



Harvard Law Record

America's Oldest Law School Newspaper

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FIFTEEN CENTS

Employment Survey:

Students Drawn By Non-Monetary Factors

By Jack Tate

Law firm endorsement of participation by associates in social and political activities in addition to regular legal work appears to be more important to many Harvard Law School students than substantial salary increases, according to two RECORD surveys conducted last week.

The first student sample consisted of 24 third year *Law Review* members; the second, of 100 members of the general student body.

Over 75 per cent of the *Review* sample indicated they would be more likely to join firms that offered them opportunities to engage in social or political activities than those offering starting salaries of \$15,000. The *Review* students, who were surveyed at a meeting called to discuss reaction to the wage increases, generally felt that the \$15,000 salaries announced by several New York law firms were only sufficient to match competition in other large cities.

One *Review* member said that until the recent in-

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The Show Goes On

★★★ 'Jealous Mistress' Opens

By Thomas Geisler

For an evening of good satire, good music, good-looking girls, and a few awful puns, it would be difficult to beat "The Jealous Mistress," the Drama Society's show which premiered last Saturday night. As an extra added attraction, you can count on finding a few professors strolling through in cameo roles (the professors are changed each night, perhaps indicating their fungibility).

The show bears some resemblance to the Broadway musical of a few years back, "How to Succeed . . ." Back from a mythical Greece last year, the Show centers about the search for a new Dean of the mythical Harvard Law School. Instead of togas and tunics, there are well-dressed law professors, slovenly law students, mini-skirted secretaries, and two go-go girls. Perhaps the most crucial resemblance to

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HEW Grant Lifts Fund to \$9.4 Million

By Ned Hines

The Department of Health, Education and Welfare has granted \$500,000 to the Law School for aid in construction of the planned classroom and administrative office building. With the HEW grant, total contributions to the Sesquicentennial Fund reached the \$9.4 million mark. The Fund's goal is \$15 million. Fund-raising

Fund aims for \$15 million

efforts are slated to end sometime in 1968.

The objectives of the Sesquicentennial Fund are to add \$9 million to the school endowment and two buildings to the physical plant: a faculty office building (\$1 million), and a classroom and administrative office building (\$5 million).

The faculty office building, already under construction, will include 24 additional faculty offices, a lounge, a library and conference rooms. The classroom building will contain two classrooms with a seating capacity of approximately 150, two with a seating capacity of approximately 75, and several seminar rooms.

The \$9 million endowment will be earmarked principally for student financial aid, the library, and the creation of six new faculty chairs. Two new chairs in criminal law and two more in urban

legal studies will reflect the Law School's growing interest in these areas.

Endowment of two research status professorships and an additional allocation of \$1 million for research personnel and expenses will allow the Law School to respond to the need for sustained study in many areas of the law now in transition.

Recognizing the fact that rising room, board and tuition costs will increase the need for student financial aid, the Sesquicentennial Fund plans to add \$2.5 mil-

dition would raise that percentage to about 21%.

According to Mr. Stephen Bernardi of the Sesquicentennial Fund office, the fund raising effort has three phases. \$4 million is expected from private foundations and other institutional sources as HEW. The "advanced gift" phase of the drive, for donors of rather substantial amounts, is expected to contribute about \$9.5 million. The general phase of the drive, during which the bulk of the Law School's 23,000 alumni will

1. FACULTY	
A. New Chairs:	
Criminal Law (2)	\$1,000,000
Urban Legal Studies (2)	1,000,000
Research Status Program (2)	1,000,000
B. Research Personnel and Expenses	1,000,000
2. STUDENTS	
A. Financial Aid to LL.B. Students	2,500,000
B. Graduate Fellowships and Scholarships	1,500,000
3. PHYSICAL PLANT	
A. Classroom and	
Administrative Office Building	5,000,000
B. Faculty Office Building	1,000,000
4. LIBRARY ENDOWMENT	1,000,000
TOTAL \$15,000,000	

lion to the endowment for financial aid to LL.B. students and \$1.5 million to the endowment for graduate fellowships and scholarships.

Final objective of the Fund is to add \$1 million to the library endowment. The present endowment of the library covers about 14% of its annual operating expenses. The \$1 million ad-

be contacted, is expected to net \$1.5 million.

Mr. Bernardi notes that of the \$9.4 million already donated, over \$500,000 has been received from 318 individuals who are not alumni. Perhaps this lends credence to the oft-heard characterization of the Law School as a national resource.

Forum

Bishop Pike's Show Supplants Cox Debate

By Elliot Freedman

The Harvard Law School Forum presentation last Friday, "Death After Life? One World at a Time," instead of being a philosophical debate between Bishop James A. Pike and Professor Harvey G. Cox of the Divinity School, turned out to be an entertaining show on the part of Bishop Pike. Both panelists expressed their lack of interest in mediums and spirits as an intellectual inquiry; then most of the evening was used by Pike to expound on politics and Vietnam.

Pike explained that he is not the credulous believer in spirits that recent magazine articles have made him out to be. His name has become associated with the topic because he is doing research for a book, he admitted. By and large, Pike's interest and concern is with the here and now, and especially Vietnam. He began by repeating his pledge of resistance to the draft.



Bishop James Pike



Photos by Mike Lurey

Professors Harvey Cox and John Mansfield

Pike never backs away from being controversial and irreverent. In his machine-gun paced, staccato voice, he pursues what he called the "crime of Vietnam." He wants to see "another Nuremberg" war crimes tribunal, from which the U. S. and the "puppetry" in Saigon are not to be exempt.

Again and again he denounced in scathing terms the "hoves," those hawks who are becoming opposed to the war because "it has gotten too expensive." Citing America's interest in the daily body count from Vietnam, he asserted that it now costs \$146,000 for each Viet Cong killed. "The hoves have decided that the war is no longer profitable, the law of diminishing returns has set in." Prof. Cox also referred to our "neurotic" fascination with the daily body count. He attributed it to the "erosion of adequate symbolism of death" caused by the decline of religion in the western world.

Pointing to America's frustration in making any

headway in the war, Bishop Pike said the U. S. cannot win: "Isn't it terrible, when one has decided to commit evil and finds oneself impotent! More tragic, to find one cannot afford it!"

Pike's solution for ending the war is for everyone to cash in his U. S. Bonds and stop buying clothes, cars and luxuries, just buy enough to eat. That way we can ruin the economy. "London and Paris are now doing it for us."

Pike spoke for almost an hour, changing his focus at lightning speed, making asides that were witty, but often rather lengthy. After this long barrage, Professor John H. Mansfield, the moderator, seemed to acknowledge the hopelessness of a meaningful debate, so he quickly introduced Prof. Cox.

Prof. Cox tried to direct the program toward a more philosophical note. He first lauded Bishop Pike as a wide-ranging intellectual

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Sprightly 'Jealous Mistress'

(Continued from page 1)

"How to Succeed . . .," however, is in the rather slick professionalism of the show, which can be genuinely called a musical comedy. They have succeeded.

The story begins (interrupted by the clatter of construction work) as Roger Bence, an undergraduate (Duncan Calder, 1L), arrives at Langdell Hall with girlfriend in tow (Joyce Norris), trying to decide whether to go to Harvard or Yale Law School. The set layout of Langdell Hall, with banks of professors' offices and secretaries' desks, together with the main receptionist's desk, is very nice and plaudits should go to the designer, Jeffrey Meldman, 3L. After a lovely choric affirmation of the law at Harvard ("Harvard Law is Sublime"), the news suddenly arrives that the Dean has just been named Solicitor General. Thereupon things are thrown into a state of general confusion until a secretary Allison W. (it stands for "Wonder") Land (played by Adrienne Stavis), puts out her foot, tripping a likely looking law

student, Jordan James (in reality, Kent Warner, 2L). It's love at first sight for them both (sorry) as they sing "I Love You — Whoever You Are."

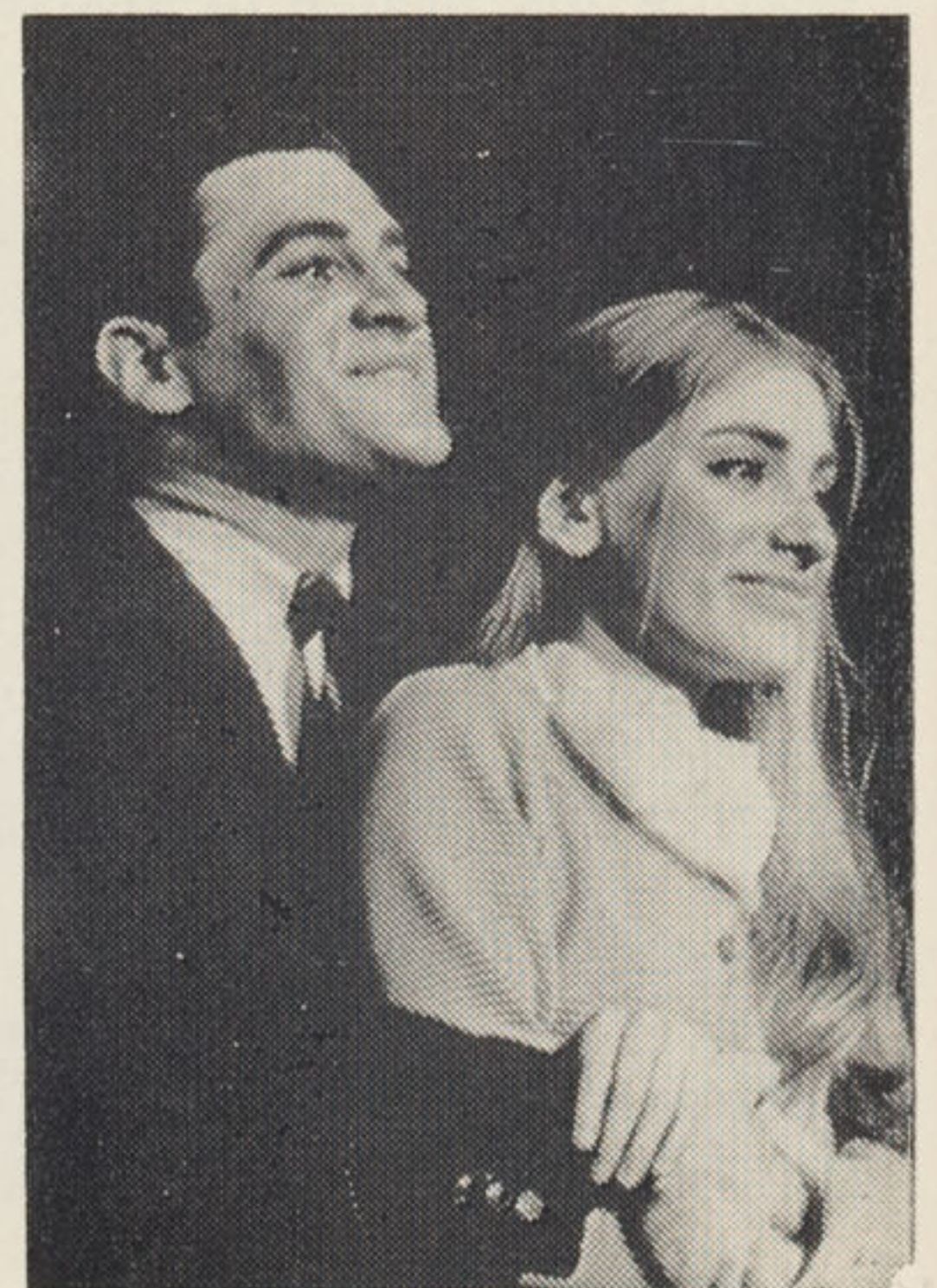
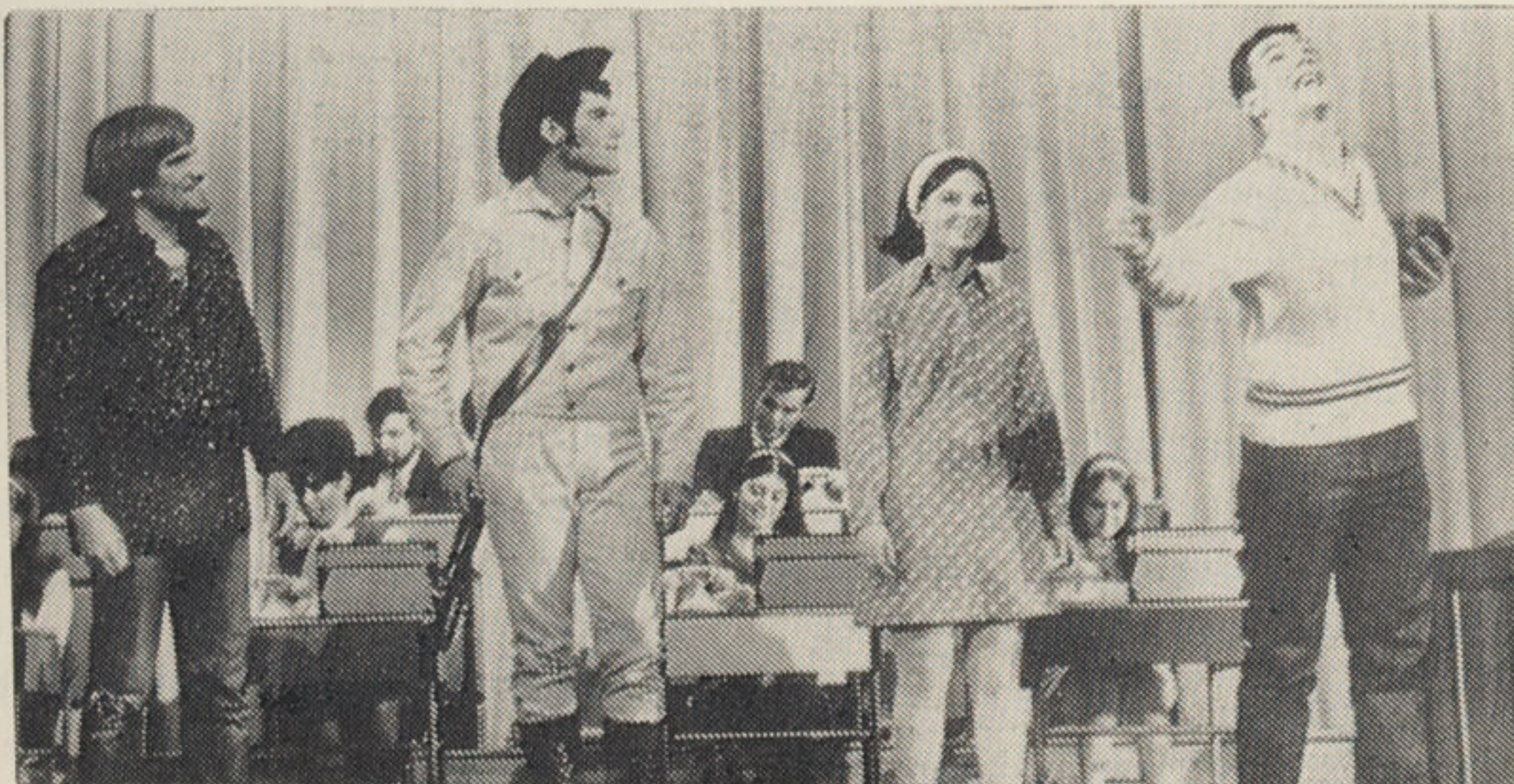
Jordan, it appears, is a clean-cut, red-blooded Harvard law student active on a student committee to do away with such things as Saturday classes, third year papers, and the Socratic method (no wonder they moved out of Greece this year). Allison is secretary to Professor Pierson V. Post (Ed Overtree, 2L), one of the leading contenders for the Deanship, and Jordan attempts to persuade her to keep him informed on the evolving situation.

The situation evolves quickly, as a third professor chances upon a bit of dirt concerning Professor T. J. Hooper (Harold Pepinsky, 3L). When Post is informed of this, he of course refuses to engage in any mudslinging politicking and keeps mum about the mud. As the plot sprints forward, Allison hears the mud about Hooper and tries to decide whether or not to tell Jordan. She is strongly counseled by her

friend, Rhonda the receptionist, to tell all, for, as Rhonda (Beth Bauman) puts it, Jordan's "Still A Man". Jordan manages at last to find out, and, armed with the mud, attempts to put through his program of "reforms" by throwing "student support" behind one of the candidates.

The President of Harvard makes the decision to have an open Faculty election for the new Dean, which, interestingly, is scheduled to take place at a cocktail party in Harkness. Here twist of plot follows twist of plot, with a war-whooping Indian (Ken Wolf, 3L) coming in at one point and asking for a Manhattan. The rest is madness, but at least it may be said that the romance between Jordan and Allison ends happily.

The performances by the actors were good and spirited. Some of the smaller roles which deserve commendation are Mayor Louisa May Peppercorn (Janet Tracy,



Worth the Trek to Radcliffe

2L) and Percival Sludge, (Rick Sims, 3L), who was very funny as a student who certainly would morally deserve to make *Law Review* (Of him it was said, "Oh, I didn't recognize you without your books on"). Also effective was the unidentified actor who played a derrick worker on the construction crew.

Curt von Kann's, 2L, direction was very good, and there was careful attention paid to little details, which always helps. The book, by Jonathan Kantrowitz and Kathy Imholz was quite witty. George Selden, 2L, deserves a large measure of credit as the composer and director of the music; some of the songs were excellent, which is saying something. He was able to diversify into a number of styles: jubilant choruses, a rather funny song, a torch song, a soft-shoe routine, and others. The overture, however, was overly long; and one suggested area of cutting is in a musical figure from "Alone in the Dark," which got a bit repetitious.

Another complaint: The curtain didn't rise until fifteen minutes after post time. Perhaps this was because it was opening night; in any event, hopefully it will not recur.

Since the show will be presented again this weekend, there's no point in a punch line by punch line account. But a few examples may whet the appetite:

On someone's arrest for jay-walking: "Yes, he was

picked up while he had his pet bluejay on a leash. There are a lot of blue laws around here."

One student's explanation of why he was here (and it *had* to be right): "Why, I'm the geographical distribution!"

A professor's comment about the future of the School: "This School is go-

ing to the dogs and the students."

The Show is being held in the auditorium of the Peabody School. The Peabody School? Elementary, my dear Watson. Or, more precisely, an elementary school in Cambridge, on Walker and Linnaean Streets, opposite Radcliffe. It's a bit hard to find, but worth the search.

Photos by John Harris



Kennedy Backers Organize

In the aftermath of Senator Robert Kennedy's decision to make a bid for the Presidency, a number of students at the School have organized a steering committee in support of his candidacy.

Among the group's organizers are Steven Schlesinger, 3L, William Samuels, 3L, Luis Sanjurjo, 2L, Robert Bruce, 2L, and Charles Beard, 2L.

According to Schlesinger, many in the group supported Senator Eugene McCarthy in the New Hamp-

shire primary and will continue to support him in the Wisconsin, Pennsylvania, and Massachusetts primaries. He said the Kennedy group wishes to work in tandem with McCarthy's supporters.

But despite the Minnesota Senator's strong showing in New Hampshire, they believe that Kennedy is the only man who can defeat President Johnson for the Democratic nomination and would be the strongest candidate against Richard Nixon.

Students Say Salary Not Enough,

(Continued from Page 1)

creases, New York firms had been paying their associates less than the best firms in Washington and Los An-

Salary increase called subsidy for NYC costs

geles, especially in view of the higher cost of living in New York and some of the fringe benefits offered by firms outside New York (such as payment of moving expenses).

Another *Review* member suggested that "if they really want to see what money can do, they should raise the starting salary to \$20,000 or \$25,000 per year."

Mr. George Gillispie, a partner in Cravath Swaine &

Moore in New York, initiator of the recent wage increases, said in February that his firm did not view the increase as making New York wages more competitive with those in other cities. In fact, he noted: "Our primary reason for increasing the starting salary is to encourage some of the men who were not able to come to New York because of the higher cost of living here. We're looking at this as a kind of subsidy for lawyers coming to New York."

Of the *Review* sample, only four students said they would be greatly influenced by an offer of \$15,000. On the other hand, of the same group, 22 said they would be greatly influenced to join a firm which had a policy of allowing greater participation by members in activities outside legal work.

However, this perhaps unexpected eschewing of the influence of high salaries in

favor of the importance of allowance of social and political activities does not necessarily imply that these *Review* students are not swayed by financial gain. Judging by the comments at the meeting, many if not most of the *Review* students now assume they can get the \$15,000 per year if they want it; they are now pressing for offers of sabbaticals, opportunities for early responsibility and the chance of devoting time to social and political activities.

Only five of the *Law Review* members said they were returning to New York while 11 of those surveyed came from New York area. However, 10 still have not decided where they will practice. Other cities attracting the *Review* students included Washington - 2, Los Angeles - 2, Chicago - 2, San Francisco - 1, and Atlanta - 1.

In both surveys students

OFFERS AND POLICIES ATTRACTIVE TO HLS STUDENTS

	LAW REVIEW (24)			STUDENT BODY (100)		
	1st	2nd	Total %	1st	2nd	Total %
A) Approval of social political activity	12	7	79	34	18	52
B) Sabbatical	8	8	67	15	12	27
C) More responsibility	2	5	29	11	21	32
D) High chance of partnership	1	1	9	20	23	43
E) Starting salary of \$15,000	0	1	5	20	22	42

Seek Opportunity For Activism

were presented with five hypothetical promises, policies or offers by a law firm which was attempting to hire them. In each case they were asked to state how much influence such statements by a firm would have on their decision to practice law with that firm.

The promises, offers and policies presented for evaluation were:

- A promise that becoming a partner in that firm would be substantially easier than in an otherwise comparable firm.

- A policy of allowing the members a one-year paid absence from the firm (applying to attorneys who stay with the firm for 10 years or longer).

- A policy of entrusting new associates with more responsibility in areas of importance than is the practice in comparable firms.

- A policy of allowing greater participation by members in activities outside of legal work, including both political and social activities.

- An offer to pay wages of \$15,000 per year.

In addition to stating whether each one of these offers, promises or policies would influence them greatly, somewhat or not at all, each student was asked to indicate which of the five alternatives was most attractive and which was second in attractiveness. Among

both the general student body and the *Law Review* students, the opportunity for social and political activities was first.

None of the 24 *Law Review* students indicated that \$15,000 per year was the most attractive option while 20 of the 100 members of the general student body stated they would be most influenced by such an offer.

One girl who had little trouble answering the survey questions suddenly stopped when she got to the question about whether an offer to pay wages of \$15,000 would influence her greatly, somewhat or not at all.

"How can I indicate that such an offer would make me refuse to join that firm?" she asked.

When she found out that the survey did not allow for such an atypical response, she refused to complete it.

Students were given an opportunity to list any other alternatives (in addition to the five presented) which they would find particularly attractive.

One responded: "Personal secretary — not one from a pool." Another indicated: "Don't want to become part of a 'slave' labor force." Still another suggested that he wanted to practice law with a group of men who are "decent human beings." One stipulated: "No night or Saturday work."

At the meeting of *Review* students, several social activists squared off against supporters of large law firm practice.

One "activist" who had worked in New York last summer stated that: "I was remarkably impressed with the ability of my associates, but at the same time I was remarkably perplexed that

HAVE WAGE INCREASES AFFECTED CAREER?

Law Review		Student Body
Yes	3	20
No	18	68
Unsure	3	11

they could be doing something so dull." He was immediately challenged by another student who had found his summer with a New York firm to be stimulating and rewarding.

But before the meeting was over, many of the students, falling somewhere between the social activists and the New York supporters, indicated that they would be more likely to be attracted to New York firms if these firms remained flexible and innovative.

Types of flexibility and innovation that appeared to be attractive to the third year *Review* men include:

1. Promise of sabbaticals.
 2. Policy of not sending
- (Continued on Page 16)

The Grading System

ONE MAJOR AREA OF DISSATISFACTION with the status quo at the School is the present grading system. The RECORD's survey last December amply demonstrated that the present system is not popular among students; of various alternatives, only 16% preferred the present system. Perhaps the worst feature of the system, its artificial precision, was typified by the practice, only recently discontinued, of computing grade averages to the nearest hundredth of a point. Surely those last two digits were of negligible significance.

One alternative with much merit is a system of letter grades modulated with + 's and - 's. Such a system would produce a series of gradations not made artificially precise, but would nonetheless yield a workable and meaningful standard for future employers. Moreover, it would eliminate the rather peculiar range of numbers currently in vogue at the School. As one student last December said: "Why should Harvard Law feel compelled to call a 75 an A? Why not call an A an A, unless perhaps it wants to introduce us to a fiction in the flesh?"

Technically, such a system could be introduced with little disruption to the present grading mechanism, since all that is really important is the grade that appears on the final record; those who wished could continue to grade in numerical terms initially, which results would eventually be translated into letters.

The modulated letter system is not the only alternative to the status quo, though it seems to have much merit. Fundamentally, what is important is that the inadequacies of the present system be recognized. What is important is that there be change.

Harvard Law Record

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TONGUE 'N CHEEK

By Fenno

"In short, Fenno, how could you decide *not* to come with us? cajoled the hiring partner of Tweedle, Dee, and Dum as we sipped coffee after dinner at the Yard of Ale. "Think what an enterprising young man like you could do with \$21,000 a year. Just sign here."

It was tempting, I had to admit. Although he had hinted earlier that members of the firm generally worked until 9 or 10 at night, I could probably catch some sleep during the day in the library where he said I would be writing bond indentures most of the time.

"Vacation benefits too?" I asked, stalling for time while I thought it over.

"Oh yes," he said enthusiastically. "Paid trip to the ABA convention every year. We even pick up the tab for your hotel room, meals, and any legal pads you need for the lectures."

"Sounds like a lot more than the other firms are doing," I commented. "I suppose you make an effort to achieve pleasant working conditions in the office?"

"The best," he continued. "All four walls of every office lined with leather-bound editions of state reports."

"No windows?"

"Nothing to look at out there anyway, hee-hee," he said a little nervously. "We used to have windows but we were having trouble enforcing our policy of not looking out windows during working hours, so we walled them off."

I was becoming uneasy but all my doubts were dispelled when he began to talk of my driving a Porsche, buying hard-cover editions of best sellers instead of having to wait for the paperback edition, and trading in my black-and-white TV for a color set. I signed with a flush of joy and asked him his name as he began rushing away to catch a plane.

"Mephistopheles!" he grinned.

Letters to the Editor of the RECORD

Doubts Value Of Refusing Prize

To the Editor:

Although I have a great deal of sympathy with the complaints of Marshall Club, my brothers in the Ames Competition finals, I am hard put to understand why their protest against third-year papers has taken the form it has.

Donating several hundred dollars to the Harvard Law School is a strange way to protest its administrative policies. Why not take the cash and burn it publicly on the steps of Langdell Hall? Or donate it for a charitable purpose — say, to the Yale Law School as a scholarship to some student who has been accepted also at Harvard, but who might need more money than Harvard will give?

For myself, I prefer to save the money for my recovery in Bimini from the nervous breakdown Marshall implies I am almost sure to suffer at the end of this semester

from the combined work of Ames and my third-year paper.

Daniel F. Stella, 3L
Member, Learned Hand Club

Wants Another J.D. in the House

To the Editor:

I read with interest the article on Page 3 in your February 23rd issue concerning whether a J.D. is worth more than an L.L.B.

My partner attended Brooklyn Law School and an associate of ours attended New York University Law School. They have been advised that they can exchange their present bachelor degrees for doctorate degrees.

It is now embarrassing for me when a client telephones our office and the girl inquires whether he would prefer to speak to Mr. Mars or Dr. Burton.

Since I have always believed that I have attended the finest law school in the United States, I believe the Law School should take

the attitude that we should at least be equal to those lesser known law schools who are granting doctorate degrees.

If Harvard follows suit, and I can refer to myself as "Doctor", perhaps those members of the medical profession who have always looked with disdain upon lawyers, will change their attitude.

This letter was written with tongue-in-cheek, since you may take my comments seriously, but it is quite interesting to note the gleam in a client's eye when he hears he is being ushered into Dr. Burton's office rather than Mr. Mars'.

Frederick M. Mars, '52
Patchogue, N.Y.

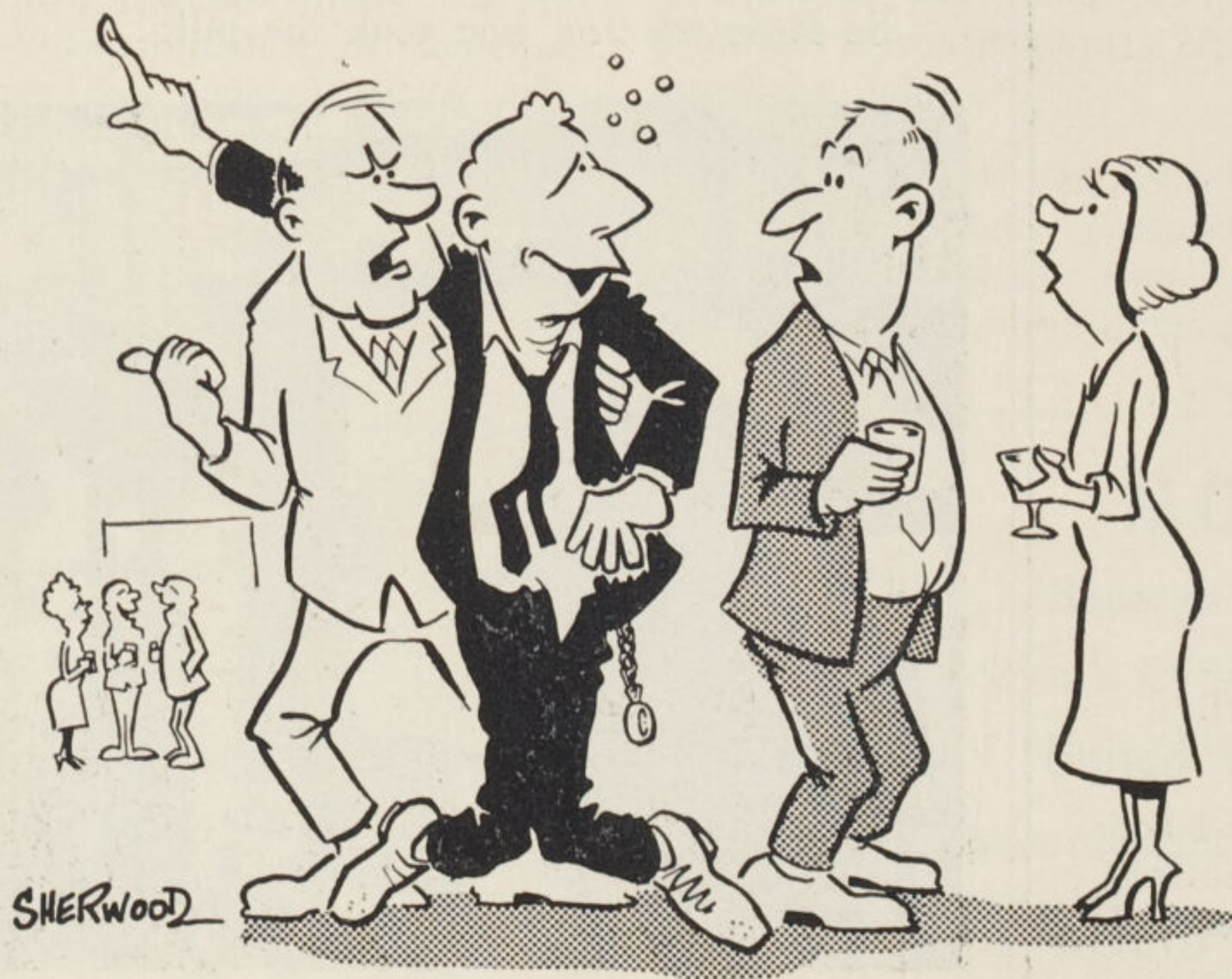
Backbenchers Of the World, Arise!

To the Editor:

I gleefully read your article on the J.D. degree, in the February 23 issue. My own interest in the matter began when I attended a B.U. graduation in 1963 to watch a medical school graduate, who naturally sat in the first row at the Boston Garden, and a School of Public Relations graduate receiving a bachelor's degree (for efficiency and knowledge in radio and TV work) who sat close to the last row, almost beside the law school grads. The law school people roosted well behind all graduate students and followed to the platform young and old males and females receiving the innumerable graduate degrees given by Boston University to those earning doctor's and master's in Nursing, Education, Business, Public Relations, etc., in large part earned by attending schools nights, Saturdays and summers.

At Harvard, the law school graduates are given precedence equal to Ph.D.'s; obviously elsewhere this is not the case.

Far more could be said, and has been said, about the mystery of
(Continued on Page 15)



Better see your lawyer friend home. He's making hearsay objections to the hostess' jokes.

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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The New Morality

(Ed. Note: The following was received from Dr. Alexander Smith, Q. C., University of Alberta, Edmonton, Alberta. Although the RECORD does not currently solicit poetry or fiction, the following is printed because, as noted below, it is the Epilogue to a poem which appeared originally in the RECORD. The Epilogue was written in 1967, which explains the reference to "four score years" in the first line. Dr. Smith writes: "Year after year in my course in Contracts I have employed, as illustrative of the vexed problem of common mistake in relation to the subject-matter, the case of *Sherwood v. Walker*, 66 Mich. 568 (1887), involving the pedigreed Aberdeen Angus, Rose 2nd of Aberlone." It will be recalled that Rose was originally thought by both parties to be sterile, but that this proved erroneous. Dr. Smith adds: "The turgidity of the analysis and discussion has been lightened and relaxed by a reference to that delightful poem by Professor Brainerd Currie, "The Rose of Aberlone," first appearing in the RECORD of March 1954 and again in the issue of March, 1960." The Epilogue was written as an expression of gratitude to Professor Currie.)

Rose of Aberlone An Epilogue

As precisely four score years have passed.
Truth, long suppressed, may out at last.

In bovine Valhalla Rose quotes with glee:
"Oh, what fools these mortals be."

Thought ye Rose was really sterile?
That Scots lass was in no such peril.

Obdurately defying priest & preacher —
Womanly duties they could not teach her.

Of procreation she'd had her fill.
So Rose the 2nd just took the pill.



Special Thanks to John Chiesa, Lexington
Photo by Thomas Geisler

No Use Crying . . .

Recent Book

Mayer on Lawyers: The Essential Hornbook

The Lawyers. By Martin Mayer. pp. 548. New York: Harper and Row, 1967. \$8.95.

By Chris Walker

This book is a reporter's examination of the American legal system. It takes us from county courthouse to criminal cell block. Along the way the reader meets some strange bedfellows, from justices of the peace, many of whom do not have a high-school education, to high-powered practitioners of corporate law.

The format is similar to Mayer's previous books on American education, finance, and advertising. In the course of six years of research, the author, a non-lawyer, interviewed many of the leaders of the bar. His style is anecdotal; quotes are interspersed with description. This lends an informal, gossipy tone to the narrative. Most writers on the law, perhaps under the unconscious influence of appellate judges, feel constrained to write sentence after sentence of identical length and structure, under the mistaken impression that this lends dignity to the prose. Mayer avoids this.

The book is organized into four parts. The first is a sociological overview of the legal profession—what lawyers do, where they come from, and how they are trained. A reader may be surprised to learn, for example, that people who have had occasion to be represented by a lawyer think less of the profession than those who have never used legal services. Or, that there are more lawyers in active practice over seventy years of age than under thirty. Statistics are sprinkled over the text in a way that makes the narrative read like newspaper copy. There is an adequate index, however, that makes re-locating a quote almost easy.

There is a section on jurisprudence and one on law schools. They are perhaps the best thirty-minute introduction to their fields available. One reason is that Mayer is not afraid to label people and concepts, which lawyers, perhaps mindful of Canon 27, are reluctant to do in print. We read that Lord Radcliffe is not just a judge, but "the most profound of contemporary British appellate judges."

This mixture of comprehensive fact-finding and perspective-oriented journalism keeps the reader's interest, even during the

section on conflict of laws. The author explores this field at some length as an example of the resilience of judge-made law.

The most caustic commentator on legal education turns out to be an outsider, Harvard graduate-turned sociologist David Riesman. He criticizes the case system, and the "preening self-complacency of the law school professors." The reader is treated here, as in many parts of the book, to a kind of stylistic adversary system. Mayer has marshalled an army of quotes and facts on either side, and the reader usually has to make up his own mind as to the merits.

The author used this technique in his earlier surveys, but it is particularly appropriate in a book about lawyers. There is an apparent conclusion here, though, that the law schools don't teach the real world of the lawyer, or his expected role in the future—a situation which, as much as anything in print, this book may help correct.

The second part of the book is entitled "people," meaning the poor, injured, and criminally accused. This is the most neglected area of our law, and Mayer's dogged research has uncovered some unusual legal customs. It

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Do the Restatements Need Key Numbers?

(Continued from Page 11)

is also interesting to read the background of some of the recent ground-breaking Supreme Court criminal decisions.

Part Three treats business — corporate law, administrative law, and the specialties. This is heady material, and Mayer deals principally with the role of the lawyer, not substantive law itself. Here we find Judge Henry Friendly asking whether it is “truly civilized to have an income tax statute more than 500 pages long . . . implemented by over 2,000 pages of regulation, in which almost every principle has an exception, every exception has an exception to the exception, and many exceptions to exceptions are also subject to exceptions, so that a judge needs a computer to determine whether he is dealing with an odd or even number of exceptions.”

The last part is called “infrastructure” — the mechanics of handing down cases, indexing and editing them, and organizing “the law.” This is more important than it sounds. The reader learns how West got to be No. 1 in the case-reporting business, and about computerized information-retrieval systems.

Mayer makes some interesting speculations; he suggests that the ALI restatements have been largely ignored because they don't mesh with the West Key-Number-Digest categories. He

also postulates that “the fact that practice before the regulatory agencies rests on these necessarily fragmented [loose-leaf] services, with their stress on practical current procedure rather than on legal continuity, has surely been among the reasons for the American failure to develop what Loevinger calls ‘an administrative common law’.”

This book is highly recommended for anyone curious about the real workings of the society in which he lives. It was written for the intelligent layman. The law student, however, will be amazed at how little he seems to know about his profession. He may well pick up more information on the mechanics of practice in this one volume than in three years of courses.

He will further realize that the abstraction of legal dialectic differs radically from the atmos-

phere of practice, and that the administration of justice is more a matter of dollars and cents than omnipresences, whether brooding or of any other kind.

As for depth, Mayer doesn't insult anyone's intelligence; even the procedural complexities of *Erie v. Tomkins* are delved into. The errors are minimal (Yale may be surprised to find their law building called one of “Eero Saarinen's most spectacular accomplishments”), and the coverage comprehensive.

That Mayer can add so much in one volume to the knowledge of the average law student makes one wonder about the orientation of legal education. It is a valuable supplement to course work. For the layman, this is unquestionably the best one-volume introduction to the American legal profession in print.

Forum . . .

(Continued from Page 3)
and fighter for freedom. However, he then pointed out that Pike was wearing a “Draft Rockefeller for President” button. Pike then jumped up to the lectern and both he and Cox affirmed that they were in favor of “any Irish-Catholic for President.” Pike said he had misplaced his McCarthy button.

Cox spoke for 25 minutes on man's religious awareness of death and its implications. He traced Christian, Hebraic and Greek development of the idea of the afterlife. He finds both the concept of the immortality of the soul and the resurrection of the body to be highly implausible. He doesn't believe in individual
(Continued on Page 15)

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Bundy Calls for a Stronger Executive Branch

By Richard Hoffman

To those who watched Senator Fulbright and most of his colleagues on the Senate Foreign Relations Committee struggle to gain some acknowledgement by Secretary of State Dean Rusk of the Senators' role as consultants when major decisions are made in government, one of the principal premises advanced by McGeorge Bundy in the Godkin lectures he delivered here last week — that the executive branch needs strengthening — struck a chord of incredulity.

But as he considered the state of the union over a longer span, Bundy did sound a call for stronger government, but one which would simultaneously seek "maximum practicable participation" by the public.

In one sense, the Bundy argument pictured the executive branch of the federal government as handicapped

by its reliance on the bureaucracy and the Congress. "The simplest demonstration of weakness," the president of the Ford Foundation contended, "is its subordination to Congress in matters of appropriation and taxation."



Photo by Alex Humphrey

McGeorge Bundy

The Proper Source of Power

The Cabinet officers, Bundy added, "should run their part of the government for the administration — not run to the administration for the interests of their part of government." The "right source of new execu-

tive strength," Bundy concluded, is the office of the president.

Emphasizing the importance of public participation in government, Bundy nevertheless believes that giving power to executive agencies is the best means of achieving this end and controlling the bureaucracy by preventing it from curtailing enterprising executive projects.

A principal basis for his belief in the need for expanding the federal government's power, Bundy said, is the growing complexity of society which makes it imperative that the inevitable central power be harnessed to the cause of freedom.

Three fields where "explosive change has dramatically increased the requirement for action," he declared, are the fight against racism and poverty, the revolution in communications and the advance of nuclear weapons. With regard to the first, Bundy observed, only the central government can cope with this struggle as much because of the cost involved as for the educational role that only government can play.

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Letters to the Editor of the RECORD

(Continued from Page 9)

the J.D. degree and the ramifications in the cold world of failure to sport a doctor's degree when employed by schools, colleges, the armed services, and government departments in general.

Coincidentally, in 1963, immediately after the B.U. Graduation, the American Bar Association appointed a committee, and its president made it the award of the J.D. degree by association-approved law schools one of his eleven hopeful objectives.

The bachelor's degree for graduate work is granted only by law and divinity schools whose roots reach back to the days when they served an undergraduate student body. West of the Hudson River the changeover among the law schools has been about universal.

I feel Professor Dawson did not take the subject very seriously since a phone call to a few of his professor friends at eastern

schools other than Harvard, and perhaps Columbia or Yale, would quickly elicit the information that they were enthusiastic about the change, but did not feel that they could make it ahead of Harvard. Possibly they feel Yale should be a leader also. For example, call B.C. Law School.

To put the matter in very concrete terms, the powers at Harvard Law School will wake up some day to find that the following suppositious case has become real:

A twin brother and sister graduate in the same class at a co-educational school, brother (or perhaps sister) attends a Class A law school, graduates at the end of three years, then enters the Government service to find that he (or she) enjoys a lesser "P" rating and lesser salary than sister (perhaps brother) who attended a graduate school and spent a relatively untroubled one year picking

up a master's in some "learned" field.

Since one or two of my friends have given up law or business for teaching, it will probably prove equally amusing when one of their daughters, with a fresh Ed.M. resulting from light work Saturdays and summers collects a "Study Bonus" of perhaps \$300 for similar work, in the same school system.

Arnold S. Dane, '34
Boston, Mass.

Forum . . .

(Continued from Page 12)

salvation, and finds hope only in the transformation of society as a whole in this life. This view is analogous to that of Bishop Pike, who said, "If we are going to have the kingdom of God, we have to make it."

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Sabbaticals, More Responsibility Attract Students

(Continued from Page 7)

associates into "over-specialized" and dull jobs.

3. Policy of endorsing some social and political activities.

Others were concerned about the problem of being on the "wrong" side (representing the big corporation as opposed to the little man). But one student pointed out that his experience in New York indicated that most of the large firms represented one big corporation against

another big corporation, not against a relatively helpless individual.

There was near unanimity of agreement that the recent salary increases weren't the most effective way to attract top students.

To the extent that the motive of major New York firms wasn't merely to subsidize young associates practicing in New York, but to draw a substantial number of top students to that city who would not otherwise have gone there, it ap-

pears that the attempt will not succeed.

To the extent that the decision was based upon the realization that it was very difficult for a married man (75 per cent of the *Law Review* students surveyed were married) to live in New York on \$10,500 plus the first year bonus, and that, therefore, they should give their new associates \$15,000 per year, then it is difficult to doubt that their efforts to make life easier for new associates will succeed.

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