



Harvard Law Record

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FIFTEEN CENTS

Law School Mourns King's Death



Ames Final Delayed, Will Be Held Tonight

The Law School, along with the rest of the Harvard Community, paid its final respects this week to the Reverend Martin Luther King, Jr. Services were held in Memorial Church on Tuesday, the day of his funeral in Atlanta, Ga.

Acting Dean A. James Casner announced suspension of all classes for Monday and Tuesday. Dean Casner explained that Monday classes were cancelled "in order that each law student may have a full opportunity for uninterrupted reflection on recent events and on his position in regard to them."

The Ames' competition finals, originally set for Tuesday, were rescheduled for this evening, at 7:30 p.m., in the Ames Courtroom. While it involved a "terrific effort" to make the shift. Dean Casner explained that the change was "part of the policy of stopping classes" and allowing the students time for reflection.

Due to the change in date, Supreme Court Justice Byron White will be unable to attend. The third spot on the panel will be taken by the Honorable Arthur X. Bailey, Chief Judge of the Court of Appeals for the First Circuit. Presiding over the court will be the Chief Justice of the Supreme Judicial Court of Maine, Robert B. Williamson.

Ask Grading Change

Ranking and averaging would be drastically curtailed and the number of grade categories would be reduced if a preliminary grading memorandum issued by the Joint Student-Faculty Committee is accepted as

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New Board Slates Major Ames Changes

By Richard Hoffman

First-year students won't join Ames clubs until after the fall round is over next year. No arguments will be scheduled at 9:30 p.m. any more. Before the Fact Conference, fall participants will hand in a 500-word memo on the case.

Those are a few of the changes in the Ames Competition being made by the Board of Student Advisers, now headed by Tim S. Ellis, 2L, who is chairman. Ellis is from Virginia Beach, Va., and graduated from Princeton. Coleman Bird and Jack Spradlin, both 2L, were named second and first-year chairmen respectively. Gary Moore, also 2L, is the new editorial chairman.

Neither cases nor judging are rigorous enough

Believing that neither the cases nor the judging have been rigorous enough to make Ames a worthwhile first-year experience, Ellis and his colleagues have moved speedily to revamp the fall and spring programs. "We want to make spring Ames different, and if we can't, the faculty'll have to take a good look at it," Ellis says.

First-year students will be able to argue against anyone they wish in the fall, and after the club selection proc-

ess is finished—it will merely be postponed from the opening days of school in the fall—inter-club arguments may be possible in the spring round. Changes in the upper rounds are also being considered and will be announced in the next few weeks.

Besides seeking faculty advice on the general structure of Ames, the Board hopes to have professors read and criticize new cases. Several faculty members have agreed to perform this service, Ellis noted. The Board also hopes to retain the present system which has clubs furnishing judges, but these judges may well end up judging students from different clubs in the spring.

Teaching fellows may also become judges. The Board is aiming for a system which would have the chief justice of a spring argument furnished by the Board. These presiding judges would probably be professors and local attorneys in all arguments, "but not 25-year-olds," Ellis adds.

Most exciting to Ellis is the possibility of using video tape to provide an added dimension to the first-year Ames program. Participants would be able to view their performance at a later date and confer with judges and advisers with regard to improvements they might aim towards.

One quarterfinal was taped recently, Ellis said.

Ted Frank, who is Faculty Assistant in Charge of the Ames Competition and ac-

'Parts of this argument were prerecorded'

tually prepares the upper-round cases, and the oralists involved viewed the tape and were all enthusiastic about what could be gained from it.

Subject changes in cases are also planned. Ellis would like to get more poverty law problems into the first-year cases, as well as issues of constitutional law. Since preparation of the memorandum will precede the fall Fact Conference, that conference may become a session for exploring the legal frontiers of the issue.

Two Brief Conferences are planned for the fall: one will be a conference for all participants on a case and will include the general advice and discussion which everyone who is working on the case needs. A second meeting will be between the adviser and each participant.

"We're looking around for better ways to advise," Ellis admits. There have been two kinds of advisers up to now, he notes: the first gets annoyed at his advisers and

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Readmission Statement

Students Refusing Induction May Return

Acting Dean A. James Casner recently released the following statement of Harvard Law School policy concerning readmission to the Law School:

"It has been the policy of the Harvard Law School to readmit as soon as practicable a student who is absent from the Law School for a reasonable time because of military service or employment, or for various other reasons, if at the time of his departure from school he was in good standing. It is not expected that there will be any change in this policy.

"Some students have asked whether this policy would apply to a student who was convicted for a refusal to serve in the armed forces. Although a student's decision to follow such a course is entirely personal and one that the School would in no way encourage,

it is expected that the foregoing policy would be applied to a student convicted for a refusal to serve which was rooted in grounds of conscience.

"The foregoing applies to students who have begun their course of study at the Law School. In addition, every effort will be made to accommodate those who have been admitted and have indicated an intention to come but are unable to register in the class to which they were admitted."

Dean Casner stated that it should be noted that the statement does not announce any policy with respect to students who emigrate to avoid military service.

Students who have questions about the particular application of the policy should consult Walter Reiser, faculty advisor on Selective Service matters.

Memorial Service for Dr. King . . .

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The dinner preceding the argument has also been shifted to this evening, although the original guest list of 170 has been reduced. To compensate for a smaller dinner, a larger reception following the argument has been planned. The shift was agreed to by members of both opposing teams, the Learned Hand Club and the Marshall Club, but both requested that it be rescheduled as soon as possible since the members of the teams were "all keyed up." "As far as I know," said Dean Casner, "this is the first time the Ames finals have been shifted," and he urged students to attend the argument.

Consistent with the cancellation of classes and the rescheduling of the argument, the Library was closed all day Monday and Tuesday.

While no official of the Law School spoke at the service in Memorial Church on Tuesday, Acting Dean Casner and many faculty and students were among the large crowd in attendance

At the service, the Rev. Warner Traynham, rector of a church in Roxbury, Harvard Professor Martin Peretz and Divinity Professor John Burkholder delivered the main addresses.

"He was more than a civil rights leader," eulogized Rev. Traynham, "he was a leader of men." But, he went on, "Dr. King's death is a comment on the freedom of the nation. That machine gun on the steps of the Capitol in Washington, D.C. is a judgment on our ability to be the policemen of the world."

The Black community, he said, will not be satisfied with a palliative. "This is not a time for easing but for cure," and the United States has the capacity to provide that cure if it has the will. He concluded with Isaiah's "How Long, O Lord? Until the cities are laid waste and are uninhabited," for the signs in America today are "not hopeful."

Mr. Peretz noted that the way to honor Dr. King is not to make his birthday a national holiday or to put his picture on stamps, but rather to be prepared to "act out the

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Journal Articles Offer Balance of

By Lawrence Gartner

After the Pueblo crisis, editors of one Law School student publication received a letter from the general counsel of the Air Force, requesting a back copy containing an article which had suddenly become highly relevant for him.

The publication was the **International Law Journal**; and the article in which the Air Force man became interested dealt with Soviet views on the concept of "innocent passage." All the copies of that issue of the Journal had apparently disappeared from the various armed services libraries in Washington.

The **International Law Journal** is only one of a growing number of Law School activities through which students not only sharpen their legal skills but also contribute actively to legal scholarship or influence legal policy and practice. That such activity can be highly significant as well as influential is illustrated by the Air Force letter.

Indeed, the **Journal** — which made its debut in February of 1959 as a mimeographed newsletter of the International Law Club — now has a circulation of about 1000, of which approximately 560 copies are sent outside the Law School. Many go to the major law libraries; almost all the New York firms specializing in international law have subscriptions for their home and overseas offices; and the government has about 25 subscriptions, with other individuals employed by the government buying their own copies.

Today's **Journal** has evolved into an impressive-looking, letterpress-printed, scholarly periodical from its mimeographed and offset predecessors. It consists of several long articles, comments, and notes.

The articles are usually third year honors papers or graduate papers. Editors solicit the better papers from faculty members and

then choose the two or three which they judge the best to publish. One of the reasons the **Journal** relies so heavily on third year papers, according to its editor-in-chief, Robert Snyder, is that these usually get buried in the stacks after they're written. The **Journal** publishes them in the hope of giving practitioners a chance to see them. The editors try to balance articles between "public" international law (e.g., treaties, gov-

Rescuing third year papers from the shelves serves Journal's purpose

ernmental relations) and problems of international business relations.

In the past, the **Journal** hasn't published faculty research. Although its editors would like to branch out beyond student work, editor Snyder asserts that he and his colleagues haven't yet been presented with a faculty article that was better than a student piece, even though letters from faculty at other law schools are received.

Along with the articles, the **Journal** also publishes comments, notes, and book reviews, largely written by staff members. Inclusion of such material thus accomplishes one of the main purposes of the **Journal**: to provide both a writing program for students interested in international law and a forum for student writing on the subject. Faculty members participate in the editing process.

Many past editors of the **Journal** have gone into private practice dealing with international law. However, one past article editor will be working for the U. S. State Department's Legal Advisors Office.

William E. Butler, who was editor-in-chief in 1965, has just had a book published, **The**

f Public, Private International Law

Law of Soviet Territorial Waters: A Case Study of Maritime Legislation and Practice. One of the chapters encompasses an article published in the *Journal*.

By joining the International Law Club, a student is entitled to a free copy of the *Journal*. The magazine's relationship with the club is, however, currently in a state of flux. It has its own office, and many of its

staff members are not members of the club.

According to Snyder, "There is a difference between interest in the club and its kind of function, and the *Journal* and its function of giving people writing experience concerning international law." Just what the exact status of the *Journal* is, should be, and in the end, will be, is now under discussion among club members and *Journal* staffers.

Reducing Number of Grading Divisions Proposed

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the basis of a new Harvard Law School marking system. The plan also aims to in-

PROPOSED SCALE

78 and up	A+
76-77	A
74-75	A—
72-73	B+
70-71	B
68-69	B—
66-67	C+
63-65	C
60-62	C—
55-59	D
Below 55	F

crease the proportion of A and B grades awarded.

Eleven categories, ranging from A-plus (78 and up) to F (below 55), would replace the present numerical system, which extends generally from the low 50's to mid-80's. But the new scheme delves deeper into the mystique of grading by

dividing itself into "internal" and "external" facets.

Professors would still grade exams numerically, but then the registrar would convert these into letter equivalents. The number grades would only be used to determine unsatisfactory performance and to honor outstanding work, namely, to award prizes, honors degrees and membership in grade-based organizations.

Only letter grades would appear on transcripts, and thus only letters would be disclosed to students, faculty and prospective employers. But lest hiring partners and concerned students be left wholly in the dark, information regarding approximate grade distributions would be made available each year.

The memorandum, which can be obtained at the distribution center, was prepared by the joint committee's subcommittee on the grading system, chaired by Professor David L. Shapiro. The proposal was approved by the full joint committee, but two student members, Stephen Schlesinger, 3L, and Jeffrey Berlin, 2L, submitted an additional statement calling for broader (fewer) grading categories.

Excessive emphasis on averages headed the committee's reasons for proposing fundamental changes in the grading system. Since the range of an individual student's grades is apt to be wide, the committee said,

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PLAN'S IMPACT ON 1966-67 A'S AND B'S

	A (actual)	A (proposed)	B (actual)	B (proposed)
1st yr	56	80	207	300
2nd yr	42	77	257	338

Grading Change Proposals . . .

(Continued from Page 5)

the average destroys the very precision often advanced as the system's chief asset.

Ranking was cited as a second shortcoming of the existing grading plan. The 71.50 cutoff was decried as creating an "obvious hierarchy, often based on trivial differences." Consequently, "employers cannot help but be aware" of the almost meaningless distinction, the committee asserted.

The committee also contended that able students are discouraged under the existing system because too many receive C's. It's further argued that employers don't realize any longer that the more than 50% of the first year class which receive grades lower than B are "by any absolute standard, very good indeed." As F.P.A. once remarked, "The average man is a great deal above the average."

In addition, the present scale is bizarre in the extreme, the committee said. Although the scheme purports to be a 100-point range, grades actually only

occasionally go above 80 and "never above 90," the panel asserted. And finally, the distinctions now drawn by the grading system are more precise than "reproducible accuracy" allows, the memorandum observed.

The two students who advocated broader categories claimed that false precision would still exist under the committee's proposed system.

They contend that most students at the Law School, already a highly select group, differ little in ability and the differences which do exist justify only broad, very general categories.

The broad category system suggested by the two student members would contain three major divisions, with perhaps a smaller group at the top. "If Harvard treats all within a broad range alike, this confirms to the employer that Harvard considers the students to have equal competence, and that grades are only a general indication of their talent," they concluded.

HOFFMAN

Events of Note

The RECORD takes this opportunity to tell its readers that no issue will be forthcoming next week. The tenth, and final issue of the RECORD will be published Apr. 25, allowing exhausted editors to gain a nodding acquaintance with the subject matter of the courses in which they have exams.

* * *

The Harvard Law School Forum tomorrow will present a panel discussion on "The Police and the Ghetto," featuring James Farmer, former director of the Congress of Racial Equality; New York City Police Commissioner Howard Leary; Thomas Atkins, 2L, Boston City Councilman; and Professor Lloyd Weinreb, who is also U.S. Commissioner for the District of Massachusetts. Professor Paul Bator will moderate. The program is scheduled for Sanders Theatre at 8:30 p.m.

* * *

James Farmer, former Director of C.O.R.E. will be the guest speaker at a Southern Club luncheon at 1:00 P.M. on Friday, April 12. The luncheon will be at the University Faculty Club. Reservations must be made with Southern Club president Bill Stephens.

* * *

Col. Paul F. Feeney, Deputy Director of the Massachusetts Selective Service, will give a short talk followed by a question period in LSM at 7:30 p.m. Tuesday. Col. Feeney will be the first speaker in a series sponsored by the Harvard Law Perspective. The Perspective is a newly formed program designed to bring to the campus speakers of interest to law students.

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Attacks Corporate Irresponsibility:

Nader Labels Law School Changes 'Trivial'

By Jack Tate

Ralph Nader, '58 and a past president of the RECORD, termed the recent changes in Harvard Law School's curriculum "trivial" in an interview before his Ford Hall Forum speech "Consumer Protection and Corporate Responsibility" last Sunday night.

Nader's disagreement with the Law School's new approach lies in two areas. First, the thrust of the new course offerings are primarily directed toward the guarantee of civil rights and protection of the poor instead of protection of the general public from encroachment on its "bodily rights" by large corporations. Second, even if the Law School succeeds in producing lawyers skilled in consumer protection, our society has practically no institutions which can absorb persons trained in this area.

Large corporations are violating the bodily rights of the American people, according to Nader, by production and distribution of hazardous products and by polluting our environment.

Perhaps by coincidence the Law School already offers two seminars in precisely these areas: Legal Protection against Hazardous Products and Legal Protection of Environmental Quality (both under the direction of Professor Cavers).

Though Nader attacked

the "outrageous" quality of some meat products and dangers of dental and medical radiation, he saved his most stunning attack for the automobile industry.

"At current rates of death and injury," he pointed out, "one of every two Americans will be killed or hospitalized because of auto



Ralph Nader

injuries. For the younger members of the population, the ratio approaches one to one."

Out of the vast personal and property destruction wrought by the automobile, a massive and accident-oriented industry has grown. Drawing almost \$1 billion per month out of our economy, this industry provides a built-in resistance to changing the focus of our auto safety programs from restoration after the accident to prevention of the accident itself and the injuries which flow from it.

"It is not enough," Nader said, "to tell a bleeding man lying on a highway that his injury will make a contribution to the Gross National Product."

Turning to the more basic issues of the pollution of our environment, Nader documented many instances of corporate irresponsibility. He suggested that United States Steel, instead of merely publishing the financial progress of the corporation in its annual reports, should also detail how much pollution it is pouring into our air and water.

Nader emphasized the need for developing a private countervailing force to protect the consumer because, in his view, government and private industry frequently represent the same interest (i.e. that of the industry) and this trend is increasing.

The problem of protection of the consumer has not been given enough attention by the major universities, Nader suggested, because the problem is "too relevant." He noted the universities often prefer to focus on the trivial or on whatever the major corporations want them to focus on.

Two methods of encouraging corporate responsibility, he emphasized, are disclosure and sanctions.

Disclosure can force change by promoting public

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An American Tragedy

*Here, coffin that slowly passes,
I give you my sprig of lilac.*

MARTIN LUTHER KING'S ASSASSINATION in Memphis and the consequent shock-waves across the United States have shaken this nation as it has not been shaken at least since the grim days of November, 1963. Even as the President began to reduce the 'level of violence' in Vietnam, the level of violence within this nation rose perceptibly. That so forceful and moral a proponent of the non-violent reconciliation of peoples was struck down, violently, within our shores is a fact which time will refuse to forget. And, unfortunately, the proposition that violence spawns further violence has already found support in Washington, Chicago, and other American cities in the past days.

This tragedy should emphasize, if the experience of the past years had not already done so, the extreme massiveness and urgency of the problems of racial tension and urban decay. For too long, these problems have festered. For too long, indifference, which is perhaps the occupational disease of life, has blunted the sensitivity of the great silent majority. For too long, the American dream has, for too many Americans, taken on some of the elements of a nightmare.

The principles for which Dr. King stood were more than mere strategy. To see things solely in terms of strategy is to divorce oneself from the world of morality and ethics. The principles themselves are ancient, not new, and have found their expression in different nations and at different times within different men. Such a man was Dr. King. Now it falls upon those who still live to insure that the goal of full human brotherhood and dignity and the means of non-violent insistence do not perish.

Ahead lies the joint task of healing the wounds of centuries. Ahead lies the reconciliation of Americans as *one* people, together and at peace. No other alternative is thinkable. Only by such a path can there come a day when each and every American, regardless of external irrelevancies, will be fully free at last.



TONGUE 'N CHEEK

By Fenno

"Come on, children, put away the blocks," instructed our kindergarten teacher. "This afternoon we're going to do something special. We're going to act out a little trial of our own. Aren't you excited about that, Billy?"

"Aw c'mon, that's no fun," pouted Billy. "I'd rather play with the blocks. Anybody can watch *The Defenders* on TV."

"That's enough of that, now. Because you've been so good today, Fenno, you may pick five of your playmates and pretend that you are the jury," she continued as she began to arrange six chairs off to the side.

"What's the point of that?" I asked. "Last time we were the jury we just sat over there and didn't do anything. What a waste of time."

"It's to make it look more true to life," she explained. "Don't be a spoil sport. Today our trial is going to be about a man who robbed a jewelry store because some mean guys said they'd kill his girlfriend if he didn't. Larry is going to play this man. Who would like to start asking questions?"

"I would! I would!" shouted Mary.

"OK, Mary, go ahead."

"How come you robbed the jewelry store, Larry?"

"No, no, that's all wrong," broke in the kindergarten teacher with a harassed tone of voice. "I told you last week never to ask leading questions. Let Larry tell his story all by himself."

"But that's silly," replied Mary. "What a waste of time. We all know what he's going to say anyway. When are we going to have recess?"

The teacher shrugged her shoulders and our little trial rattled onward for no apparent reason. Maybe it was boring but it sure beat taking those hard courses like writing and adding.

Letters to the Editor of the RECORD

Author's Query

To the Editor:

I am planning to bring out a volume of Professor Howe's letters and would greatly appreciate it if anyone who corresponded with him would send me copies of his letters.

John Mansfield
Professor of Law

March to Tune Of Advance Sheet

To the Editor:

Having read in the RECORD and elsewhere of the increasing draft problems now facing law students, I would like to try to pass on a suggestion which appears to have worked in the past. This is a suggestion for a method of keeping up with the world of law after legal education has been completed, in whole or in part, and before practice or its equivalent can be started. The basic problem is that the law student is naturally concerned as to how much of his legal education will fade during the interruption of military service.

Specifically, my suggestion is that each student or graduate

going into the Military should subscribe to the Advance Sheets (1) of his State Supreme Court and other State Courts; and/or (2) of the Federal Reporter, Second Series. Reading the first publication will enable him to learn a very great deal about the law in his State. Reading the Federal Reporter Second will do the same thing for him in the Federal field. In addition, reading these publications will enable him to keep abreast of current developments. If a person is specially interested in civil rights, criminal law or constitutional law, I would also recommend subscribing to the Advance Sheets of the Lawyer's Edition of the United States Supreme Court Reports.

There is often a good deal of time available in military service for reading publications of this sort, and persons in service sometimes find that they become very good companions. In addition, I am not suggesting a person in service should try to read each case in every Advance Sheet, although this may well be useful. My main suggestion is only to browse through

the Advance Sheets, reading the cases of interest. In addition, the reader may possibly find himself stimulated enough to start a loose-leaf notebook digesting some of the cases, arranged by subject matter.

I have seen this suggestion tried out over the last fifteen years or so, and it always seems to have worked. When I was General Counsel of the Navy Department in the Eisenhower Administration, a fair number of law students facing military service sought my advice as to what to do about it. I invariably made the suggestion outlined above; and the feedback received later appeared, without exception, to be that reading the Advance Sheets had been helpful in making them feel that they were keeping up with the law, sometimes remarkably so.

If appropriate, may I also put in a word about the advantage of military service to an incipient lawyer? It is not all wasted time for him, although many have seemed to think so. Apart from the needs of national defense, military service appears to teach a number of things which are not taught in the Law Schools, but which are nevertheless valuable in the practice of law. Among these are (1) how to get along with people and to be effective in an organization; (2) something about business; (3) how to exert leadership; and (4) how to take graceful command of a difficult practical situation, and to take the lead in working out a constructive solution. The practice of law involves much more than sheer analysis—vital though that is. Learning the things outlined above appear to help a good deal to implement a lawyer's intellectual side, and to make his analysis and judgment effective in practical terms, and on a broader scale.

F. Trowbridge vom Baur, '32
Washington, D.C.

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King Memorial Service . . .

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content of his life, the explicit politics of his religion." Dr. King, he said, distinguished between the violence of the oppressed and the violence of the oppressor. Although he abhorred both, the violence against the wretched bore the greater onus in his eyes.

"This is not, on my part, to condone, as he himself did not condone," continued Mr. Peretz, for many of those who are now trying to build "duchies of hatred" on his grave, scorned Dr. King in life. He noted Mrs. King's statement that "he died for the garbage collectors of Memphis and the peasants of Vietnam," and reminded the congregation that he had "spent his last energies in trying to bring the war to a close." Finally, he warned, "It is five minutes before midnight. Not more. Five minutes before midnight."

While the Service inside Memorial Church was going on, Harvard's Association of American and Afro-American Students held its own meeting outside the church in memory of Dr. King, so that the congregation inside was virtually all-white, with most Black students and faculty outside.

After the Memorial meetings were over, the Harvard Black Law Student Association sponsored a panel of three speaking on the "Black man's view" of the assassination of Dr. King.

Following the panel meeting, the association's members met and released the following statement:

"Harvard Law School took commendable and positive steps in closing the Law School in recognition of the critical state of affairs as exists between the races in America today.

"It has refused to ply a neutral course and has provided an opportunity for future leaders of white America to reflect upon the need for new approaches to the problem white America has created. It is to be hoped that White America will work with Black America to undertake a program whereby black people will be able to control the institutions, economic, political and social of their

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Recent Book

Of Spies, Diplomacy and the Lawyer's Craft

Strangers on a Bridge. By James B. Donovan. 384 pages, including index (paperback). New York: Popular Library, (new edition, 1968). 95 cents.

By Richard Hoffman

The cause of the underdog is one with which James B. Donovan, '40, is well acquainted. Anyone who challenges Jacob Javits in a New York senatorial election or assumes the presidency of the New York City Board of Education when that institution is under attack from all sides obviously doesn't become discouraged easily.

As a result, this tale of Mr. Donovan's defense of the Russian spy Rudolf Abel and the subsequent negotiations regarding Abel's exchange for Francis Gary Powers is surprising only because Mr. Donovan achieved more than a fair measure of success in his efforts on behalf of client Abel.

His book, though a tightly-organized, highly-readable volume, divides naturally into two sections: Abel's defense and trial, and the negotiations for the Powers trade. The latter story is by far the more fascinating, mainly because the actual details of Donovan's drawn-out, tortuous dealings in East Berlin to effect the prisoner exchange provide us with an inside view of the art

of negotiation as practiced by an exceedingly skilled operative. Such disclosures come all too rarely and remain exceedingly relevant, particularly with regard to this country's current efforts at peace negotiation.

How Donovan maintained his composure and never lost his eye for tactics while travelling between the two Berlins and dealing with a Soviet consular official who Donovan now believes might very well be the chief of Soviet intelligence in Europe is an incredible example of not only competence and willingness to move without the normal channels but also of endurance. No wonder the Russian thought Donovan looked a good deal older than the New York attorney was at the time.

Donovan's relationship with Abel underlies the whole story, and it points up the problems not only of representing an exceedingly unpopular client but of advocating the cause of a man who has been working against the most vital national interests of this country. Worst of all for Donovan, it would seem, is the fact that there was never much doubt that Abel was spying.

Donovan devotes some space to justifying his acceptance of the court's request that he assume the defense of Abel. Certainly

the not-so-subtle pressures exerted against attorneys who represent unpopular clients are as massive as Donovan asserts they are. It is equally true that lawyers must be willing to defend the unpopular and apparently guilty client. Perhaps most disappointing to read in this book is the general attitude of Wall St. firms toward such advocacy.

Undoubtedly there will always be a few lawyers willing to don the mantle of Andrew Hamilton, but the prevailing spirit of "let Donovan do it, or anyone else silly enough to incur possible loss of clients and certain sacrifice of fees which might have been earned in the meantime" is enough to make one highly skeptical of the character of many pillars of the American bar.

Donovan might well have considered Lord Birkett's definition of the advocate's duty: "It is to devote himself completely to his task whatever he himself may think of the charges, and to lay aside every other duty, so that he may watch constantly in the interests of the accused, and say for him all that he would wish to say for himself, were he able to do so." (Birkett, *Six Great Advocates*, p. 100)

(Continued on Page 15)

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Ames . . .

(Continued from Page 2)

tells them they haven't done anything right while the second becomes convinced that his charges are floundering and thus he tells them everything.

One of this year's innovations which has no future at present is the first-year round-robin.

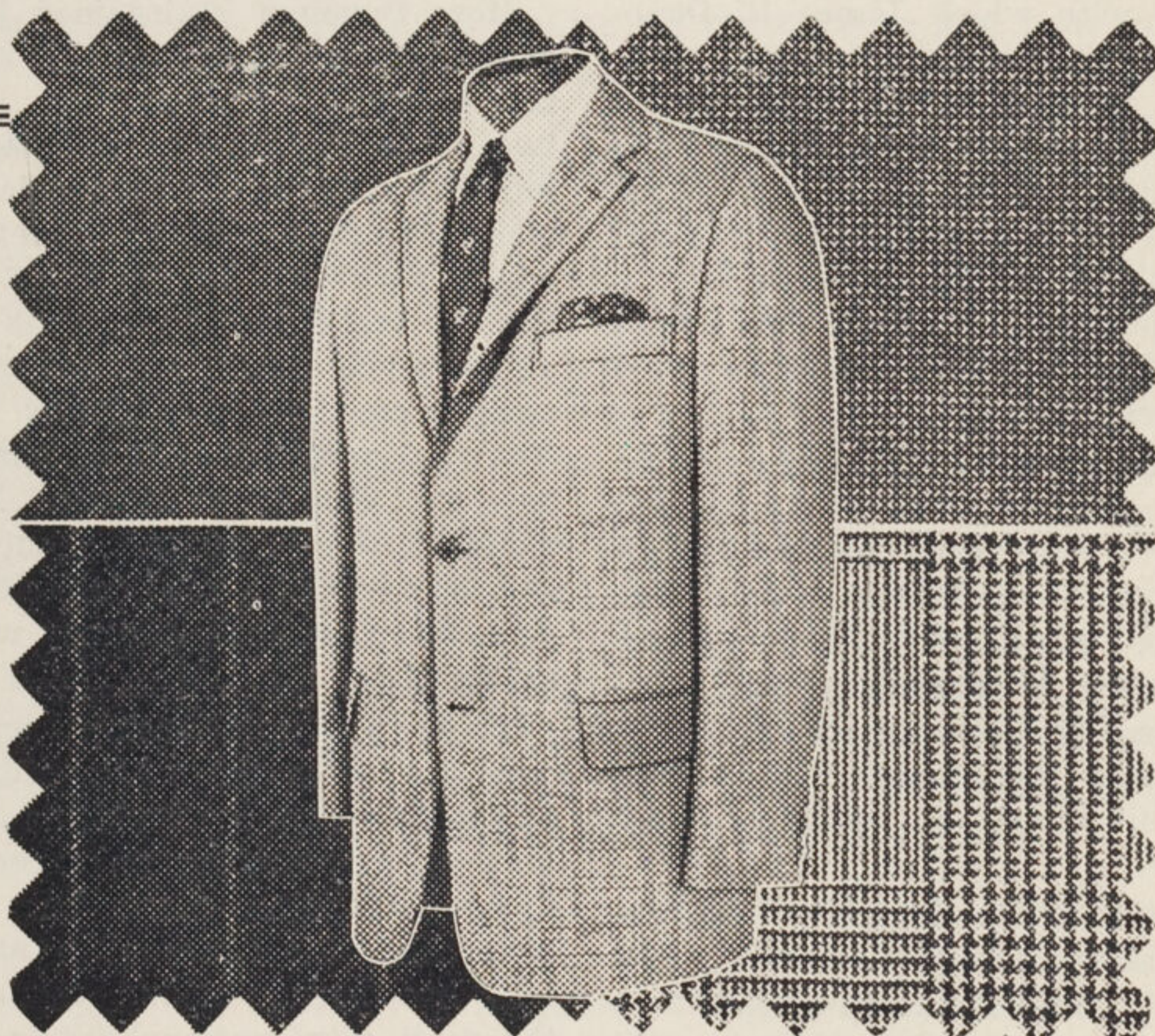
Another short-lived "tradition" was the policy of excusing first-year Ames participants if they engaged in acceptable research projects, such as tenant unions and the draft, two of this

year's excusable activities.

New chairman Ellis finds all of these projects admirable, but doesn't intend to excuse first-year students from Ames because of them. Moreover, he adds, the policy was never clearly defined, so many weren't aware of such excuses. Now they need never find out.



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Nader: 'Make Safety Law Offenses Crimes'

(Continued from Page 7)

outcry and, in some cases, by increasing meaningful competition. For instance, cigaret manufacturers have now learned that their sales can be significantly increased by lowering the tar and nicotine content of their cigaretts and having this information nationally distributed. Nader believes that if similar information were released on the crash worthiness of American automobiles, the car makers might be forced to compete to make safer cars rather than producing a constantly changing "industrial art form."

According to Nader, sanctions, particularly criminal sanctions, could force rapid corporate response to the needs of the consumer. He noted, however, that corporation lawyers fight hardest to remove criminal penalties from bills such as the auto-safety legislation because such penalties could bring executives to personal accountability and constitutes one of the few methods of piercing the corporate veil.

He attacked the double

standard that exists in holding an individual who negligently kills another with an automobile liable to severe criminal penalties while automobile executives can willfully and knowingly vio-



late the auto safety law so as to endanger human life and escape without personal penalty.

Since the turn of the century, according to Nader, criminal and other sanctions in consumer protection bills have been gradually decreasing until today we have laws such as the Truth in Packaging bill (the "no-law law")

which not only has no penalties for violation but even has voluntary standards set by the industry itself.

Even where laws contain powerful sanctions such as the treble damage provisions of the anti-trust law, corporation lawyers do their best to undermine the impact of those provisions. When such companies as General Electric and Allis Chalmers were convicted of price fixing, they and other companies were forced to settle (mostly out of court) for about \$500 million. But one of the major companies involved got their skillful corporate lawyer to convince the Internal Revenue Service that the damages, including punitive damages, should be deductible as an "ordinary and necessary" business expense. That attorney is now Secretary of Defense.

In addition to disclosure and sanctions, corporate responsibility could be increased by instituting due process within the corporation. Today the executive, engineer or lawyer who

(Continued on Page 15)

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Spies . . .

(Continued from Page 11)

One must resist the tendency to grow impatient with Donovan's attitude toward Abel. The man who was never mentioned in the press without the appositive "master spy" appears as a person of some learning, and seems to have gotten along well with Donovan. But although the fact that Abel never hinted at a confession nor considered defection may make him a model agent (and in no way reduces his claim for a competent defense), still it's hard to be very sympathetic about him.

Because he worked with him day after day on the case, Donovan developed some liking for Abel. One is led to conclude that this feeling is nearly impossible to transmit to a reader, and hence the reaction to reading about it is negative. It was easy for Donovan to like Abel, but the description of their relationship in the book magnifies the afore-

mentioned problems of defending unpopular clients. There's a residual feeling that Donovan (or any lawyer in his position) feels that he has to make the reader like Abel. But Abel isn't a good guy and any attempt to make him one finds readers becoming increasingly uncomfortable.

There are many praiseworthy aspects of *Strangers on a Bridge*. Donovan doesn't hesitate to give some credit to his assistants, a practice some other lawyer-authors, such as Louis Nizer, telling tales of great cases might emulate.

Donovan can make an occasional slip, as on p. 211, where comparison of The Federalist papers and Paine's "Common Sense" might lead readers to think that The Federalist series was more closely connected in time with the American Revolution than the Constitution.

All in all, this is a book with something for everyone, the courtroom buff, the spy thriller fan and the student of diplomacy. It's too bad there aren't a few more men like Donovan in the State Department. There's never an excess of competent negotiators.

Nader . . .

(Continued from 13)

labelled his company's products unsafe would generally face swift and certain corporate discipline however true his observations.

Nader believes basic corporate reform can be encouraged in our society (1) by realizing that today we have the technology to control our environment and the direction it will take, (2) by analyzing our allocation of resources to determine if, for instance, the \$120 million for an extra nuclear submarine might not be better spent on air and water pollution research and prevention, (3) by publicly naming the corporations that are endangering the health and safety of the people and (4) by appreciating the vast harm caused by "indirect" violence such as automobile deaths.

Nader noted with satisfaction that our government is finally awakening to some of these problems. The current fiscal year is the first year in which the government has spent more on automobile safety than on the safety of migratory birds.

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'Say I Was A Drum Major For Justice'

(Continued from Page 10)

communities with the financial support necessary to make such control meaningful.

"Thus far white society's reaction to the assassination of Dr. King has been reprehensible in that it has attempted to subvert Dr. King's non-violent philosophy into an instrument to be used for the suppression of the expression of legitimate Black grievances. As pointed out in the Rally presented by the Harvard Black Law Students' Association, the new generation of Black youth will no longer tolerate *either* sympathy or savagery as a substitute for a program of reparation designed to enable Black people to control their destinies and to live peacefully.

"We Black students have homes in the Black communities of Chicago, Baltimore,

Washington, Watts, Detroit, Harlem, Etc. and we feel the pulse of the Black communities from which we've come. The **New York Times** is woefully inaccurate in judging predominant Black sentiment to be one of acquiescence or "turn the other cheek." Black masses loved Martin Luther King and accepted his non-violent philosophy as a tactic to achieve equality. Yet Black people now have no other cheek to turn and as a result if repression and racism do not give way to justice and hope America's future could soon be no more than a page in a history book. As stated, Harvard Law School has begun but it *must* proceed forward to relate to not only the Black community but to the complacent and decadent ruling power structure in terms of true justice under law."

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