. Soper will be Su-

(Continued on Page 6)

Is J.D. Worth \$3000 More Than LL.B. ?

Did your mother send you to Harvard Law School to become a doctor? Not an M.D., perhaps, but what about a J.D.? The past several years have witnessed in law schools throughout the country a shift from the traditional Bachelor of Laws degree to this allegedly preferable doctor's status.

The latest chapter in the RECORD's surveillance of the LL.B.-J.D. battle is contained in a report from a recent Harvard Law graduate. He complains that his present teaching position in a local secondary school would be worth \$3,000 more a year if he merely could write "J.D." after his name. While this might appear irrational, he explained that the school administration does not look at candidates' degrees in a rational way. To them, he said, a doctor's degree is a doctor's degree, and a bachelor's degree is a bachelor's degree.

Over 40 per cent
of lawyers now
are 'doctors'

His case is an example of what is often claimed to be the major reason for the universal granting of a J.D. degree as the first degree in legal education. Many employers, including colleges and government agencies, are said to give preferential

treatment to law school graduates holding J.D. degrees. Holders of LL.B. degrees often report discrimination in openings, salaries, and promotions, even though there is no difference in the educational requirements represented by the two degrees.

The trend toward granting the degree of J.D. (which stands variously for "Juris Doctor," "Jurum Doctor," and "Juris Doctorate," depending on the school) has increased noticeably only in the last six years. Seven years ago, only six per cent of the graduating lawyers in the country received J.D.'s. Last year 6,500 of the nation's 15,000 law graduates — over 40 per cent — became doctors. Of the 136 law schools approved by the American Bar Association, 76 now award the J.D. degree. The Ivy League law schools, including Harvard, do not.

The attitude of the Harvard Law School Faculty was described by Professor John P. Dawson as being without strong sentiment one way or the other. Prof. Dawson, who himself holds a J.D. from the University of Michigan Law School, explained that the matter is discussed by the faculty from time to time, but without much fervor for either side of the issue. The topic was raised briefly by the Joint Student-Faculty Committee, he added, but there, too, without any real concern shown by anyone.

Some of the other leading law schools, however, have been treating the proposal to switch to the J.D. as a hot and vital issue. Students at Columbia, for example, have strongly expressed, through the school newspaper and

Columbia, Virginia
students ask
for J. D. degree

through class polls, their desire to receive the doctor's degree. Students at the University of Virginia have expressed a similar desire. Many of the top schools, including Michigan, New York University, Chicago and Northwestern, already grant J.D. degrees, although the majority of the J.D. schools are the smaller law schools, many of them in the Middle West.

Proponents of the J.D. degree argue that besides the unfair discrimination often practiced against holders of LL.B. degrees, there are other advantages to the J.D. diploma. They claim that the doctor's degree more fairly represents the educational endeavor of a law student, namely a program of specialized study that almost always follows a complete undergraduate education. The lawyer's bachelor's degree may have been appropriate years ago when law

(Continued on Page 13)

Defenders Aid 'Avatar' Sellers,

THERE'S NOTHING LIKE BEING a Harvard Voluntary Defender if you want to be where the action is. From researching and defending many of the *Avatar* cases to winning new procedural rights for defendants in Massachusetts District Courts, from doing seemingly routine pretrial investigation on the most ordinary of juvenile cases to conducting research on habeas corpus motions of convicts throughout the country, the Defenders, together with Legal Aid and the Community Legal Assistance Office, have been instrumental in the near-Renaissance in the Law School's legal service to the Greater Boston community.

Beginning with the arrests last fall, Defenders have played a significant role in securing the acquittal of several peddlers selling *Avatar*, the hippie newspaper. Tony Grannucci, 3L, for example, discovered that the Massachusetts courts have read a knowledge requirement into the statute governing the sale of obscene literature. He was able

Pretrial investigation may prove key to acquittal

to win an acquittal of one defendant when cross-examination revealed that the arresting officer had failed to ascertain that the defendant was aware of the contents of the paper.

JIM DAVIDSON, 3L, also researched the charge against defendants arrested in Cambridge for allegedly peddling a newspaper without a license. As a result, two defendants were acquitted of the charge on the ground that the city was applying its ordinance in an arbitrary and therefore, as Davidson argued in an extensive brief, unconstitutional manner.

Cambridge police, since Christmas, have

resorted to arresting *Avatar* salesmen for disturbing the peace. In one such case, the defendant, represented by Scott Harshbarger, Voluntary Defenders president, was acquitted when the testimony disclosed that no disturbance occurred until the police made the arrest.

HVD selects the cases which third year students will defend in District Courts from the many assigned to the Massachusetts Defenders Committee—the state public defender agency. An asserted advantage to a defendant of having an HVD member handle his case is that, unlike the public defenders, the students presumably have the time and resources for thorough pre-trial investigation. A number of clients represented by HVD have neither a substantive nor procedural defense to the charge. In these cases, counsel's pretrial work consists of developing an alternative to commitment.

JOHN, AGE 14, a withdrawn boy whose arrest marked his seventh runaway from his mother's home in six months, is an example of this kind of client. At John's last juvenile hearing the court had warned him that his next runaway would result in his commitment to the Youth Service Board for an indefinite period. An overburdened public defender would only have been able in this case to make an oral argument on disposition, which would have been little more than a routine plea for another chance with little hope of getting it, the Voluntary Defenders contend.

In this case, HVD counsel Mandy Fisher, 3L, sent a letter to John's father in Connecticut on the off-chance that the father would be able and willing to assume custody of John. To the surprise of all, the inquiry brought a prompt reply and a solution satisfactory to all parties: the boy, his parents, the probation officer and the presiding judge.

Although the letter-writing, telephone negotiations, and travel arrangements involved little more than non-legal legwork for Mandy and her second-year assistant, this pre-trial investigation meant the difference

s, Effect Releases at Bridgewater

in John's case between staying "outside" and being committed to an institution, the usual result of the "stubborn child" offenses to which the Commonwealth seems to recognize no defense.

When an indigent defendant does have a legal defense to the charge, a student's pre-trial investigation often means that what would otherwise be "just another case" to the public defender can be re-examined by him in light of the student's discoveries.

THE ATTORNEY'S EXPERIENCE can then be of great help to the HVD member in marshalling the facts into a coherent and persuasive defense. Early in the year, for example, Mike Lippe, 3L, represented a defendant on a charge of unauthorized use of a motor vehicle. The defendant claimed that he had been loaned the car by a close friend, whom he knew only as "Skin-Dave," and had not known that the car was a stolen one. Although this is the most common of all defenses to car charges, Lippe managed to gather enough information not only to gain the defendant's acquittal but also to force the police to reinvestigate the theft.

Two weeks later, they actually arrested "Skin-Dave." In fact Lippe's case was so much stronger than his public defender supervisor had expected that he allowed Lippe to go to trial even though at the last minute the police brought in an additional charge against the defendant of possession of narcotics, a charge which was dropped when Lippe started introducing his evidence.

ALTHOUGH MANY HVD CASES turn on students' resourcefulness in pre-trial fact investigation, several others have been won by successful challenges on issues of procedural due process. Lee Cross, 3L, seems to have made a significant and lasting change in the Boston Juvenile Court by introducing *U. S. v. Wade* as grounds for excluding out-of-court identifications of a defendant when made in the absence of defense counsel.

When Miss Cross, in her first case last fall, moved to exclude an officer's reference to a victim's out-of-court identification of her client, she was asked by the court to



A Coherent and Persuasive Defense

explain *Wade* for the benefit of police and counsel for the co-defendant, neither of whom appeared familiar with the case. After Lee explained the reasoning and its application in her case, her motion to exclude was granted and the case against her client was dropped for lack of evidence.

NOT ALL THE TIME of HVD members is spent on court cases in the Boston area. Every member is required throughout the year to do research on habeas corpus or other actions which indigent convicts throughout the country wish to file.

The past year has also seen the start of a program in which Defenders represent inmates at Bridgewater State Hospital who are seeking release from that institution through habeas corpus proceedings. HVD's first three cases all resulted in the release of defective delinquents and various members are serving as counsel in 14 other cases which are still pending in probate courts throughout the state.

'Review' . . .

(Continued from Page 2)

preme Court and Note Editor, while D. Brock Hornby will serve as Supreme Court and Developments Editor.

John M. Stevens, Jr., was named Executive Editor, and George T. Frampton, Jr., was chosen Treasurer.

"We'll have to get along as best we can in the absence of large numbers of the class engaged in what they consider to be a more important activity," Professor Henry Hart advised his Federal Courts class Saturday morning, as the elections were being held.

Lincoln's Inn Spurns Femmes

By Roger Lowenstein

Forces of reaction carried the day on two motions during last week's annual Lincoln's Inn elections. A frontal assault on the society's selective membership policy was defeated 66-46. The proposed amendment to the bylaws would have replaced the traditional smoker and membership committee with an open membership policy under which whoever wanted to join could. The amendment's sponsor, Joseph M. Beck, 3L, argued that possible over-

crowding could be handled by eating in shifts, or restricting members to a certain number of meals per week. Speaking against the amendment, Beck's roommate Lisle Baker, 3L, contended that many persons attracted by Lincoln's Inn might actually be disenchanted by an open membership policy, resulting in a severe loss of members.

Baker also argued against the second major amendment, the admission of women to the society, which was defeated as usual by a substantial margin. His most telling point was his desire to "protect women from the institutionalization of sexual selectivity", a process which Baker explained would subject the women law students to the same kind of superficial judging criteria which society already imposes upon them to their great detriment. Marc Fasteau, 2L, gave his most elo-

(Continued on Page 13)

Events of Note

"The Not-So-Solid South" will be discussed at tonight's Harvard Law School Forum meeting by Senators Howard Baker (R-Tenn.) and William Spong (D-Va.). The discussion, which will begin at 8:30 p.m. in the Ames Courtroom, will be moderated by Professor Oscar Handlin.

* * *

"The Study of Chinese Law: A Chinese Puzzle," will be the subject of a lecture by Professor Jerome Cohen on Feb. 27 at 4:15 p.m. at the Meeting Room in Harkness Commons. The lecture, sponsored by the Harvard University Press, will be followed by a sherry reception in the Wheeler Room.

* * *

An all-day conference on "Selective Service and the Draft" will be presented Feb. 24 beginning at 10 a.m. in the Ames Courtroom. The six topics to be discussed are: Registration, Classification and the Physical Examination; Procedures: Formal and Informal; The Criminal Trial for Refusing Induction; Emigration to Canada and Europe; Military Problems and Court

Martial; and Legal Aspects of Resistance, Draft Cards, and Affirmative Suits. Co-sponsors of the event are the Committee for Legal Research on the Draft and the National Lawyers' Guild.

* * *

More copy is needed for America's Oldest Law School Literary Magazine. Bring items to the RECORD.

Democrats Select Officers

The Harvard Law-Graduate Democrats elected Eric K. Copland, 2L, president for 1968. He is a graduate of King's College and resides in Windham, N. Y.

Lawrence Gartner, 1L, was named vice president, while Sandra Baskin, 1L, became corresponding secretary and Charles J. Beard, 2L, recording secretary. Dave Zurndorfer, 1L, was chosen to be treasurer.

Selected to edit the club

newsletter was David Cocke, 1L, and Mark Fishman, 1L, will serve as Massachusetts Democratic liaison. Robert Fellmeth, 1L, is special events and publicity director; and Dave Muchnick, 1L, was named to direct the club's intern program.

Arthur Kaplan and Ken Meiser, both 1L, will be the law at-large board members, while Tom O'Brien is the grad at-large director.

Yale Med to Harvard Law:

Stone Integrates Psychiatry and the Law

Query: What instructor at Harvard Law School graduated from high school at 16, played varsity tackle at Harvard, was debating whether to go to Harvard or Yale Law Schools (both of which had accepted him), and finally opted for Yale Medical School?

Answer: Dr. Alan Stone, lecturer in psychiatry, who together with Professor Alan Dershowitz teaches "Psychoanalysis and the Law."

The change of mind came in April of his senior year, when Dr. Stone experienced what he describes as an "identity crisis." His father and brother were both lawyers and, upon advice from a professor at college, he decided to turn to medicine and through medicine to psychiatry. He had prided himself on never having entered a laboratory at college, but his career switch meant that he spent one more year and two additional summers taking appropriate pre-medical courses.

Dr. Stone was one of two members of his class who chose Yale Medical School over Harvard ("for one thing, I felt a change of scenery desirable"); at Yale he participated in a four-year ongoing student seminar on psychiatry and during a year of interning at a Yale-affiliated hospital in New Haven devoted his time to pediatrics. "That was perhaps the most exciting year of my life, professionally," he says, "since we

were in the daily process of saving lives."

Returning to Massachusetts, Dr. Stone in 1962 became Director of Resident Education at McLean Hospital, which is in effect the private mental hospital division of Massachusetts General Hospital. His duties as director involve teaching,



Photo by Andy Levin

Dr. Alan Stone

taking care of residents and medical students from Harvard during their three weeks of study at McLean and also "writing all the requests for National Institute of Mental Health grants."

His old wish to come to Harvard Law School was realized when he was recommended to help Prof. Dershowitz teach the course ("we thought of it first in seminar terms, but enrollment is now above 150") in psychoanalysis and the law. The first year it was taught, Professor Jay Katz from Yale commuted by train to

assist Prof. Dershowitz, but this had proven too inefficient.

Dr. Stone enjoys very much working with Prof. Dershowitz and Harvard Law students. He notes that law students seem far more idealistic and concerned with what's going on in the world than medical students, though in raw brilliance some law students do not match their medical counterparts.

"The vast majority of faculty and students seem to have read each day's *New York Times*," he remarks with some wonder. Stone added that the newer crop of medical students is becoming more concerned with societal ills.

The relationship between psychiatry and the law can be discussed on two levels, says Dr. Stone, namely the theoretical and the practical. "On the theoretical level, the law has for centuries made assumptions about man's nature, some explicit, but most often implicit."

Prof. Dershowitz, he says, is very adept in extracting these assumptions from the law. "Some of them are absurd by psychological standards" notes Dr. Stone, "but in a legal context function well."

On the practical level, Dr. Stone observes that there are about 300,000 lawyers in America compared to only 20,000 psychiatrists. "People naturally turn to lawyers in many cases when they are

(Continued on Page 14)

Next Year's Small Sections

WHATEVER THE OTHER EFFECTS of the recent decision eliminating graduate deferments, one unfortunate result apparently will be the halting in mid-stream of the legal education of many members of the present first-year class. Education in law is a continuous process which should not be interrupted a third of the way through law school. Legal education is cumulative in somewhat the same way that training in physics, chemistry, or mathematics is cumulative, and to halt the already-begun graduate education of the first-year class here as at other schools across the United States seems, *inter alia*, a remarkably inefficient thing to do.

Three Cheers

ONE FOR EACH DAY of the newly-approved Reading Period. The Faculty, the Continuing Committee, and the Joint Committee should be congratulated for their efforts which are traced in the Story on Page 1. No Reading Period can replace thorough study and review through the year. But negligible good has been accomplished by those last few days of classes. That time can far better be spent in concentrated review and "pulling together" the year's materials.

But three days do not a Utopia make. Significant questions remain regarding such matters as the grading and examination systems. Which leads directly into the matter of degrees and priorities. The "battle" between the LL.B. and the J.D. seems to be a case of *de minimis*. The strongest pro-J.D. arguments appear based upon public misinformation that there is inherent superiority in the J.D. Until more substantive benefits are shown, the J.D. would appear to be fairly low on the great chain of priorities.

Harvard Law Record

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TONGUE 'N CHEEK

By Fenno

A hush spread over the plush interior of the Supreme Court of the United States, as I prepared to argue that the posting of official notices is unconstitutional.

"Your Honors, I contend that I have been denied a fair education at Harvard Law School when I have missed assignments, make-up classes and advance exam questions on diverse and numerous occasions. I have missed these events because the professors pretend they are telling the world when a slip of onion skin is placed in glass showcases outside certain classrooms."

"But Mr. Fenno," interrupted a Justice. "Aren't all the notices there to be read equally by all?"

"Equally perhaps for those who find they can get to class a few minutes ahead of time and ignore a bantering group of friends to attempt the discovery of some relevant item amidst the sea of paper scraps proclaiming everything from flu shots to the usual threat from Dean Bruce that students should attend classes."

"Do you mean to tell us that you have never made this attempt to find something yourself?"

"Oh yes. I brought a chair along to read the ones posted at the 10 foot level like Caligula's laws posted on top of a flagpole. I brought my strongest glasses to try to read notices half obscured by other proclamations screaming to be heard with the dramatic intensity of the Internal Revenue Code. But I found nothing."

The Justices began murmuring among themselves and then announced their decision orally a few moments later:

"We hold in the case of *Fenno v. Bok* that the plaintiff has no standing because we understand from the amicus briefs filed by his professors that he never prepares assignments or goes to class anyway. The injury is *de minimus*."

Letters to the Editor of the RECORD

(Letters to the Editor should be submitted in typed, double-spaced form. All letters must be signed, although names will be withheld upon request. The RECORD welcomes correspondence but reserves the right to edit any letters received.)

Signers Omitted From Vietnam Ad

To the Editor:

The organizers of the Law School's Vietnam statement would like to apologize to the following students, and any others, whose names did not appear in the *Wall Street Journal* advertisement due to our inadvertence:

Paul R. Baier, H. Bruce Bernstein, Orin D. Brustad, William T. Christian, Jr., Greer S. Goldman, Robert W. Huffhines, Ben F. Johnson, Kenneth H. Miller, Peter W. Rodman, Charles L. Reischel,

Donald S. Snider, Avi J. Stachenfeld, Miles Tepper, Thomas M. Thompson, Franklin B. Velie, Raymond E. Vickery, Jr., Raymond W. Vickers, Lowell R. Wedemeyer.

Nicholas W. Fels 3L

'Case for Israel' Review Criticized

To the Editor:

Mr. Hassan's review of *The Case for Israel*, was a quite well balanced job, but it needs some comment.

First, it seems somewhat less than fair for him to quote Professor Roger Fisher as if he were a disinterested party, and not mention that Prof. Fisher is counsel to Saudi Arabia. This fact, incidentally, was also omitted when the *Times* printed Prof. Fisher's letter.

Second, Mr. Hassan, in criticizing

the book, recalls that "the Egyptians have, in 1957, voluntarily accepted UNEF presence on its territory," without mentioning that their acceptance of the UNEF force was a *quid pro quo* for Israeli withdrawal, and was recognized as such in the now-famous Hammarskjold memorandum.

Mr. Hassan, however, is correct in lamenting the Arabs' failure to communicate their point of view, though unfortunately even he does not go into their side of the story at any length.

Name Withheld Upon Request

Of Drafting And Sentimentality

To the Editor:

I note from the February 8th edition of the RECORD that the Williston Competition has been discontinued.

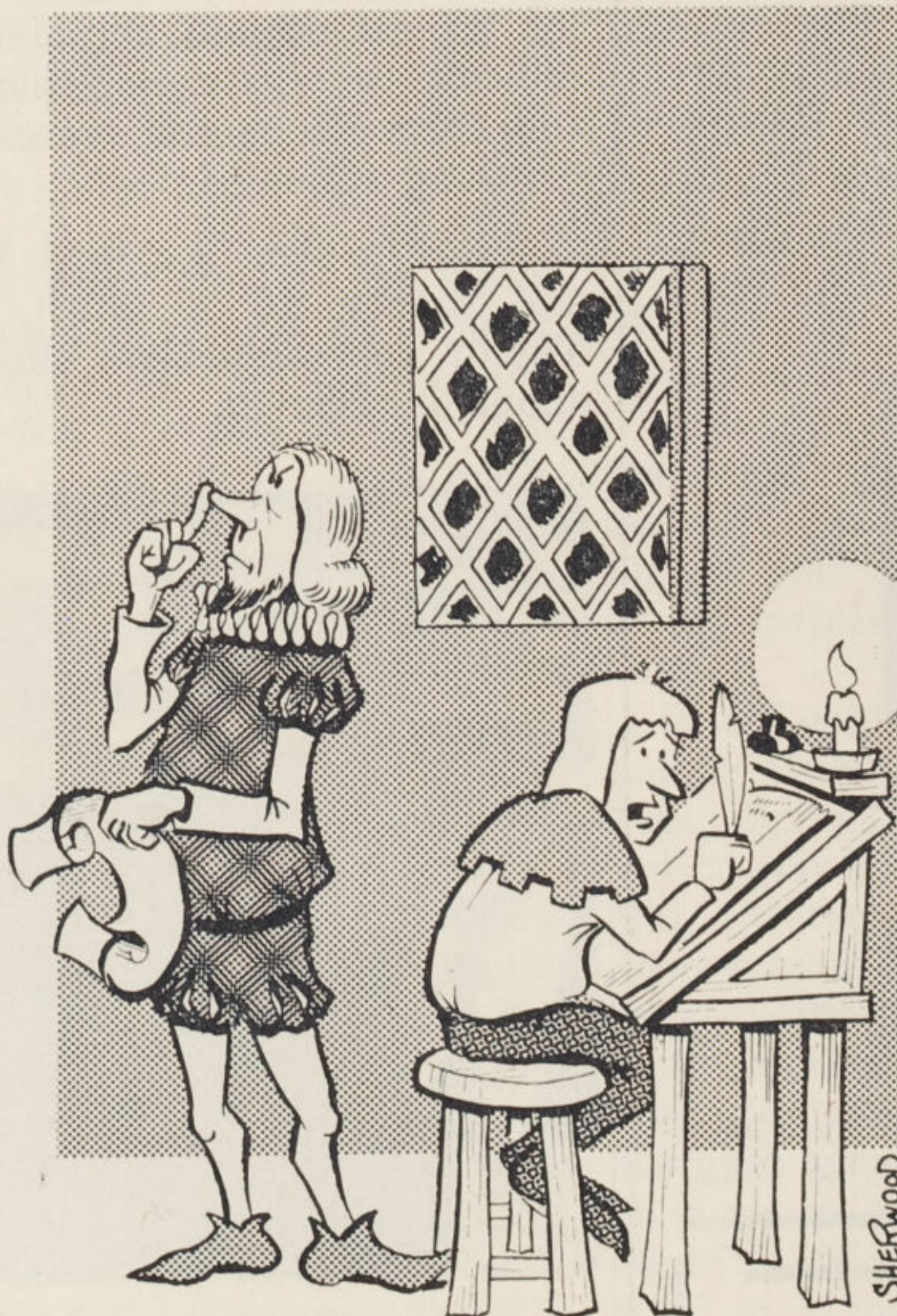
Aside from a certain sentimental feeling (for I was one of the first group to participate), I am very disappointed, at a professional level, that interest in the competition has lapsed. The statement of Prof. Chayes is most certainly true. Legal draftsmanship is unquestionably one of the highest skills of the practicing attorney and one for which he is little prepared by the present Law School curriculum.

If interest has waned because students do not see the practical utility of draftsmanship, I would suggest that they consult any practicing attorney. If part of the problem is a lack of critical review of the work product, I would volunteer to read and comment on papers and I am certain that other attorneys would be pleased to do the same.

I urge that the faculty take whatever steps are necessary to revivify this interesting and rewarding program.

Irwin S. Markowitz, '56
Teaneck, N.J.

There's going to be a glaring space at the bottom of the page, Lord Coke. You want I should do some fancy scrollwork or stick in that squid about Shelley's case?



Law Text and Reference Books: First Resort to the Coop.

Look no further than the new Coop Bookstore on Palmer Street for Law text and reference books. A special section on the Third Floor is devoted to Law text and reference material. All books are prominently displayed along wide carpeted aisles and arranged so that you can find what you're after as quickly and easily as possible.

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In Vino Veritas . . .



A Jug of Wine, a Loaf of Bread . . .

With each round of half-filled wine glasses the 60 men and 80 women attending the Harvard Law Wives annual Valentine's Day Wine Tasting Event grew slightly merrier.

As the volume of conversation steadily increased, the representative from the Taylor Wine Company found it more and more difficult to regain the crowd's attention to tell them about the secrets of serving and drinking wines.

Wines served included Rose, Red, White and Sherry, all of which, according to the Taylor representative, should be served at about 50 degrees.



Photos by Ira Finkelstein

And Thou Beside me sitting in Harkness

HARVARD LAW RECORD

Intramural Cage Teams Dribble Toward Playoffs

By J. David Gernant
Chief RECORD Sportswriter

The Harvard Law School Intramural Basketball League Tournament Games are scheduled for the evenings of March 6, 7, and 8, according to Gene Rosen, 3L, Commissioner of Basketball.

The Basketball League (capital "L") consists of forty-four teams, arranged in general descending order of ability in five leagues (small "l") from A to E. "Nearly 400 students participate voluntarily," said Mr. Rosen, which makes it more than twice as popular as the Ames Competition.

For the end-of-season tournament, the commissioner will select eight top teams from leagues A, B, and C. Thus, the playoffs will begin with four games on Wednesday, March 6. On Thursday, at 6:30 and 7:45 the semi-finals will be played. And on Friday, at 7:45, the champion will be determined. All games will take place in Hemenway gymnasium, and spectators will be welcome. The trophy for the winning team is said, on high authority, to be a branch off the World Tree.

During the nine-week season that began last November, each team plays nine games. Few, if any, teams in any league practice; the hour a week of game time is for many their only way to keep in trim — or at least to ward off excessive flab. One team — the lowest of the low, for it ranks number ten out of the ten teams of league E — has made as few as 4 per cent of its shots in a half of one game (and as many as 40%); these aspiring lawyers are pleased to call themselves the "Holmes Globelodders," or simply "Plodders," for greater brevity (and accuracy).

Names of other teams reflect a kind of cheerful irreverence — in reaction, no doubt, to the deadly serious business of training oneself to become a \$15,000-a-year man. Leading league B at this writing, for example, are teams called "B. and His Heirs" and the "Mothers-in-Law." At the bottom of League B are (is?) the "Wolfman Jack and His Wolfpack." Near the top of the C league, ranked between "The Dribblers" and the "Blanks," is "The Supreme Court."

D league boasts a team called "The Law



Photo by John Harris

Trophy — A Branch Off the World Tree

Review," whose members also find time to edit a periodical magazine of the same name; though they are a lowly D team, they are tied for the league lead, along with "The Proletariat" and the "Shaw Sureties." Leading the E league after seven games are "The Golden Adonises." In a preliminary game to the A-B-C league championship game on March 8, at 6:30, there will be a playoff between the top teams of the D and E leagues.

A league teams, taking their game more seriously, give themselves less colorful names. Ranked first are the "Nameless Ones" and the "Armadillos." In last place (appropriately) is (are?) "The Anonymous."

The League is administered by Commissioner Rosen, under the sponsorship of the Law School and the Dormitory Council, which pay for the use of Hemenway and for the referees (students with whistles and stopwatches, neither of which are used as much as they really should be). Though the commissioner's word is law and he possesses the power to fix and to change rules, the League operates, with few exceptions, according to NCAA rules. Games are played nightly, Monday through Thursday, from 6:30 to 11:30, and, as with the Tournament Games, spectators are always welcome.

Congress' Role in Conducting War Debated

(Continued from Page 1)

As a lively discussion developed, however, it became readily apparent that in fact the traditional law school method was a useful vehicle for the presentation of the issues, thus vindicating a recent faculty decision not to hold the course in the Ames courtroom where the Socratic dialogue would be hampered.

The major focus of the evening's discussion was Senate Resolution 187, passed unanimously last November by the Foreign Relations Committee, which attempts to require Congressional approval of all future commitments of "the Armed Forces of the United States to hostilities on foreign territory for any purpose other than to repel an attack on the United States or to protect United States citizens or property." There was a unanimous consensus that

the resolution was filled with loopholes.

The problem as most of the participants framed it was not, "does Congress have power to so limit the President," but rather, "What is the appropriate means for exercising legislative restraint?" Prof. Dershowitz, sitting behind the podium, suggested a four-part flexible model, the crux of which would require specific prior Congressional approval when men in uniform were deployed to a foreign land. In emergencies a legislative committee may be the only feasible Congressional participation before the deployment. Prof. Chayes was skeptical that any executive demand phrased in an all-or-nothing context could be realistically turned down by Congress. Broad authorizations like the Gulf of Tonkin resolution, he pointed out, are easy to obtain.

The Vietnam statement elicited even greater response than the Vietnam course. Over 700 students and 39 faculty members voiced opposition to present Vietnam policy in a advertisement published in the *Wall Street Journal* for "military and political de-escalation" as a precursor to "genuine negotiations," and which expressed a desire for a reallocation of moral energies and economic resources to "desperately needed domestic programs."

In Washington, Feb. 14, Prof. Paul M. Bator joined his Yale, Columbia and Georgetown counterparts in releasing the statement at a conference at the National Press Building. Altogether more than 500 faculty members and 4,000 students from 50 law schools joined the Harvard effort.

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Most J.D. Schools Located in Middle West

(Continued from Page 3)

students had only a minimum of pre-law-school education, they argue, but today a bachelor's degree is usually necessary to get into law school in the first place.

Prof. Dawson sympathizes with this view, but he points out that legal education does differ from the kind of graduate work that normally leads to a doctorate in its relatively small emphasis on independent research work.

Another advantage of the J.D. degree, if awarded uniformly by all law schools, would be to eliminate the confusion that now arises from the various practices of the different schools. While some law schools award the J.D. to all of their graduates, some schools limit the degree to those with previous

bachelor degrees, and some schools award the degree only to graduates with high grade averages.

Opponents of the J.D. movement often argue that a doctor's degree after the first three years of legal education tends to dilute the importance of the advanced LL.M. and S.J.D. degrees. Of the 30 law schools that award such advanced degrees, however, 12 have changed over to the J.D.

The American Bar Association has given its approval to the granting of J.D. degrees, and has prophesied that "the day of the universal J.D. as the first professional law degree is seemingly not far off."

How far off it is at Harvard, where no great concern is in evidence, is

another question. Prof. Dawson concluded that it was basically a question of how much would be gained by the graduate. If discrimination in favor of the J.D. degree were to become substantial, he explained, this would be very influential. "If there is a general movement toward the J.D.," he added, "Harvard will pay attention."

The Inn . . .

(Continued from Page 6)

quent speech to date in support of women in the Inn, but to no avail.

In the officer elections, Mike Brewer, 2L, was elected president; Bip Wolfe, 2L, vice president; Marshall Bartlett, 2L, secretary; and Charles Wray, 2L, treasurer.

(WICKS)

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Of Psychiatry and the Law . . .

(Continued from Page 7)

in trouble, such as planning a divorce or the removal of some relative from a will. In a practical sense, the lawyer in his role as counselor is dealing with human beings in trouble. Some conceptual grounding in human nature is essential."

Dr. Stone hopes that his course may contribute to this end and noted that other courses, such as Professor Frank Sander's Family Law course, lie in the same direction. He emphasized his belief that a great potential exists in this area and that a great deal of good can be done.

Dr. Stone observes that the Socratic method of teaching at law schools seems often an "angry dia-

logue" where winning the argument sometimes becomes more important than being right in contrast to the medical school teaching method, where, in effect, the professor imparts the "Truth" to his students. He said, however, that there was a certain appropriateness to the law school technique.

In particular, he has great admiration for Prof. Dershowitz, "who can grill and engage students without being nasty." He sometimes finds it hard to employ the Socratic method himself. "We work well as a team. I end up lecturing, and then Dershowitz argues with me."

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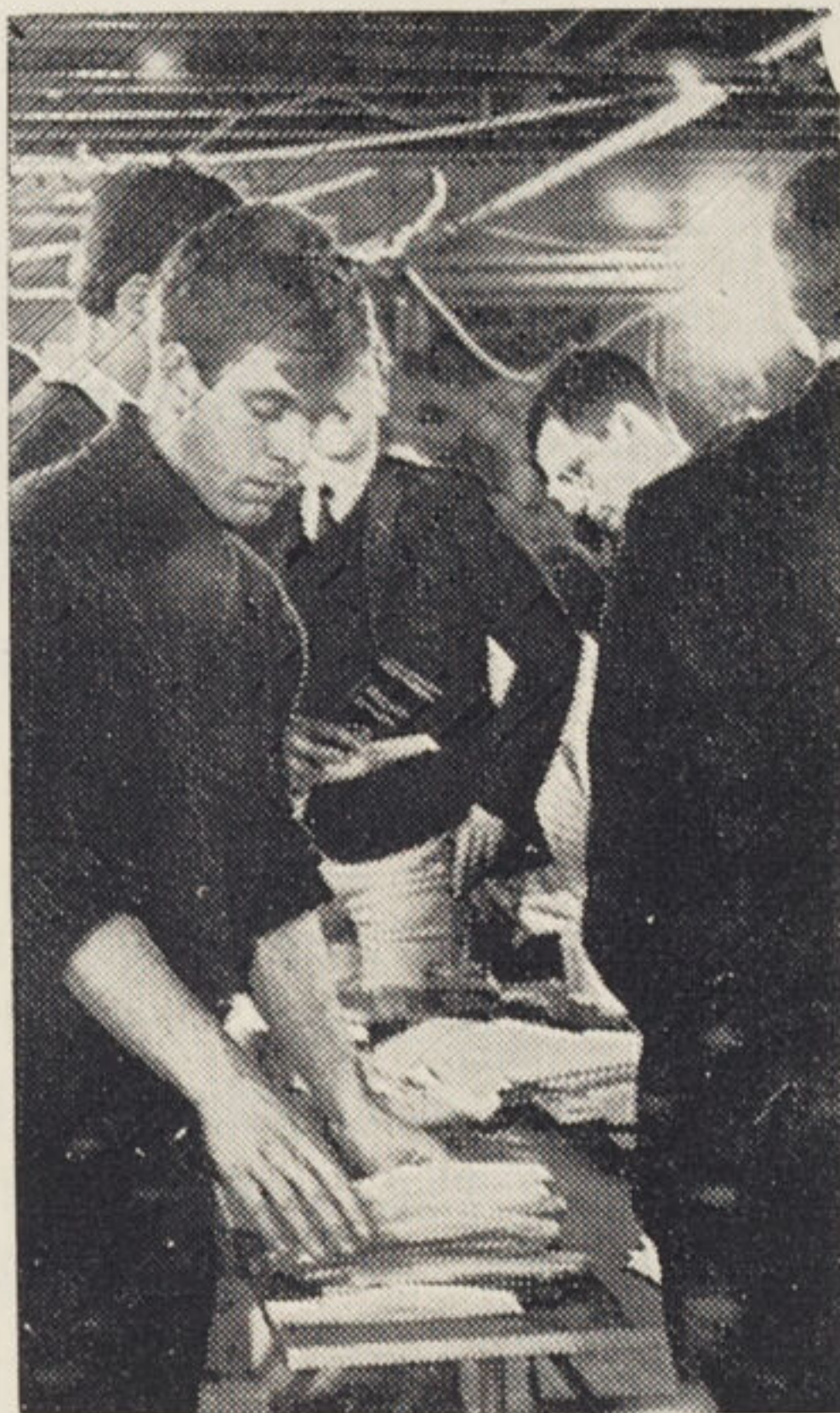
Students Aid Hopefuls' Primary Campaigns

McCarthyites Canvass Voters

In notices displayed around the Law School this week supporters of Sen. Eugene McCarthy's New Hampshire campaign told fellow law students that helping McCarthy "might be your last chance to work for peace."

Harvard Law students now working in New Hampshire form a small part of the contingent of students who spend weekends aiding McCarthy.

Most of the McCarthy workers reportedly work



No Coffee Breaks

only weekends, are not paid and do not have time for breaks.

Nixon Group Seeks Members

The 1968 political campaign is fast upon the law school, and the 20 members of the Law Students for Nixon chapter claim to be the first Harvard Law campaign group of the year.

Hugh Blackwell, 2L, has been elected chapter chairman, and Bruce Ackerman, 1L, will serve as secretary-treasurer. Directors are Neil Jokelson, 3L, and Paul Knag, William Leyden, Dennis Nolan and Robert Woodburn, all 1L. The group's first project is recruitment of additional members.

A carload representing the club drove to New Hampshire February 3 to hear the former vice-president deliver his first official speech of the campaign. Members are offered the opportunity of participating in research projects.

The group will continue to participate in the New Hampshire primary campaign until the voting.

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Kaysen to Deliver Annual Holmes Lectures

"Is Enough Competition Enough" will be the topic under discussion in this year's series of Oliver Wendell Holmes Lectures, held annually at the Law School.

The two lectures, to be held March 5 and March 6, will be delivered by Carl Kaysen in the Ames Courtroom. Each talk begins at 8 p.m.

Dr. Kaysen is the director of the Institute for Advanced Study at Princeton, where he succeeded Dr. J. Robert Oppenheimer.

After receiving his Ph.D.

from Harvard in economics, he rose to the rank of full professor here in 1957. Four years later, he was named Lucius Littauer Professor of Political Economy and Associate Dean of the Graduate School of Public Administration.

Besides serving as consult-

ant to the Commerce, Defense and Justice Departments, he was also Deputy Special Assistant for National Security Affairs to President Kennedy from 1961 to 1963.

There is no charge for admission, and all the lectures are open to the public.

Hiatus . . .

(Continued from Page 1)

The institution of the three day pre-exam study period is the first benefit which members of the third

year class have received as a result of the work of the Joint Student Faculty Committee and the Continuing Committee on Legal Education.

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