



# Harvard Law Record

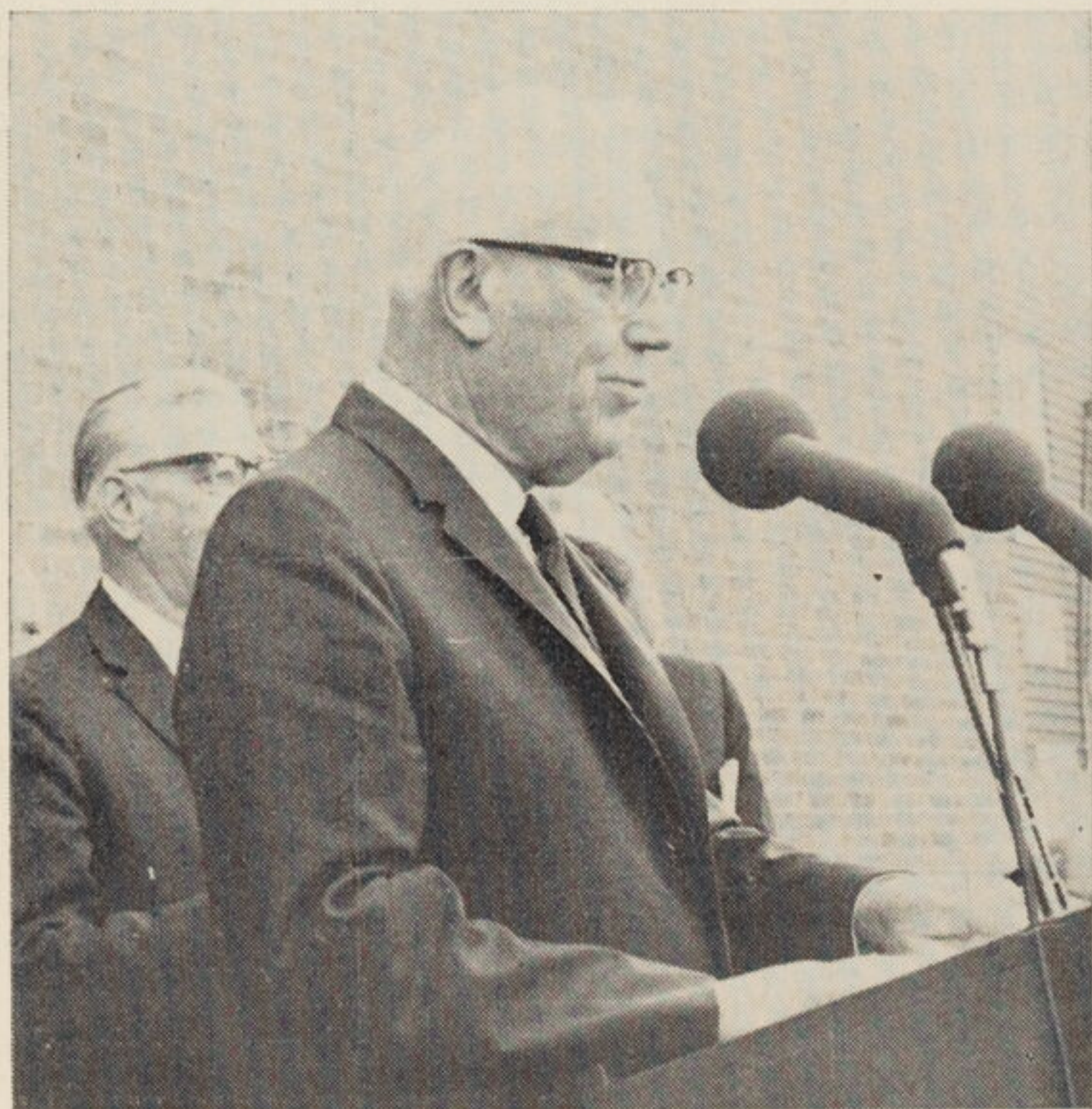
*America's Oldest Law School Newspaper*

VOL. 47 NO. 3

CIRCULATION OVER 12,500

OCTOBER 3, 1968

## Survey Reveals Impact of Grades



### Warren Changes Topics

Chief Justice Earl Warren, abandoning his announced topic of "law and order," chose to speak on a less controversial theme during cornerstone-laying ceremonies in Cambridge last Saturday of the Roscoe Pound-American Trial Lawyers Foundation Law and Research Center.

His talk stressed the crisis caused by procedural delays and the heavy workloads of U. S. court systems. This was the theme of Chief Justice Warren's speech at last year's Law School sesquicentennial banquet. On that occasion, many of those attending expected the nation's highest judicial officer to

*Continued on Page 10)*

A massive survey recently conducted and compiled by the *Harvard Law School Bulletin* has exposed some of the mysteries of the impact of grades on lives of law students after graduation.

Under the direction of John P. Wilson, '62, editor, the *Bulletin* mailed 18,000 questionnaires to alumni and received more than

*(Continued on Page 6)*

### Secret Club Founder Expresses Dismay

**To the Editor:**

I was not only shocked, I was truly saddened to read in your issue of Sept. 12 that the Choate Club of which I was proud to be a founder in 1900 had apparently decided to become an exclusive group, predicated membership not on worthy qualifications but rather on social and/or ancestral background.

As a matter of fact, my fellow founders organized the Choate Club because the clubs already in existence excluded those students who could not qualify on the grounds that were then the basis of membership. Unfortunately, the members of the Choate Club now in authority seem to be reverting to the standards in effect in 1900 — a lamentable reversal of procedure.

Alfred A. Benesch '03

*(See Article on Page 2)*

# Complaints About Coop Appear Groundless

The common student complaint about Coop prices receives strong support from comparative shopping at Bence's Pharmacy, the Boston University Bookstore, and Bob Slate's Stationery Shop. But the results of this kind of comparison can be deceptive.

A common law student item is the "Harvard Law School" notebook with 150 sheets. This sells in the Coop for 89 cents, while the same notebook is 79 cents at Bence's.

The same situation exists with regard to binders. The heavyweight, blue canvas binder with two inch binder rings is perfect for holding DLI or Legal Process materials. The Coop charges \$2.50 and Bence's \$1.98.

Yellow legal pads used frequently at the Law School are 59 cents at the Coop and 35 cents at Bob Slate's.

For the student who wants his friends to know that he's at Harvard Law School, Eaton puts out stationery headed with "Harvard Law School" and the university seal. The Coop price is \$1.59, while Bence's charges 98 cents. Also, there's a substitute for the thrifty student. The "Harvard University Correspondence Tablet" sells for 59 cents at the Coop. The "Boston University Correspondence Tablet" costs 35 cents.

Armed with these facts, the RECORD presented Mr. Al Zavelle, merchandising manager of the Coop, with

the case for the students. The result was surprising and a bit embarrassing. Mr. Zavelle took down the information and immediately had a purchasing agent buy these articles for comparison.

The Coop "Harvard Law School" notebook has perforated pages for detachment, while the notebook at Bence's does not. The Eaton stationery at the Coop has 36 sheets and what appears to be the same box at Bence's has only 24 sheets. The "BU Correspondence Tablet" has only two lines of printing in the heading and has only 35 sheets; the Coop tablet includes the Harvard seal and has 65 sheets.

As for the yellow pads, the Coop variety for 59 cents has twice as many sheets as the one in Bob Slate for 35 cents. Also, by putting a knife through the back of the \$1.98 binder from Bence's, Mr. Zavelle found that it lacked the metal back which reinforces the \$2.50 model at the Coop.

Mr. Zavelle added that "we do shop and we do check on our merchandise." He believes that the Coop has lowered prices for the Harvard community and that the Coop charges competitive prices on all its merchandise.

Concerning rebates, Mr. Zavelle claims there is no secret here. These are the profits of the business distributed to all members. This is confirmed by Prof. A. James Casner, one of the Coop stockholders, who explained that the stock is

(Continued on Page 15)

## Twelve Profs. in Secret Club

Letters appearing in the RECORD last week from two members of the Secret Choate Club have exposed the basic nature of the club from their point of view.

The RECORD still has not been able to learn the full student or faculty membership of the Club, but it has found out that the Choate has about 12 faculty members, several Black students (who are particularly sensitive about having their names published) and a significant number of Jewish students.

Election meetings are held twice a year in the spring and fall. Below is another interesting letter received by the RECORD:

### To the Editor:

At a number of law schools, a fraternity, presumably secret, known as Phi Delta Phi, formerly existed, and probably still exists. In my time, Theta Nu Epsilon was a convivial group, of which Roscoe Pound was a member and our patron saint. Nobody lost any sleep over either of these organizations.

I am delighted to learn of the existence of the Choate Club. The faculty, the student body, and the alumni are not in any way concerned with this organization.

It is none of their business.

The classic language of the late John M. Woolsey, United States District Judge, "They must think they are Hell, with a fence around it," appears to me applicable to the authors of "The Secret Social Club," which appears on page 8 of the Harvard Law School Record, Sept. 12, 1968 issue.

Peyton Randolph Harris, '15

# Dean Bok Backs Law School Reform

While Dean Derek C. Bok has a long way to go before he can become a bona fide member of the new Radical Law Students group, he spent much of the time at the opening session of the Law School Forum speaking about reforms in law school education.

In fact, at one point in the question and answer period

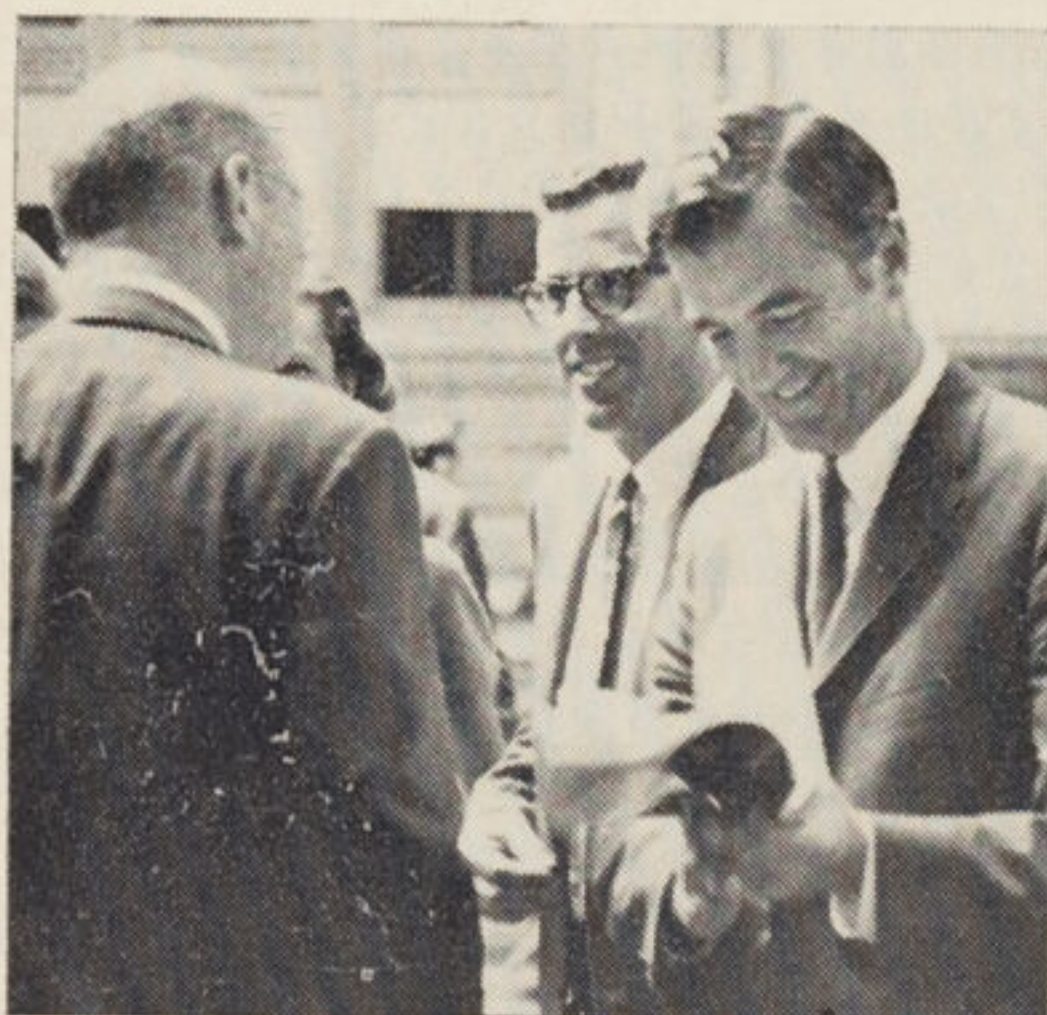


Photo by Howard Sweet

he remarked to the audience that he "thought you were a bunch of gutsy poverty lawyers, and the first two questions are about a joint degree with the Business School and a J.D. rather than an LL.B. degree."

Also speaking at the Forum's discussion of legal education at Harvard were Professors Albert Sacks, Clark Byse and Paul Bator.

Conceding that "much that we do in the Law School today will seem primitive" 50 years from now, the Dean offered several suggestions on modern legal education.

Although stating his own preference for "a very healthy dose" of courses relating to civil rights and poverty problems, the Dean said the present Law School curriculum did not get at the

heart of answering student needs, even with increased emphasis on these fields.

Dean Bok said the "real challenge" is whether a general legal training will remain enough for the future or whether the lawyer's expanded role as an adviser and consultant would require supplementary education in new means of problem-solving, such as systems analysis.

The Dean also criticized the lack of variety in teaching courses, suggesting there was a "sameness" in the materials and approach of most courses after the first year. He mentioned as possible remedies more outside reading and research papers.

Dean Bok also stressed the need for more "feedback" from students and called for more individual help for students, possibly through critiques of written work and assistance by third year students.

Extra-curricular activities, he said, should complement the curriculum.

In a question-and-answer period following his address, the Dean said a two-man committee had been formed to study the possibility of a four-year course leading to both a law and a business school degree.

The issue generating the most interest concerned the reduction of the term of study for the LL.B.

— N. Barclay

## Cow Poem Heads Law Lit Mag

The Nation's Oldest Law School Literary Magazine, founded at the Law School last year by Roger Lowenstein, '68, hopes to publish its first issue sometime within the next couple of years.



Under the vigorous editorship of Connie Vecellio, 2L, who was chosen president of the publication for 1968-1969, the Oldest Law School Literary Magazine may attempt to publish an issue if any law students decide to submit articles.

Miss Vecellio, impressed by the unbroken publication record of the Oldest Law

School Literary Magazine, will likely follow the paths of predecessors unless financial and editorial support suddenly appear on the horizon.

Miss Vecellio, is a potential contributor to her own magazine. She has written a poem about a cow. Considering the vaulted tradition of *The Cow*, Rose II of Aberlone, in the Contracts course, from the timeless case of *Sherwood v. Walker*, Miss Vecellio's choice of literary subjects omens an auspicious beginning for the Nation's Oldest Law School Literary Magazine.

Contributions to the magazine may be submitted to the RECORD, located at 23 Everett Street, third floor.

# The Law School 'Confidential Guide' Grades

By Fenno

Now that first year people are beginning to realize that everything isn't quite what it's cracked up to be around here (the Root Room closes an hour before the library does, to cite a specific evil), the Law School's own "Confidential Guide," published last spring through the efforts of Chris Walker, may find a better market.

The Confidential Guide probably will never make it, in the Norman Podhoretz sense of the phrase. Nobody buys it to pick out an extra course, because all anybody talks about all year is what they'll take next year *if they're here*. Those last three words (contractions count as one, wise guys) have become key. If they become too key, there won't be any Confidential Guide. (Because there won't be anyone here. "My, you are dull!" was what the Gryphon said to Alice.)

At any rate, this year's Confidential Guide is a lot better than last year's. It is shorter but since there isn't that much double-spacing, it isn't that much shorter. The comments are all direct quotes from student questionnaire responses. Since they all sound just like what this writer would've written (had he been on campus at any time during the three months when questionnaires were handed out) about his courses, these comments are obviously inane, in that the

respondents apparently attended class about as often as this writer.

But the guide provides a veritable gold mine of cocktail party tidbits to stock in your vest pocket, and if you never go to cocktail parties like I never go to cocktail parties (because nobody ever invites you to any), well, then use them at Harkness instead of deciding how many wild and how

## Areeda's Antitrust Wins Top Rank

many conservative ties Bator has in his closet.

First, for you who plan to read the Confidential Guide by craning your neck at Harkness newsstand on a few select browsing occasions (in lieu of paying \$1.50, which is a lot to pay for tidbits, it must be conceded), let's get the dirt set out right away, so it doesn't settle on your neck as you crane.

Let's get it straight from the start. Winner of the "Erwin" this year is Prof. Areeda, for Antitrust I. Antitrust II came on strong, however, and maybe the academy's voters will give it the top prize next year, in the spirit of consolation we know so well. There's one good thing about the Erwin awards: you know that Areeda isn't going to try to butter up the electorate.

Antitrust II probably is in a perpetual hole, though. By the time Erwin-voting time comes around and the Confidential Guide questionnaires go out, last year's spring term is a long time away. Remember what happened to the last Academy Award hopeful released in May?

Anyway, let's get on to the big stuff. Prof. Freund took second-year honors with his section of Con Law. Prof. Fuller was winner in the first-year division with Contracts (you can't call that a "short subject"). Losers were: 3rd year, Prof. Cavers' Conflicts; 2nd year, Prof. Sutherland's Com Trans; and 1st year, Prof. Berman's DLI sections. Nobody got higher than 76 and no ratings fell below the low 60's. Amazing how narrowness is bred into the system. Editor Walker cut off all ratings below 55 or above 80.

That explains why Legal Method wasn't in the book. It also eliminated all of my personal ratings. Don't tell me that everybody gets put between 60 and 76, pal. You may be a Harvard Law dullard but I'm going to stay a beautiful person. People are great or terrible. 72.1? Bah!

The comments, however, are a different story. Either a guy is great or he's a horror show. No prejudices lingering against the traditional first year toughies: Casner, Byse, et al got criticized on other grounds. It's nice to know that there aren't any hard feelings any more. What kind of place is this getting to be?

As usual, some icons are smashed in the rating process. "Loss isn't all as good as he's cracked up to be, but he's still good; extremely knowledgeable," snorts one Corps man. Of course, *no one* seems to be as good as he's cracked up to be this time around, and since no one's being cracked up for next year, we can dispense with this criterion once and for all. Sure.

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# Professors, Punctures Egos Aplenty

Best part of the book are the general comments on life at Harvard Law. "Athletic and other recreational facilities MUST BE PROVIDED. (emphasis his) The facilities from the cell-like dorms to pathetic Harkness (what does it have besides a dining area) are totally non-existent." Whaddya mean what does Harkness have besides a dining area? Crummy cigars, busted phones, a men's room that inevitably conjures up memories of the *Smayda* case, a

missing ride map, every political group from Student Bar to the Griswold Club represented at occasional sign-up tables, stale newspapers in the lounge (nobody ever leaves a *Record-American* around any more, let alone a *Chicago Trib*) and soggy Fritos.

There's none of last year's info about mixers and broads and olde historic Boston. If you want last year's guide, you can pay \$1.95 and get both. But 1L's, be sure to

buy a confi guide or two. With Leach out of action, it's the best source of Law School stories since the Langdell receptionist stopped me from secretly tape-recording faculty meetings.

And since there's no *Law Review* in sight for another month or so, nobody'll dump on you for reading junk like the confi guide. After all, look what you're reading right now.

## Apathy Forces End of Phillips Brooks

By Ronald Kadden

The Phillips Brooks House Committee, long a Law School service organization, has bitten the dust. Student interest in the committee declined considerably in recent years. Its many functions eventually were performed by one hard-working chairman.

Perhaps the best known of the committee's duties was the maintenance of a rental library of texts for scholarship students. This year,

### **Rent-a-Books Were Put on Sale At Registration**

since no student group could be found to undertake this project, the texts were sold at registration.

Another major responsibility of the committee was

the issuance of the Yearbook. Delegating specific authority to Yearbook officers, whose selection it supervised, the committee remained the general overseer of the publication, its guarantor against loss and holder of its copyright. Presently the Yearbook is

### **Bulls and Bears May Have Gone With the Wind**

being organized as an independent student organization.

Other functions of the committee were running third-year elections, which Walter Reiser, head of the Legal Method program, handled temporarily last year; the making of small, short-term loans to students; and the publication of the Harvard

Law School Directory, now handled by the Dormitory Council.

The demise of the committee has left the Law School without the services of a valuable catalytic agent. In the past it has assisted in finding readers for blind students in the Law School. This year there are four blind students, two of whom still need readers.

In addition to the death of the Phillips Brooks House Committee, another organization, the Bull and Bear Club, appears to be missing in action. Many members of the club, which last year secured low-priced subscriptions to Barron's and the Wall Street Journal, sponsored lectures, issued a newsletter, and held an investment contest, have wondered what has become of it. The club's fate remains a mystery to them and to the RECORD.

# Effect of Grades on Post-Graduate

(Continued from Page 1)

11,600 replies. Though the survey responses provided the basis for a comprehensive profile of the alumni, some of the most interesting findings were based on the correlation of grades with various aspects of alumni careers.

Several of these findings (taken verbatim from the *Bulletin*) include:

- A higher proportion of Law School graduates who made high grades (70 and above) are in law firms than those who obtained lower grades (65 and below). On the other hand, only about 9 per cent of attorneys with cumulative averages of 70 or better are now in sole practice, compared with nearly 37 per cent of those who had averages of 65 or lower.

One third of all Harvard graduates now in legal education had A averages. Nearly 80 per cent had B averages or better.

Of men who earned averages of 65 or lower, a third are presently in the non-legal side of business; but only 10 per cent of graduates who had B averages (70-74) or better are now businessmen by occupation. Of those who hold corporate offices (president, vice president, secretary, treasurer, or general counsel), the highest percentage were C+ (66-69) students.

Appointment as a judge is apparently unrelated to over-all academic performance; as the table below indicates, there is a slight bias in favor of higher grades for appointment to the federal bench and high state courts, although several responding judges

did not recall their final averages which muddies the value of the statistics.

From its thousands of replies the *Bulletin* also concluded that:

- More likely than not, a Harvard Law School graduate working in New York City did well as a student. Nearly 30 per cent of all graduates of Harvard Law School with A averages work there. On the other hand, New York City claims only 16 per cent of graduates with C's and D's. The District of Columbia shows the same variation, but it starts with 15 per cent of the 75+ group. Other parts of the country seem to get even handed helpings of graduates in all grade categories.

| Court                     | No. of respondents<br>with LL.B. grades of |       |       |       |       | Un-<br>known |
|---------------------------|--------------------------------------------|-------|-------|-------|-------|--------------|
|                           | 75+                                        | 70-74 | 66-69 | 62-65 | 55-61 |              |
| U.S. Courts<br>of Appeals | 1                                          | 4     | 2     | 4     | 0     | 3            |
| U.S. District<br>Courts   | 2                                          | 7     | 8     | 0     | 1     | 5            |
| High State<br>Courts      | 2                                          | 4     | 6     | 4     | 3     | 6            |

- Graduates with lower grades tend to change jobs more frequently. This is understandable, however, as more of them also tend to be in non-legal . . . (areas) . . .

- A student's prospects of doing well at Harvard Law School are apparently unrelated to where he went to college. Only for Harvard does there appear to be a significant variance: its graduates account for

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# Employment Indicated by Survey

26.6 per cent of the 75+ students but only 18.5 per cent of the 55-61 group.

- There is no correlation between undergraduate major and law school grades, with two possible exceptions: economics majors do slightly better on the average, and pre-law students do worse.

- The better one's undergraduate performance, the better are the chances for high grades in law school. Nevertheless, to state the obvious, most students at Harvard Law School end up in the middle regardless of their undergraduate grades. It is at the

poles that differences can be seen: for example, of graduates who made 75 averages or better, 60 per cent came from the upper

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## Student's Prospects Unrelated to College

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5 per cent of their college classes and another 17 per cent ranked in the upper 10 per cent in college. Less than 1 per cent of A students at Harvard were in the lower half of their college classes.

## Lampoon Parody Considers the Alternative

By John York

Life (magazine). Consider the alternative (the Lampoon parody). And the alternative — which will be out around October 8 — makes you glad you considered it.

It's all there. The pabulumized Life editorials, thrilling illustrated tours of Man's innards, and even the characteristically plodding pictorial pastorals acquire *vitae* under the vaunted Lampoon pen.

Travel with a California cheeseburger on its astounding odyssey through bile and pyloric; be bombarded by guano in that idea-house, the Malarial Manse. Or watch awe-stricken as odorous, rampaging Merinos smother limp milkweed plants under hundreds of pounds of damp wool.

And if that isn't fare enough, sample the spoof on

L.B.J.'s favorite philosopher and marvel as mobile organ-transplant pioneers combat persistent breathing and rigor mortis to snip out vital organs of accident victims.

But enough. Let it suffice to say that this year's Lampoon parody is the best ever, much superior to last year's

touted Playboy ribbing, and certainly head-and-shoulders above that average bear usually found parading under the Life logo. Which perhaps explains why Life sponsored no less than five full pages of advertising in the parody, as well as amply aiding and abetting the Lampoon photography staff.

### Harvard Law Record

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MICHAEL LUREY ..... PHOTO EDITOR  
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# Potential Censorship

Harvard Law School seems an unlikely place for censorship of the student newspaper. But there are elements within the faculty that seem dissatisfied that their pervasive control over the Law School does not extend to the Harvard Law RECORD.

The Alumni Committee on the RECORD, on the other hand, has in recent years at least, showed the greatest respect for the freedom of this newspaper.

The recent publication of the grade breakdown for the first and second year classes met with some hostile faculty response because several professors felt that students should not have been able to see how other students did and thereby get a rough indication of how well they did. This perhaps legitimate grievance resulted in one of the most dangerous proposals ever made to an officer of the RECORD. An important member of the faculty suggested to the President of RECORD that standards of what the RECORD would not publish be pre-established. If this were not done, this faculty member stated that some information to which the RECORD formerly had access would be cut off at the source. Because of adverse and immediate reaction to this proposal, it was withdrawn at least temporarily.

Last issue's article on the Black Law Student movement here brought an incredible deluge of faculty and Black law student pressure. The Dean was handed a note stating that the RECORD was planning an article that would emphasize primarily the separatism of Black students at the Law School. The Black Law Student Association used its faculty contacts to bring more pressure on the RECORD to attempt to control the content and nature of the article.

In a slightly less insidious practice, faculty members often precondition their interviews on the right to read the copy. Once they see the article they usually ask to change any of their statements that are controversial.

The idea of a free and untrammelled RECORD that makes a good faith effort to tell it like it is may be a frightening prospect to certain members of the faculty, but a RECORD operating under a censorship board would be nothing but a sham.

## Blind Students . . .

The demise of The Phillips Brooks House has brought with it great hardships for the four blind Harvard Law students. Each of these students needs 20 students with good vision who individually spend two hours a week reading the assignments aloud.

Formerly PBH provided this service. This year blind students are falling behind in their courses because they have not been able to find sufficient help. Students interested in helping should leave their names with the secretaries in Dean Bruce's office.

## Fenno

"Fenno," whined my second year friend, "how come Ernie Brown's tax course is being given here in the Hastings boiler room?"

"It's decentralization!" I snapped back at him. "You know, the Law School's going to make like Ocean Hill-Brownsville from now on. Community control of courses and everything! Aren't you running for the governing board?"

"I don't know," he mused. "This sounds great, but at least when Ernie's class was in LSM, you could sit back in the bleachers and snooze most of the hour. It's awful hot there and that pipe looks like it's going to burst!"

I told him that things weren't so bad. After all, if he'd taken crim process, he'd have to trek all the way to Concord Prison. And supposedly Dershowitz and Stone had moved their course out to Bridgewater.

It all started, apparently, when a "community control" group began agitating in Clark Byse's contracts section. They got some foundation to give a grant to move the course to the Cambridge Common on Sunday afternoons, where it seems to fit in pretty well.

So, if some of us sweated it out down in the boiler room, others were living it up. Prof. Areeda moved antitrust to the Hemenway squash courts, while Cox's army moved in with the laborers at the site of the new classroom building. Hard hats were provided by the Voluntary Defenders, who pasted together outdated stacks of cut-up Weinreb materials to make the hats.

Dean Bruce said he liked decentralization a whole lot because nobody bothered him and every district had to provide its own financial aid.

"Fenno," asked a first-year pal, "but where is Bator teaching Civil Pro these days? This new Tabular View says Choate Hall?"

# Letters to the Editor of the RECORD

## Salaries, Grades Subject of Envy

To the Editor:

After reading the September 12, 1968, issue stating that four out of five students receive B averages, and that starting salaries in such diverse places as Roanoke, Virginia, and New York City are between \$10,500 and \$15,000, I am now convinced that I was a member of a lost generation.

Leonard H. Monroe, '52

## Stone Attacks "Inaccurate" Report

To the Editor:

The recent story in the Law Record dealing with black awareness at Harvard Law School seemed to me misleading and insensitive in several respects. I shall, however, limit my comments to a statement attributed to me.

Mr. Tate's report suggests that I enumerated two alternative criteria for participating in a seminar taught by Professor Dershowitz and myself: a record of participation in the civil rights

movement, or blackness. Both aspects of the statement imputed to me are incorrect. The basic criterion for participation in this seminar was whether the student had something of substance to contribute which would enrich a seminar that planned to examine civil dissent, civil disobedience, and organized resistance in the context of law. It should be immediately apparent that this is something substantially different than a record of participation in the civil rights movement. It is also substantially different than a simple criterion of race.

In fact, it had been our past experience both in classes and informal contacts that a number of black students had an important, perhaps crucial, contribution to make to such a seminar. They demonstrated a knowledge and background which we felt would enrich our discussions. We were, therefore, eager for these students to participate. The same essential criterion was applied to white students.

My reason for writing this letter

is to make it clear to the RECORD, to its readers, and to the participants in our seminar that our selection process addressed itself to the relevant human qualities of involvement, interest, and experience, and not to the disembodied and insensitive criterion of race implied by Mr. Tate.

Alan A. Stone, M.D.

Visiting Lecturer in Psychiatry  
and Psychoanalysis

*Ed. Note: The RECORD appreciates Dr. Stone's elucidation of the standards of admission to the seminar entitled "Limitations of the Law in a Context of Social Upheaval." His letter is inaccurate in that it suggests that the RECORD, not Dr. Stone, himself, originally oversimplified the requirements for admission.*

## IL Criticizes Smoker System

To the Editor:

As a first year law student I have just finished participating in the Law School "Smoker" system in order to join an Ames club. While I am certain that the club I am now in will amply fulfill my needs for the competition, I feel that it is because of luck, and not careful choice, that this is so.

First, I consider the procedure for commitment a great inequity. On Wednesday we were told by the clubs that we had to accept any bid by them that night. A commitment on Wednesday, of course, eliminated the possibility of accepting a bid from a club whose smoker was on Thursday. In college I supervised a rush system for a group of clubs; in that system the most important rule prevented clubs from asking for such early commitments. Why not give the first year students a day or two to think about the clubs before accepting a bid? Why not give them the chance to make a rational, or at least semi-rational, decision by let-

(Continued on Page 16)



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

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

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## Warren Decries

(Continued from Page 1)

discuss more controversial issues facing the law.

Apparently, the Chief Justice again found the moment inappropriate for such a talk on the burning questions. But this year, he injected some comments on the practice of advocacy in America today, which might stir some sparks among the legal profession if not the huge public (and electorate) grasping for any new utterance on "law and order," which has become the key issue for many candidates in this election year.

"The substance of the law is the least likely of all the elements to cause difficulty," the Chief Justice contended. "Justice will be universal in this country when the processes as well as the doors of the courthouse are open to everyone."

Addressing himself specifically to the cause of advocacy, Mr. Warren bemoaned a trend he has noticed toward tricks, conceal-



Photo by Michael Lurey

ment, and surprise: "the sparring of the litigants; the tactics employed for delay; the use of the courts as a lever in settlement all demean the adversary process." Too many lawyers, he added, have turned to "victory rather than justice and a fee rather than truth." To battle this tendency, and bridge the gap between philosophy and practice, the Roscoe Pound-American Trial Lawyers Foundation was dedicated, it was noted.

Jacob D. Fuchsberg, president of the foundation, noted the great shortage of trained, competent trial lawyers. Young law

# Tricks, Concealment and Surprise

students are discouraged from entering this phase of legal work, he claimed. Law schools reinforce the shortage by failing to offer courses in trial advocacy. According to Fuchsberg, the system thus aggravates the inequality of justice: the chasm between legal services available to the poor and those who can afford the fees of the specialist. The indigent must settle for the incompetence of the young and the untrained, and all but the wealthy await the services of a lawyer with too heavy a case load. "The Foundation's primary aim will be to overcome the great gap between the high-sounding principles of justice and democracy and the frequent denial of these promises to so many," he declared.

At a luncheon following the cornerstone laying ceremonies, Eugene Rostow, Undersecretary of State for Political Affairs and former dean of Yale Law School, addressed assembled luminaries. A master politician, Mr. Rostow skirted sensitive issues. In referring to law and order, he said that former Governor George Wallace of Alabama and former Governor Orval Faubus of Arkansas had led "a simple insurrection," which was put down by a show of force.

Referring to the nomination of Abe Fortas, Rostow declared, "Others hesitate to defend the Supreme Court against a vehement political attack on the distinguished nominee for Chief Justice, which for many is in fact an attack on the independence and integrity of the Court itself. We who have come together today are men of law. I believe it is our duty to rally once more, as our predecessors have done so many times before us, to defend the Constitution against a clear and present danger."

Now back at Yale as a professor, Rostow maintained that "the office of Chief Justice must be upheld as an independent office, beyond the reach of Congress or the President."

Speaking at length on civil disobedience the Undersecretary said, "Our law does not recognize a right of civil disobedience . . . the governed have a moral duty to obey the

law. . . . Watching the spread of these activities, I sometimes recall Ionesco's play, *Rhinoceros*, and his tragic vision of decent people joining the camp of slaves."

Rostow said he believes that lawful protest through proper channels and activities is acceptable and even essential, but civil disobedience and defiance of the law must be



Photo by Michael Laurey

## Warren with Casner

condemned. As lawyers, "we have special responsibilities as custodians of the law. It is for us to rouse the nation when the constitutional order is under attack," he warned.

Rostow added, in discussing Earl Warren's role in this battle: "The Chief Justice has not evaded his share of responsibility, nor has he sought trivial solutions. Instead, he has calmly applied the law, meeting the test of history head on, and without flinching, confident that his large-minded views would be accepted in the end because they are right."

On this occasion, however, the Chief Justice apparently decided to leave law and order to the candidates.

— R. W. S. Schmidt

The U. S. District Attorney for Los Angeles will interview here October 7. For details see Placement Office.

The District Attorney for the County of Los Angeles will interview October 8. For details contact Placement Office.

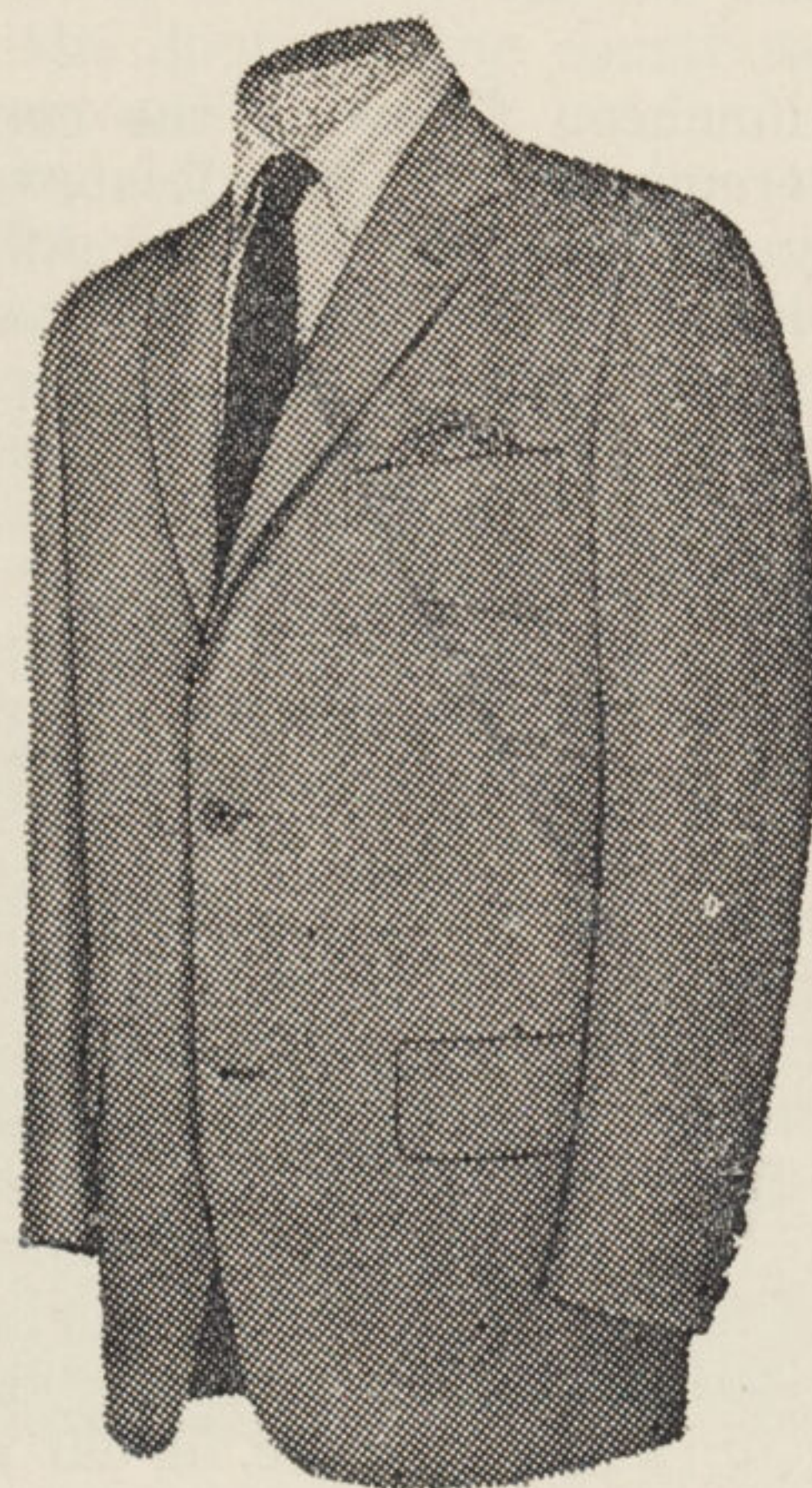


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## Recent Book

# British Cop-Turned-Journalist Seeks Reform

*Law and the Common Man.* By C. H. Rolph. 282 pages including index. Springfield, Ill.: Charles C. Thomas (American Lecture Series), 1968. \$9.75.

By Richard Hoffman

Only recently have American periodicals and newspapers of general circulation begun to include commentary on current developments in the law within their purview, and though the trend is a promising one, our journalists have yet to equal the coolly perceptive and surprisingly sprightly output of the English legal correspondents, such as C. H. Rolph of *The New Statesman* and R. A. Cline of *Spectator*.

Hence it is a special treat to read this collection of Mr. Rolph's articles, written mainly for *The*

*New Statesman* over the past 20 years. His editors have charged him "to report on and try to illuminate" the legal and sociological changes going on in England and America, and this Mr. Rolph has done with solid expertise (he was once a chief inspector of the London city police) and dry wit. His tenure on the police may surprise some readers, for Mr. Rolph almost always appears as an advocate of reform of existing judicial procedure.

He is completely at home in all branches of the law, taking particular delight in the more abstruse cubby-holes still to be found with great frequency in British law. These traps for the unwary counsel and defendant are described with relish, but the humor soon turns to disdain and

finally, petulance, as Mr. Rolph grows impatient with the excessive British tolerance for the antique.

Commenting on the fact that in the obscenity trial of D. H. Lawrence's "Lady Chatterley's Lover" a few years ago, the law provided that the crucial act of publication occurred when, by prearrangement, the publisher handed twelve copies to a police inspector, Mr. Rolph observes:

"This expedient was designed to keep innocent booksellers out of the case; but (we now know) it was not punishable under the new statute unless the inspector was a corruptible one and the book was bad for him. The point was never argued. It wasn't until July 1962 that the Court of Criminal Appeal was obliged to consider it in *Reg. v. Clayton and Halsey*—another prosecution for conspiracy—the policemen in this case having declared under cross-examination that obscenity stirred in them no feelings whatsoever. Then, said the judges, since the police were the only people to whom there had been publication it was no use alleging that there had been any tendency to deprave and corrupt anyone. Their Lordships implied that the police, impervious themselves, were paid to protect the pervious."

Among the other topics discussed in this collection are "Home is the Landlord's Castle," "Letting the Police Come In," "Here Come the Wives," "On Noise," "All Animals are Equal," and a group of pieces on criminology.

Mr. Rolph's recounting of his initial experience as a juror 14 years ago led him to conclude:

"I was once a warm supporter

(Continued on Page 15)

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# Legal Ethics Panel Promises Heated Clash

"Ethics, Fees and Client Management in Criminal Cases" will be the subject of a panel discussion from 9:30 a.m. to 3:30 p.m. Saturday in the Ames Courtroom sponsored by the Student Bar Association.

Featured on the panel are noted defense attorney Percy E. Foreman, of Houston, Tex.; Prof. Monroe H. Freedman, of the National Law Center, George Washington University; Keith Mossman, district attorney

of Benton County, Iowa, and past president of the National District Attorneys Association; and William F. Walsh, defense attorney of Houston, Tex., and past chairman of the American Bar Association's criminal law section.

Jake Diemert, 3L, president of the Student Bar Association, which has arranged the discussion in conjunction with the ABA's criminal law section, can promise a sparkling session for those in attendance Saturday, if only because both Mr. Foreman and Prof. Freedman have been in the thick of the controversy over legal ethics in criminal cases.

Mr. Foreman's defenses in celebrated cases such as the Candy Mossler trial in Florida and Prof. Freedman's articles challenging prevailing arguments on ethical questions indicate a lively session.

Since some of Prof. Freedman's statements on criminal legal ethics have resulted in demands that he be disbarred, the student bar group seems sure of stirring up more controversy with this panel discussion.

Coop

## Book Review. . .

(Continued from Page 13)

of trial by jury, defending it, often, against the attacks of better-informed men. Today I have a still lingering faith in it as a tribunal for simple, disputed cases of larceny and assault, a diminished faith in respect of any case involving figures, sexual morality, or culpable drunkenness, and none at all in respect of any case lasting more than two days."

About the only complaints one can make about *Law and the Common Man* is the probability that its unexciting title, dull cover and moderately high price may limit its sales in this country. For anyone with any interest in the law to miss it would be a pity.

## COOP. . .

(Continued from Page 2)

held in trust by a few individuals. Prof. Casner asserts that the Coop is forced to sell in a manner similar to any big discount house and that the prices must be high enough to finance expansion at places like MIT and the Business School.

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## \$18,000 . . .

Rumors still persist that New York law firms are considering increasing the starting salaries for certain students.

Instead of attempting to squelch these reports which have appeared in Newsweek, the Wall Street Journal and The RECORD, several New York firms have been encouraging students' hopes by statements not designed to stave off rumors.

One interviewer told a student "Even if I knew whether we have decided to go to \$18,000 I would not be at liberty to tell you at this time."

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Michel Simon

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7:50, 9:30

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## Letters to the Editor

(Continued from Page 9)

ting them compare two or more clubs?

Second, and perhaps more important, most first year students went to the smokers with almost no idea of what the purposes of each club were. Since the clubs are supervised by the Board of Student Advisers, why not have the Board compile a list of purposes of each club as stated by the President of each club. This list could be mailed to the first year students with the other materials that the Law School sends in August. At the same time or, if it is impossible, during the first week of classes, why not circulate a schedule of all the smokers so

that first year students do not have to depend on easily missed notices to get information about meetings?

Several second and third year students have suggested that the differences between most clubs are so small and the smokers are so unimportant that such changes really aren't necessary. If that is the case, then why have smokers at all? Wouldn't assignment by lot be simpler and more efficient?

I hope that these or other changes can be instituted by next September so that the students in the class of 1972 do not have to be annoyed by the same absurdities of the system.

Allan R. Abravanel, 1L

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