



Harvard Law Record

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FIFTEEN CENTS



James Farmer

Faculty Eases Rules On Cross-Registration

The Faculty has voted two significant changes in the Law School for the coming academic year. First, reading periods for the second and third year classes were expanded. Second, considerably greater flexibility will be allowed in student cross-registration into courses in other parts of the University.

Next year, the two upper classes will have reading periods of one full week in length in the spring. This will make their reading time the same as that of the first-year class. Moreover, there will be a reading period at the end of the first semester.

Specifically, under the new system, classes will end before Christmas vacation. After vacation there will be a three-day reading period for second and third year students. A week of exams will follow. In order to accomplish this, the academic year for 1968-69 will begin a week earlier than usual.

In addition, third-year students will be permitted to take up to six hours for

Forum Speakers Rap Police

By Roger Lowenstein

"What this panel really needed was Rap Brown and the Memphis Police Chief," one disgruntled undergraduate complained after sitting through the Harvard Law School Forum's final presentation of the year, "Police and the Ghetto," held in Sanders Theater, Apr. 12.

Instead of Rap Brown, an audience of 300 persons was treated to congenial lectures by four "nice guys" all expressing, in varying degrees of moderation, concern for

the inharmonious police-community relations in the ghetto.

Leading off the discussion with some pungent sociological observations was former CORE director James Farmer, now running for Congress in New York's 12th District in Brooklyn. "The police are always a problem to a minority. They are designed to preserve the dominant community life values, and they reflect those values better than words."

(Continued on Page 6)

(Continued on Page 5)

Eyewitness Account of The

By J. David Gernant

TALK TO PROFESSOR Abram Chayes about politics, and you get the picture of a man who made the right move twelve years ago and could one day become Secretary of State partly because of it. Talk to Mrs. Antonia H. Chayes about Washington, and she will tell you that Abe says he hasn't been away from the place long enough to go back full-time, that he has books to write and things to do.

One of the things Mr. Chayes does is gardening, though he has not the time to do all he would like to. With summer approaching, he became concerned recently with the looks of the grass, and hired a man to put it in shape. He discovered, on reading a book about planting a lawn, however, that the hired gardener was going about it all wrong. So on a recent Sunday, he turned over the earth in the yard himself. Presumably, that

partment of State, from 1961 to 1964. It is scheduled for publication in September. A project this year was "sub-contracting," as he calls it, to do Chapter 15 of the Kerner Commission Report, "The News Media and the Disorders." But he gives Bruce L. Painer, 3L, credit for much of the final drafting.

Now, with Professor Adam Yarmolinsky, Mr. Chayes is heading the Cambridge group for Robert Kennedy. He says that their role is to act as a "conduit" to pass on all speeches and proposals and studies that anyone might want to submit to the campaign — plus, of course, contributing their own advice.

A marriage of Harvard and Yale

THE CHAYESES' IS A legal household twice blessed. Mrs. Chayes, recently appointed the dean of Jackson College at Tufts University, ranked third in her class of 1952 at the Yale Law School (and first at George Washington, where she had to transfer for her last year when her husband became clerk to Mr. Justice Frankfurter).

She has become involved in urban affairs, working for the Action Boston Community Development. Did she intend to get into problems of urban affairs when she was in law school? "I don't know what I intended. I never knew work could be interesting. I was bored to death in law school." She seems pleased that students at Harvard have been able to help stir some changes. "I thought all through college and law school that the curriculum was irrelevant, but I would never have dared say it out loud."

Asked how she manages Mr. Chayes and five children (the youngest four months) and a house and still works, she put in a word:



Photos by Andy Levin

Professor Abram Chayes

gets the gardener (and the grass) off on the right grounding.

One of those books Mr. Chayes has been writing, *The International Legal Process*, with Andreas Lowenfeld and Thomas Ehrlich, is a compendium of materials based on his experiences as Legal Adviser to the De-

e International Legal Process

"sloppily." Mr. Chayes, she says, sacrifices order in the household to support her work outside the house, helping when necessary with such things as babies and dishes when they are, respectively, wet and dirty.

Besides the law, the Chayeses share an interest in English antique furniture — much of their large house is filled with it; art — their walls display, among other things, three brilliant and delicate Greek ikons (one of Mr. Chayes's special interests is Greek archaeology), a huge, splashy color lithograph by Ben Shahn, some Japanese prints, and an African mask from Senegal; novel-reading — Mr. Chayes's taste is "casual," says his wife, but upper-brow, like Malamud — her taste runs to Burgess and "trash," she says; and baroque music — "Bach and earlier." Mr. Chayes once played the 'cello, but, says Mrs. Chayes, "he gave it up under pressure; it sounded so god-awful."

AFTER MR. CHAYES graduated from the Law School in 1949 (ranked first in his class, president and note editor of the *Law Review*), he worked for eighteen months as legal advisor to Chester Bowles, then the newly elected governor of Connecticut. In 1951, he became law clerk to Mr. Justice Frankfurter for a year which he found the most intellectually stimulating of his life. "It was like a post-graduate seminar for two," he says, with Justice Frankfurter the host to friends from all over the world.

For the next three years, he toiled in corporation and antitrust law for Covington & Burling. His first task was to draft a brief in the *Transamerica* case; he was given the record in the case, and was closeted away with it for two months. From there he came to the Law School for six years until his appointment as Legal Adviser in 1961, teaching Corporations and Civil Procedure.

Asked what he thought was wrong with the State Department, Mr. Chayes said, "personnel." For the problems of the Department and its inability to respond quickly, he believes, stem not from faulty organization,

but from the nature of the Foreign Service and its promotion of those who go along rather than those who might have innovative ideas.

"THE ACTIVE PEOPLE are winnowed out. The character of the Foreign Service must be changed, and we must remember that political appointees are not all evil. New



blood must be brought in for a good mix of views, for infusion of new energy.

"There must be people who reflect the policy of the President, and those are political people; the Foreign Service doesn't do that." Mr. Chayes would not, of course, exclude Foreign Service personnel, but would insist that it is unhealthy if perhaps one-half to one-third of the assistant-secretaryships and major ambassadorships are not filled by non-career appointments.

In short, in his view, more emphasis must be put on action and problem-solving rather than the usual observation, analysis, and reporting that the Foreign Service trains its people to do. And qualified political appointees, not having been weaned on Foreign Service traditions, are more likely to bring this fresh outlook to the problems that must be solved.

DID HE FIND Secretary Rusk an innovative problem-solver? "A powerful intelli-

(Continued on Page 12)

Summer Program Encourages Law Study

This summer the Law School will sponsor an eight-week program for 40 Negro students from a number of colleges in the South.

The chief purpose of Council on Legal Opportunities Summer Program is to encourage Negro college students to consider law as a career.

Walter Reiser, director of the CLEO Program, expects at least 100 students to apply by the April 26 deadline. Thirty of the students selected will complete their junior year this June. The other 10 will be students scheduled to graduate this June.

Forty Negroes To Be Chosen

Professor Clark Byse will teach contracts and Alan Dershowitz will give a class in criminal law.

Lecturer Keith Jones, now teaching taxation for former Dean Griswold, will teach a second criminal law course. Mr. Reiser will instruct the students in trial practice. Other courses, including torts, will be offered and several other professors and lecturers will probably participate.

All law courses will be held in the afternoon. The students' mornings will be devoted to an undergraduate

course of their own choosing in Harvard Summer School, subject to the approval of the director of the program.

The program is financed by the Council on Legal Education Opportunities, through an Office of Economic Opportunity grant. Dr. Melvin Kennedy, Chairman of the Department of History at Morehouse Col-

lege, Atlanta, is director of the council.

All expenses for travel, tuition, and room and board will be paid by the Council. In addition, each student will receive a living allowance of \$15 a week, and a grant of \$500 to take the place of money that the student might have earned during the summer if he had not been in school.

'Commentary' to Appear in May

The fifth volume of the **Harvard Legal Commentary** is well on its way toward publication. Copy was delivered to the printer this week, with the volume itself scheduled to appear during the latter part of May.

The publication of the Second Year Writing Program, the **Commentary** this year contains thirty-three Comments on a wide variety of subjects, ranging from administrative law through zoning.

A number of innovations have been introduced in the volume this year to make it a more useful research tool. The footnotes to the articles now appear at the bottom of the page of text instead of being printed at the end of the Comment. A complete case index has also been added at the beginning of the book, and the subject index has been greatly expanded.

The Faculty Committee on Writing, which oversees the

Writing Program and the **Commentary** has also undergone a change. Beginning next year, Professor Frank E. A. Sander will be chairman of the committee, replacing Professor David L. Shapiro.

Participants in the Writing Program write three case notes before beginning the longer Comments published in the **Harvard Legal Commentary**. The case notes are intensively edited by the program's board of editors, consisting this year of eight third-year **Law Review** students and eleven participants in the program last year. The final Comment is criticized by a member of the faculty, as well as another second-year participant and a third-year editor.

Publication of the **Commentary** is financed by the Law School. Copies of the volume are distributed free to members of the student body, and are circulated to major law libraries throughout the United States.

A Stella Triumph

Learned Hand Club Triumphs in Ames

Learned Hand Club became the second appellant in eight years to win the final round of the Ames Competition. The losing finalist, Marshall Club, has announced donation of its second place prize of \$350 to the Youth Alliance, a security patrol group in Roxbury, as previously planned.

Marshall Club's decision to refuse its second-prize money followed an unsuccessful effort to convince the faculty that academic pressure on third-year Ames competitors is unfair. The club cited the late date of the final argument and the

importance of the third-year paper.

The club suggested that credits for the seminar and paper be cut to four and the remaining four be given for Ames final participation. "They didn't take us seriously," complained Ron Defelice, 3L, the team captain, at that time.

The final arguments for Learned Hand were made by Eugene D. Keilin and L. Douglas Pipes. Oralists for Marshall Club were David Beller and Howard M. Garfield. Daniel F. Stella served as Learned Hand's brief captain.

The third judge sitting on the panel was Chief Judge Bailey Aldrich. His name was incorrectly reported in the last issue of the RECORD.

The Board of Student Advisers announced that Tom Tinkham, 2L, was the best oralist in this year's Ames quarterfinal.

Also named were the winners of the brief and oral prizes in the first-year Ames Competition:

Spring — best brief, Paul D. Bishop and Neil J. King; second best brief, Thomas L. O'Brien and Robert D. Stuart; best oral, Michael L. Denger; second best oral, John T. Shinkle.

Fall — best brief, Nels J. Ackerson; second best brief, Lewis D. Sargentich; best oral, James R. Gordley; second best orals, John H. Korn, Thomas H. Stanton, Roblin J. Williamson, John M. Payne.



Photo by Mike Lurey

L. Douglas Pipes

Howe Fund Aids Rights Research

The Mark DeWolfe Howe Fund to support study and research in civil rights and civil liberties by Harvard and Radcliffe faculty and students and to support study and research in Anglo-American legal history has been established in memory of the late Charles Warren Professor of the History of American Law who died last year.

According to Professor Paul Freund, the fund's organizers aim to raise at least \$100,000 as capitalization. Checks should be made out to the "Treasurer of Harvard College (Howe Fund)" and sent to the Treasurer of Harvard College, 225 Franklin St., Boston.

Cross-Register

(Continued from Page 1)
credit in other departments of the University without the prior consent of the Dean. Such cross-registration is now permitted, but only with the Dean's consent.

For the first time, second year students will be permitted to cross-register into courses elsewhere at Harvard University, for up to four hours of credit. However, second year students wishing to transfer in this way will be required to obtain the permission of the second-year advisor. The decision upon such requests will be based on whether the course bears a direct relation to the student's interests at the Law School.

James Farmer:

Appearance of Powerlessness Leads to Brutality

(Continued from Page 1)

Since the ghetto community is an agent of change, Farmer argued, there is a natural conflict with those who seek to preserve the status quo. Furthermore, "the police are prejudiced. They are viewed by the community as occupying troops. While the landlords and other agents of the power structure are often unseen, the police are the visible symbol of the colonial power."

To remedy the volatile situation Farmer suggested more Negro policemen, a civilian review board, and defeat of "shoot to kill" legislation. He condemned an arms race on both sides, and praised the restraint exhibited by the New York police.

The next speaker was R. Harcourt Dodds, Deputy Police Commissioner of New York in charge of legal matters who pinch hit for Commissioner Leary at the last moment. "Justice is often a function of economic status, and lawyers are the latter day knights. The more you can afford, the better knight you get."

Dodds outlined the efforts being made by New York City not only to effectuate court decisions like *Miranda* and *Wade*, but also to initiate far-reaching procedural improvements. Often with the aid of the Vera Institute of Justice, programs such as the summons in lieu of arrest for misdemeanors, "release on recognizance" in



Photos by Alex Humphrey

Professor Lloyd Weinreb

lieu of bail, job training in lieu of arraignment and trial, are all in various stages of implementation.

"This is all a part of a much-needed, broad process of restoration of dignity, of which the police department is only a part." Dodds called for the "socialization" of the police in order to provide better community services.

E. Lovell Dyat, Tom Atkins's co-moderator on WILD's "Topic NAACP," pointed out in his talk that a greater number of black

policemen is no shortcut solution to the problem. "Even the black policeman is viewed with suspicious eyes in light of the tanks and Mace now being stockpiled in the cities."

Professor Lloyd Weinreb concluded the speeches by describing the contrasting police roles in ghetto and suburban situations. "Outside the ghetto the police are as unobtrusive as possible. In the ghetto their very purpose is to be as obtrusive as possible in an effort to pre-empt violence."

Following the King assassination, a letter was distributed to the faculty from a number of students, many of them heads of student organizations, calling for discussion of the threats of racial prejudice. The Joint Student-Faculty is reportedly going to consider the letter. According to Harvey Sheldon, 3L, one of the signatories, the letter contains six concrete proposals, including giving course credit to legal aid and related activity and preparation of a study of racial prejudice.

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Bailey Sums Up the Crossexaminer's Art

By Richard Hoffman

The show must go on, even at Harvard Law School, so it was only logical that when Supreme Court Justice Byron White had to bow out of his seat on the Ames final bench April 11, F. Lee Bailey appeared to explain "The Art of Crossexamination."

Though notices of the talk were posted hours before Bailey spoke, the celebrated trial attorney attracted about 200 persons.

Bailey's first rule for would-be crossexaminers is: "If there's no good reason for crossexamining, don't." He emphasized the pitfalls awaiting any advocate who begins a crossexamination

'Nothing is impossible to get in evidence'

without any particular object in mind.

Next, Bailey stressed the importance of getting a witness to commit himself. Asking questions clearly and speedily will allow the attorney to learn quickly whether most witnesses are telling the truth, since there won't be time for the man on the stand to mull the queries.

If the crossexaminer fails to get what he's looking for in a witness' testimony, he'd better call it quits, Bailey

advised, since the man is either truthful or too well-versed in his story.

The Boston advocate acknowledged the importance of judges in crossexamination, because of their role as determiners of the admissibility of evidence. "Nothing's impossible to get in if you



Photo by John Cooper

F. Lee Bailey

can think of a way to get it in," Bailey noted. He also criticized judges who allow witnesses (particularly expert witnesses, and more particularly, expert medical witnesses, Bailey snapped) to explain indefinitely.

Bailey recalled episodes from his most famous trials to illustrate his precepts. His comments on two crossexaminations of a medical expert, although not specifically identified, appeared to refer to his two confrontations (in

the two Coppolino trials) with New York City's Chief Medical Examiner Dr. Milton Helpern. Bailey "won" his first encounter with Helpern, but "lost" the second trial in which the doctor appeared for the prosecution.

Moving on to a general critique of the criminal bar and the courts, Bailey declared that advocacy isn't taught in law schools, and

Schools for criminal law?

that it may be necessary to establish separate schools to train criminal law practitioners.

He blasted the U. S. Supreme Court's decision in *Betts v. Brady* (since overruled in *Gideon v. Wainwright*) as "the stupidest in history." The *Betts* ruling, which said courts didn't have to provide all criminal defendants with counsel, seriously deterred students from entering the criminal bar, Bailey contended. But nobody, including himself, did much about *Betts* until the Supreme Court overruled it, Bailey added.

Bailey also expressed skepticism about the American Bar Association's press rules (the Reardon report), implying that the A.B.A. had scant competence to determine rules "after ignoring criminal law for all these years."

Events of Note at the Law School

With this issue, the RECORD concludes publication for the 1967-1968 school year. The RECORD, which appears 20 times a school year, will resume publication in September.

* * *

William Gregory, 2L, was elected president of the Harvard Student Legislative Research Bureau for next year. Thomas E. Gallagher, 2L, was named editor-in-chief of the bureau's journal, and Philip J. Luks, also 2L, is

director of research. Guy B. Moss, 2L, was chosen secretary-treasurer.

* * *

Professor William Alfred, author of the successful play, "Hogan's Goat," will give a reading at the Sabbath Table Talk at Phillips Brooks House Friday at 8:30 p.m.

* * *

Professor Richard H. Field was married on Friday, April 19, to Mrs. Deane Shaw of Weston.

They will live at Professor Field's house at 74 Sudbury Road, Weston. Professor Field's first wife died in 1966.

* * *

During the examination period, the Langdell Library Reading Room will be open until 11 p.m. on Saturday, May 11 and May 25; the ILS Reading Room will be open until 11 p.m. on Saturday, May 18.

Offer Course in 'Information Property'

By Chris Walker

"An overview of a complex and developing field" is how Professor David Westfall describes his new course in Information Property. It is to be offered as a three-hour course next fall.

Co-lecturer is William Rymer. The course topics are patent law, copyrights, and unfair competition. The law in these areas has the common characteristic of legally sanctioning a "property right" in a creator's product.

Since Congress is currently considering changes in patent and copyright law, the proposed revisions will be discussed. The scope will differ from Professor Kaplan's "Copyright and Unfair Competition," which places primary emphasis on copyright law. Professor Westfall hopes that the course

will "teach what the ballgame's about" and "touch on the public policy questions which are often ignored" in these intricate fields.

This area has traditionally had many Federal-state conflict of laws problems as well. Although the patent systems of even industrially advanced nations differ considerably, prompting speculations about the use of centive, only U. S. law will be dealt with at length, because of time pressure. Prof. Westfall regrets that he will not be in a position to handle third year papers based on the course material.

'Verdict' Verdict

Advances in the study of international law at Harvard Law School and other American schools of law are apparently stirring interest in Great Britain. The Hilary 1968 issue of *Verdict*, a student publication at Oxford, contains a strong editorial recognizing the great need for British research in this field despite the loss of empire.

Among the articles in *Verdict* is a description of the Harvard International Legal Studies program. The article was written by Professor Milton Katz, director of the I.L.S. program, and by Vice Dean Joseph Leininger.

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Draft Official Tells It Like It Is—Not Good

About 75 students came to hear Col. Paul Feeney, who is deputy director of selective service in Massachusetts, talk about the draft April 16, in a program sponsored by the Harvard Law Perspective and it's highly likely they expected the worst. That's what they heard, but the bad news for 1L's and 3L's was tempered by Col. Feeney's constant expressions of dissatisfaction with the system he helps to administer.

But he hasn't any part in determining the law, and expects no immediate changes.

Yet a slim glimmer of hope appears to be rising for those 1L's who can make it back to school in the fall without receiving what the colonel referred to as their "greetings." The Massachusetts appeals board apparently won't draft anyone out of school once he is enrolled for the term. Whether this period of grace will last for a term or year isn't known. It's been predicted that other states will follow this procedure.

Rule Against Perpetuities

Col. Feeney briefly described the 1967 changes in the draft law, which were designed to end what Congressmen and special study committees called "pyramiding": piling one deferment upon another until the draft age limit is reached.

The efforts to eliminate pyramiding, he added, have resulted in a more uniform set of standards for deferment and have moved a long way toward eliminating local discretion. But such occupational deferments as remain are within the prerogative of the local board to award as it sees fit to persons, such as skilled craftsmen and teachers, for example, whom it considers vital to the region.

Col. Feeney fielded several

questions about the armed services and the racial situation in the United States. Although much of the audience, apparently more intent on eliciting practical information for personal use with regard to deferment than in debating the issues of the day, began to hiss the questioners, the colonel answered all the queries. He admitted that "minority groups" have often found conditions more advantageous within the armed forces than without.

Blanket Deferment

Teaching will probably fail to provide a blanket guarantee of deferment, the colonel said. The Massachusetts system has sought to gain deferments for teachers in the past, but in the future, individual school district situations should play a large part in determining whether teachers will be deferred.

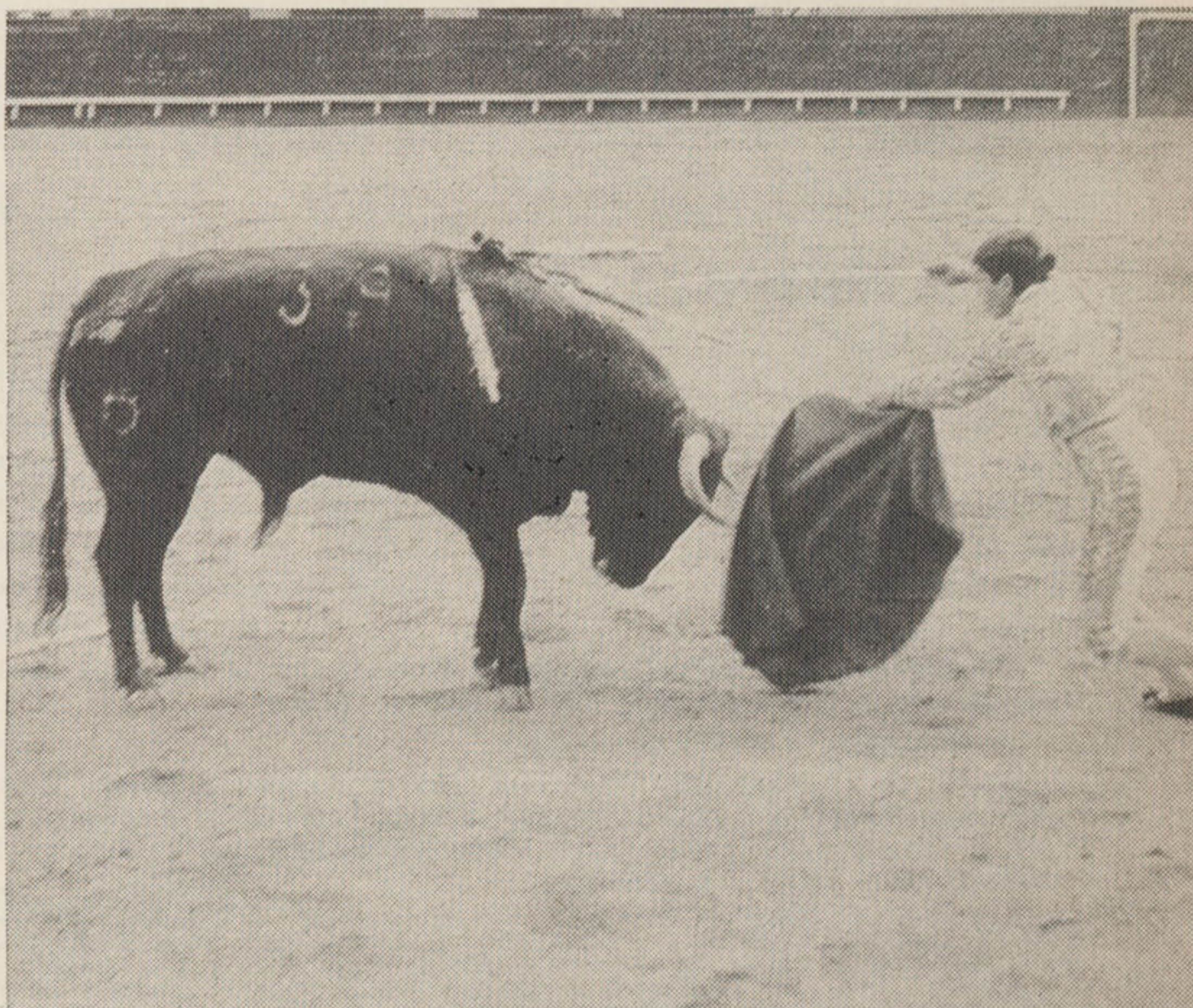
Students enrolled in a summer

teacher training program who haven't yet secured a job for the fall may be excluded from deferment. Col. Feeney emphasized the attitude draft boards will probably take as the year goes on: the sooner you're in school or employed in a deferrable job, the better your chances for deferment.

Deadline

In line with this policy, the colonel emphasized the fact that registrants who want to appeal classifications have 30 days to request a personal appearance before their boards and/or file an appeal. The advisability of taking advantage of this time hovered beneath the surface of the colonel's remarks.

Unlike other states, such as New Jersey, Massachusetts won't begin to reclassify students until the school year is over, the colonel said.



The validity of a doctrine does not depend on whose ox is gored.

Wells v. Simonds Abrasive Co., 345 U.S. 514 (1953)

XXX

NO NEWS IS BAD NEWS for a newspaper. This year, however, more than most, there has been a great deal of "hard news," from the Sesquicentennial Celebration in September, through Dean Griswold's appointment as Solicitor General, to the selection of Professor Derek Bok as the seventh Dean of the Harvard Law School. Apart from the official life of the school, there has been much news along other fronts: the successful campaign of Tom Atkins, 2L, for the Boston City Council, the debate among students and faculty over the War in Vietnam, the jump in starting salaries in some areas of the country, and increasing student interest in "reality-oriented" extra-curricular activities.

It is appropriate at this time to commend Acting Dean Casner for the excellent execution of his office during this often hectic year. His pledge that the School would continue to move ahead has been more than amply fulfilled; much has been done this year, as illustrated by the Story on Page 1. Dean Casner has maintained Harvard in its unique position and should be justly proud.

Next year promises to be hectic also, and we are certain that Dean Bok will meet the challenges of the future. Probably foremost among the challenges is the uncertainty as to who and how many there will be at the School; if the student body decreases or increases substantially, substantial changes in the operations of the School would seem inevitable. But these externally imposed problems should not arrest internal renewal. Much progress has been made this year; much, however, remains to be done, especially in the realms of grading and exams. There must be no turning back.

We depart until September and until then leave all to the tender mercies of the *Crimson*.

Harvard Law Record

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TONGUE 'N CHEEK

By Fenno

I had just executed a double flip on the pinball machine in Tommy's Lunch when a friend stopped in the Bow St. entrance and accused me of dissipating.

"I'm not dissipating, I'm sharpening my mind," I replied evenly, not daring to take my eye off the steel ball ricocheting between the blue bumper and a side target.

"O come on, Fenno, do something worthwhile like studying for exams," he joshed. "Everybody knows that pinball is only a distraction for emotional derelicts seeking titillation from blinking lights and ticking scores."

"Merely a prejudice of the uninitiated," I asserted, utilizing a little body english to nick an additional bumper as the ball began to roll back. "Pinball teaches you to think on your feet, to quickly analyze a complicated fact situation which appears hopeless to onlookers and snatch victory from disaster by taking appropriate action — like a nudge or a flip."

"But there's no skill in pinball!"

"That's where you're wrong. Every game is different. Only after studying the action of many games can you generate a few general rules like: aim initial fire up along side."

"Do you follow that rule invariably?"

"No, sometimes there's a scoring malfunction on the left side of the machine and you have to change your strategy — 'When the reason for the rule ceases, the rule ceases also,' as we veterans say. Some people prefer the Latin phrasing."

"I still think it's dissipating."

"Just greed for points rather than money."

But he didn't understand and went away. I plugged another quarter in the slot, thinking that it had been a long three years and that I would soon be leaving town with a copy of the Internal Revenue Code, a penchant for reading boilerplate, and a 1-3 Ames record.

Letters to the Editor of the RECORD

'Your Reviewer Better Get a Gun'

To the Editor:

I was dismayed by your review (March 28) of the report of the National Advisory Commission on Civil Disorders. Your reviewer is complacent.

The report said that white racism is at the heart of the civil disorder that exists every minute of every day in the black ghettos of this nation. Occasionally that disorder erupts into major violence, and that's when the whites in the suburbs hear about it. That's when some whites would have the "shoot-to-kill" orders go out to authorize the summary execution of looters for grabbing a reclaimed television set from the store window of some cheating discount house.

Then the cops and the troops come in and it all quiets down.

It quiets down in the suburbs, at least. In the ghetto, the violence continues, just not as loudly or as apparent.

Your reviewer ought to go into the ghetto, if he dares. He ought to look around, to talk with people, if he can stand the looks in their eyes, if he can stand to hear their words of hatred and of despair. I doubt then that he would characterize the Commission report as "overstatement."

Your reviewer says the report almost committed the ultimate sin, for it "came very close to speaking the language of black militant power groups." Whether your reviewer knows it or not, and apparently he doesn't, black power teaches self-dignity, self-help and self-protection. It means the end of total reliance on white society, and the end of the big double-cross. It means the beginning of black decisions about the future of black

Americans. For many people, black power means that there is a future worth living for. It means hope.

The riots are a warning. Millions of black Americans are crying out for justice. Your reviewer had better start listening. Or else, as the black militants say, he'd better get a gun. The choice may not be available for very long.

N.B. Your man is wrong on the facts, too. Tom Wicker did not write "the introduction to the report." He wrote the introduction to the Bantam book.

Joseph Foote '60

Law Editor

Congressional Quarterly

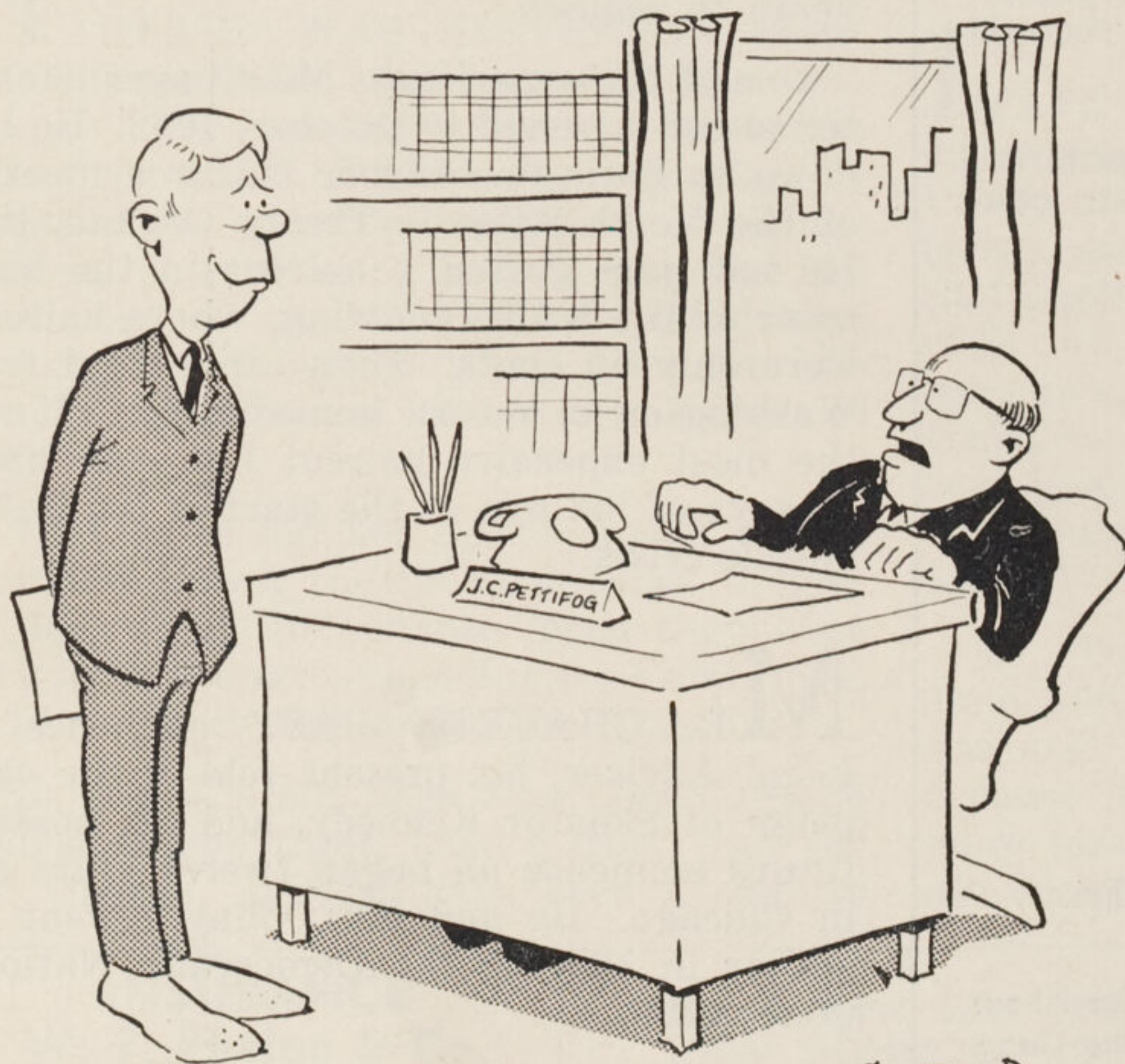
Courses Offering Consumer Defense

To the Editor:

I read with interest the interview by Jack Tate with Ralph Nader in the April 11 issue of the RECORD and his comments on the current Law School curriculum. Mr. Nader expressed his concern for greater attention being given to general consumer protection. You properly noted the two superb seminars currently offered by Professor Cavers. I would like also to make a plug for an older offering with a more generalized title, my Seminar on Medico-Legal Problems. In this seminar we have given attention to protection of the public and the public health from many of the environmental, medical, and industrial hazards you discussed with Mr. Nader. We examined these problems in years when public attention had not yet been centered upon them to the extent one sees today.

For example, Ralph Nader did some of his original research in this field for this seminar back in 1957-1958. His seminar paper was on the subject of automobile design

(Continued on Page 14)



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Legal Adviser's Job

(Continued from Page 3)

gence," Mr. Chayes says of the Secretary. "He takes a lawyer-like interest in matters of detail; he is a master of the detailed factual situation of any matter. He is a good executor of policy. But he did not have an architectural view of foreign policy. He looked to the President for a broad vision of policy. And when he had a President who *had* a broad vision . . ." Mr. Chayes's voice trailed off.

His most meaningful contribution as Legal Adviser, Mr. Chayes thinks, is that "we put lawyers in the front lines as far as the business of the Department was concerned. Lawyers became part of the policy-making process. Before, some particular Legal Advisers had been influential, but the Office of the Legal Adviser had not been so aggressive. It became [in his years] an office of 'business-getters,' just as in private practice." Lawyers in the Office, he says, rise rapidly and get experience in two years that takes a Foreign Service officer ten or fifteen years to acquire.

One of the experiences Mr. Chayes likes to tell about occurred in October, 1962. He had flown to Paris on October 20 for a meeting of the North Atlantic Treaty Organization. He had just gotten a haircut in the basement of the NATO building, where haircuts were only 50 cents. Then came word from Washington to return immediately. "It was the most expensive haircut I've ever had," he says of his role at the start of the Cuban missile crisis.

MR. CHAYES'S PAST eminence as Legal Adviser, his present role in the campaign of Senator Kennedy, and his possible future eminence all began twelve years ago in Chicago. He and Mrs. Chayes went together in 1956 to the Democratic National Convention.

It was generally a dull affair. But after Adlai Stevenson threw the convention open for the vice presidential nomination, Mrs. Chayes says, there was a "frantic, 24-hour

Includes Handling Piracy on High Seas

period." She was during those hours an active volunteer for Senator John F. Kennedy. Mr. Chayes was on the sidelines, but, he says, "since that was the only place there was any fun, I came over and watched. On the day of the voting, some mimeographed sheets about Kennedy's agricultural voting record were left at the hotel, so I brought them over to his campaign room at the Stockyards Inn and, once inside, I was immovable thereafter."

The Chayeses returned to Cambridge "more or less committed" to Kennedy for 1960. "We were the first, or among the very first, at Harvard University to be formal Kennedy supporters," says Mr. Chayes. "And if you think what people are saying about Robert Kennedy now is anything, they were saying similar things then about Jack — 'opportunistic,' 'too young,' 'self-seeking,' 'soft on McCarthyism,' 'ruthless'."

HARVARD WAS STEVENSON country in those years. Arthur Schlesinger, Jr., and the other ever-visible liberal intellectuals were "scornful" of Kennedy, according to Mrs. Chayes, and were suspicious of his liberalism, his experience, and his record on the censuring of Joe McCarthy. Gradually, though, the Cambridge group grew into the famous task forces of 1960 and the exodus of 1961.

Mr. Chayes did not see too much of the candidate during the 1960 campaign, though he does recall an instance when they were both in Washington, heading for Cambridge, and he was invited aboard the "Caroline."

His son, Lincoln, then four, and Caroline Kennedy, then three, "had a ball." But for Mr. Chayes, it must have been a slightly

frustrating journey. Walt Rostow was along, and Mr. Chayes could not get a word in on the whole trip. "Rostow was simply inexorable," says Mr. Chayes. Anyone familiar with Mr. Chayes's own voluble nature will appreciate both his frustration and Rostow's formidable conversational powers.

WHEN THE CAMPAIGN was over, Kennedy called Mr. Chayes to Washington and went down a list of all the people who had written a paper for him during the campaign, and wondered aloud what job should be offered to which man. Mr. Chayes found it "a revealing episode of practical politics and of the way Kennedy operated."

Mr. Chayes was appointed Legal Adviser, with the rank of Assistant Secretary. He recalls an example of a habit the new President had early in his administration of personally telephoning lower level officials, especially in the State Department.

LATE IN JANUARY, 1961, the Portuguese ship Santa Maria was hijacked, and President Kennedy, wanting a definition of piracy, called the Legal Adviser. Mr. Chayes that weekend was back in Cambridge to complete the move to Washington. "I couldn't have given him a definition if I'd been there," observing with some glee that because the boss caught him out of town, his absence became "one of the better-publicized weekend leaves."

Mr. Chayes left the State Department in June, 1964, because he was going broke. He has said that the real reason he left was because by that time he had handled two more piracy cases, and "three piracy cases are enough for any Legal Adviser."

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Letters

(Continued from Page 11)

and accidental human injury. He worked at that time with such faculty members as Dr. Ross McFarland at the School of Public Health. In this seminar, we have always tried to build cooperation among the different Harvard faculties and to encourage interdisciplinary cooperation.

Other Harvard Law School students in this seminar over the years have also produced excellent and important research in the interest of consumer protection. Students have worked on such subjects as airline-pilot physical examination regulations, food and drug controls, rat control legislation, and air pollution control. An example of some fine recent work by a graduate of the same class as Ralph Nader may be seen in the

current issue of the *California Law Review*. It is an article by Paul D. Rheingold, '58, providing a fascinating account of the series of personal injury suits involving the use of the drug known as MER/29.

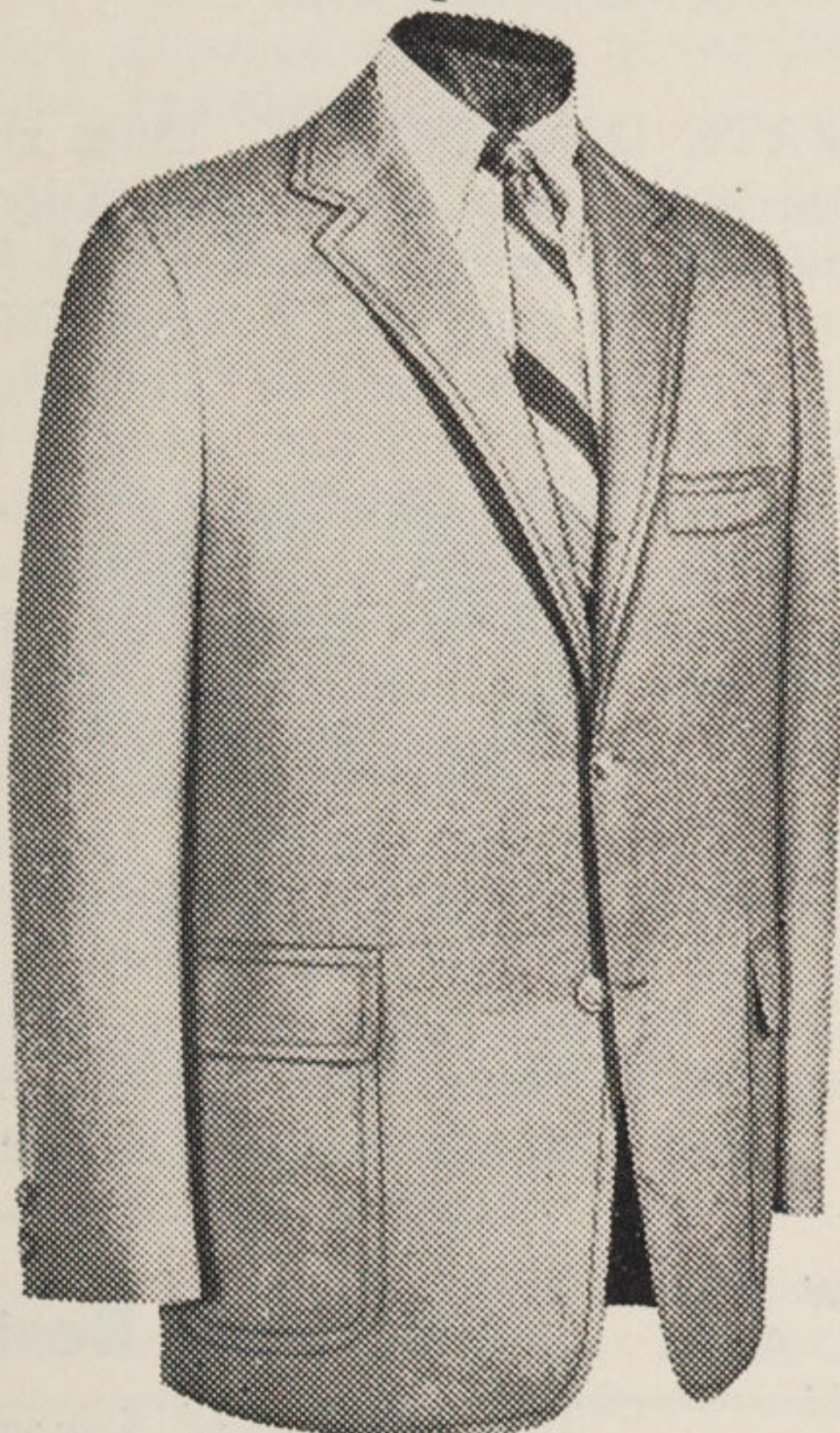
William J. Curran,
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Recent Book

A Novel View of the Law and Lawyers

Tales of Manhattan. By Louis Auchincloss. 240 pages. New York: Popular Library. (Paper) \$0.95.

By Thomas Geisler

This is a new paperback edition of the collection of short stories which was widely acclaimed in its original hard-cover, Houghton Mifflin edition last year. Almost without exception, the stories are excellently written and constructed and seem well-nigh to crackle with electricity.

The central third of the book is likely to be of greatest interest to lawyers, since it is comprised of four tales of the grand law firm of Arnold & Degener, One Chase Manhattan Plaza. The first third of the book centers about an

auctioneering establishment, and the last has some rather unrelated stories about matrons (lovers of Wagner will be interested in the last of the stories, "The Wagnerians," which does in words what Beardsley did with his drawings).

Private Lives

The senior partner, Lloyd Degener, has decided it would be good to have a book written about the firm. The plan is to have each partner write a chapter about another partner. Unfortunately, things don't work out quite as planned. This is evident from the four stories, three of which are "private" chapters written by various of the partners and the fourth of which is an account of a partner haunted by a malicious muse who pops up every time he attempts to dictate his chapter.

This technique is highly effective since it allows Auchincloss to develop more fully the personalities of his characters. Each partner who writes exposes his private world-view not only consciously (some paragraphs of self-justification pop up) but also unconsciously, in the manner he writes. The result is a series of three-dimensional characters.

One of the more interesting features is that while most of the

men are formally writing about someone else, the tales become joint tales, showing the intertwined lives of the writer and his subject. Another source of strength to the four stories is that they share a common location (unity of place, as it were) and, while the tales are relatively independent, there is enough interaction of actors and sets from one story to the next to give reinforced reality to the world of Arnold & Degener as a whole. This aspect of the book brought to mind a curious parallel between it and *Winesburg, Ohio*.

Romantic Partner

The first story is that of Sylvaner Price, who is to write about the "Arnold" of the firm's name, now twenty years deceased. Although Price outwardly kept a very business-like appearance, inside he was a bit of a romantic (the sole outward indication of this apparently being the ritual of putting his hand momentarily across his chest before the large portrait of Guthrie Arnold every morning as he arrived at the office).

Price fully intends to write a glowing, heart-felt tribute to Mr. Arnold, but every time he begins to record "memories" on his

(Continued on Page 19)

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Letters to the Editor of the RECORD

(Continued from Page 14)

The Squib Case

To the Editor:

As a graduate of the School who enjoyed some of its lighter moments more than its serious moments, I cannot let the notation on the bottom of Page 2 of your issue of March 14 go unnoted.

I never thought that I would see the use of the word "squib" at the Harvard Law School fall to the lowest state that you have given it.

Some of my fondest memories of my First Year Torts Class deal with long and artful discussions presided over by Professor Seavey in discussing what all generations of students have as the "Lighted Squib" case.

For present generations who apparently are not as romantic, might I remind you that a squib is also "a firework consisting of a tube or ball filled with powder which burns with a hissing noise

terminating usually by an explosion." I might also remind you that to toss a lighted squib might be considered to be acceptable.

In any event, thanks for the present reminders of the earlier days.

David Schechner '53
Newark, N.J.

Ed. Note:



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"An exciting biography"* of a
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Emory Buckner

by MARTIN MAYER

author of *The Lawyers*

EMORY BUCKNER, Harvard Law School '07, was invited to join the *Law Review*. But lack of time and money—the brilliant student from Nebraska was working as a stenographer to support himself and his wife—compelled him to decline. After graduation, his career included both public service and a founding partnership in what was to become a famous Wall Street law firm. To the numerous Harvard Law School graduates he consistently took under his wing, he was an inspiring figure.

In the 1920's, Buckner became a national figure as a prohibition-hating U.S. Attorney who tried to enforce the Eighteenth Amendment in New York. As a trial lawyer, he was outstanding. Crowded with drama, this biography is the story of an indomitable man, his friendship with such leaders as Felix Frankfurter, Learned Hand and Roscoe Pound, and his notable services to his profession.

"Those who think the lawyer's life is dull and prosy should read this exciting biography of Emory Buckner, who loved his profession and never let it down. The little vignettes of many of the lawyers of not so long ago are delicious."—*JUDGE HAROLD R. MEDINA

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Review . . .

(Continued from Page 15)

dictating machine, he finds himself inexplicably saying things that are the sheerest of fantasy about Arnold. He also finds himself making an impromptu harangue at a partner's meeting. Finally, he sees himself irresistibly doctoring the will of a just-deceased client to make himself co-executor. It is at the point that he realizes the full horror of what he has done that he has a severe heart attack.

No Freeloading

The final resolution of Price's dilemma will be left to those who buy the book.

The fourth of the stories is extremely interesting because it illustrates superbly the ease of being misunderstood or of misunderstanding oneself; it is sometimes difficult to tell where the one stops and the other begins. It is the story of Cliffie Beach

(and that name is apparently the closest Auchincloss comes to a word-play for a character in the volume).

Cliffie Beach has forced the senior partner to retire, has committed adultery with a partner's wife, and is not perturbed when his own wife leaves him (and not precisely ecstatic at her imminent return to him, either). Another character comments of him: "That's what comes of thinking that certain wild beasts can be domesticated." Yet according to Beach in his own writings, everything he did was not for himself but for the good of the firm, and everyone has misinterpreted his motives.

This leads Beach to discuss at some length the relevance of subjective motive as compared to the probable results of one's acts. "If a man is arrogant to me, why then he is arrogant. Do I care if in his soul he cringes with humility?" Beach is willing to admit that under the objective test he would be guilty of a

simple craving for power. But he insists until the end that his *real* motive was to *save* the firm. It is a very self-consistent *apologia* which he develops.

Polished Steel

The Auchincloss writing style is like polished steel, more than occasionally molded into rapiers.

Somewhat less successful than the short stories is the one short play included in "the Matrons" section. Here the characters are not as alive as in the stories, perhaps because the reader is not permitted inside the skulls of the characters as readily. On the other hand, reading a play and seeing a play are two quite different things, and it is possible that in actual performance it comes off better than in print.

One last gripe: the cover of the paperback is rather unfortunate, filled as it is with lean-and-hungry men and lascivious women. Houghton Mifflin would never do a thing like that.

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Class Officer Nominations Close Tomorrow

Although the day will lack much of the aura of state and national elections — the taverns will remain open — May 3 will be the day when the Class of '68 goes to the polls to elect its officers. Nominating petitions are due at the Langdell receptionist's desk by 5 p.m. tomorrow.

The officers to be elected are the Class Marshal and Class Secretary and three Class Committeemen. Any Law School '68 degree candidate or special student leaving in 1968 is eligible to vote and to offer himself as a candidate.

Nomination is by submission of

a nominating petition containing the signatures of the nominee and at least twenty members of the class. The candidate must also submit three posters bearing his photograph and any pertinent biographical information. The posters will be displayed in Langdell North, Austin Hall and Harkness Commons.

Voting will be held in the 11 a.m. sections of Business Planning and of Federal Courts on Friday, May 3. Those unable to vote at that time may cast ballots at the Langdell Receptionist's desk between 9 a.m. and 5 p.m. and at Harkness Commons between 11:30 a.m. and 2 p.m.

The Class Marshal, elected, as are all the other officers, for a

five-year term, serves as chairman of the class committee and master of ceremonies at class functions. The Secretary is the link between the class and the Alumni Office; it is his responsibility to arrange for the class reunions (held every five years) and to circulate information about the individual alumni.

The committeemen serve as regional representatives of the class. After the election, the five elected officers will meet to choose four additional committeemen, selected with a regard for geographical representation.

Officers and committee members for succeeding terms are selected by the members of the committee then serving. — ASK

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