

HLS Southerners Plan Return for Jobs



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By Michael Hampden

Harvard is considered, and considers itself, a "national law school." In the sense that it equips a student to practice in any state this is unquestionably true.

It is also true in the sense that most of the small minority of students from southern states are in fact preparing to practise in the South, it was recently learned in an informal RECORD poll.

Of nearly 1500 students in the Law School, fewer than 100 are from the South. Texans number about 30.

Among the first and second-year students interviewed, about half expressed no preference.
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Berman Urges More Soviet Ties

By Donald W. Kramer

Professor Harold J. Berman urged increased efforts to lay a foundation for enduring peaceful relations with the Soviet Union in a statement before a House Foreign Affairs Subcommittee in Washington last week.

Implicitly rejecting the argument that the cold war cannot be ended in our time, he said the United States should expand its economic and cultural contacts in an effort to aid the forces within the Soviet Union seeking to liberalize Soviet domestic policies. He also urged a change in approach to the "ideological struggle" with the Communists.

"If we give up hope of a gradual transformation of Communism from within, we are led to take steps that make such a transformation more difficult," he said. "Similarly if we insist that because of Soviet intentions a lasting peace is impossible, we help to confirm those intentions and to make peace impossible."

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Prof. Harold J. Berman

WALLACE TRIAL PUT OFF

More legal maneuvering has caused another postponement of Fred L. Wallace's Virginia felony trial, which was scheduled to begin yesterday.

Wallace petitioned the Federal District Court in Richmond last Friday for a removal of his case from the state courts because, as a Negro, he said, he could not get a fair trial in Prince Edward County.

The next expected move is a petition by the state prosecutor to have the trial remanded to the state courts.

Williston Comp Starts

Registration for the qualifying rounds of the Williston Competition began yesterday in the office of the Board of Student Advisors. There are over 400 members of the second-year class eligible to participate. Members of the Law Review, Board of Student Advisors, and those participating in the Ames quarterfinals are the only ones excluded from competing for the \$500 in prizes. Registration will remain open until February 14.

Students can register either as complete
(Continued on page 11)

The Price of Physical Fitness

The Law School's function is to train legal minds rather than athletes. But the current popular outcry concerning the general unfitness of American youth would seem to underline the Law School's responsibility to encourage students to develop habits conducive to physical fitness.

The Law School has not shut its eyes to this responsibility: it has underwritten the entire cost of the intramural basketball league program. (See opposite page.) However, the School has limited its attention to team activities and has allowed those participating in unorganized athletic activity to fend for themselves. The Administration has rejected further intrusion into the area of cost underwriting primarily for two policy reasons: (1) reluctance to add "extras" to tuition cost and (2) a desire to avoid interference with individual rights. Neither of these considerations would seem to establish an irrebutable presumption in favor of the Law School's present laissez-faire policy.

Categorization of the cost of gym use as an "extra" distorts the usual sense of the word "extra," connoting an element of non-essentiality. Exercise should not be an expensive luxury but an every-day feature of Law School life. The rights of those who do not wish to use the gym facilities are important, but not so important, we think, as to stand in the way of the general good, particularly if substantial savings to the individual user can be made by spreading the cost of gym use through the student body.

The fact that the Law School owns none of the facilities used by its students admittedly complicates the problem and its solution. Fear of overutilization of near-by Hemenway gym may make University athletic officials hesitant to allow the Law School to pay the bills. If no accommodation can be reached, the Law School should consider including the construction of gym facilities within its list of long-range development priorities. This, indeed, may be the final answer, to the problem of underutilized muscle.

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TONGUE 'N CHEEK

By Fenno

Visiting Professor Merlyn entered the room wrapped in various sections of the Uniform Commercial Code with a bezar stone hanging from his neck.

"This seminar is called *The Once and Future Lawyer*," he said, sprinkling peppercorns on the table.

"As you may know I find the case method outmoded, the Socratic method distracting and assigned seats very confining. You can't learn everything from treatises, not even from the ones I've written. To understand the law, you must be the law. In brief, you must be abstracted," he said casting a spell in my direction.

The next thing I knew I was a tort going about the countryside—looking for feasons. I frightened pregnant women and I campaigned for many a proximate cause. It was a battering experience.

The next week as a contract my assignment was to be set off in the business world. I was accepted everywhere, many people showing a great deal of consideration on my account, despite the fact that I kept tripping over a barren cow.

Subsequently I became a non-assuming grantee, standing shyly under a mortgage with a guilty mind, an empty head and an egg-shell skull.

I spent one harrowing week as a contingent remainder subject to a cut-off. And despite all my pleadings I was turned into a Federal Rule of Civil Procedure.

I was sent to Camelot for my last class hour and I returned having successfully pierced the corporate Grail.

My brain was taxed when June came. At Prof. Merlyn's exam there was a huge Harkness biscuit with a sabre stuck in it in the middle of the floor. But, no matter how I tried I couldn't pull the sword from the scone. I thought I was sure to fail the course but there were compensating factors—for a simple fee Prof. Merlyn would let anything pass.

HARVARD LAW RECORD

Law School to Bear Basketball Costs

The Law School administration has agreed to underwrite the entire cost of the intramural basketball league program. The action was taken following confusion arising from a sentence in the last RECORD of the fall semester, which said that players would not be charged for use of the gym.

This confusion resulted from a misunderstanding by Jay Baraff 2L, chairman of the league, of the charge of \$17 per hour paid by the Law School for the use of the Gym. The \$17 fee was to compensate the athletic department for keeping the facilities open extra hours and not a payment of the individual admittance fees.

Some team members who were not among the starting fives refused to pay the 75¢ participation charge for only a few minutes of play. After Baraff appealed to the administration, the Law School agreed to absorb the difference and to pay an additional \$3 per hour, the estimated loss by the athletic department of individual fees.

Unlike the Business School the Law School

makes no provision in its budget for the cost of ordinary use of athletic facilities. Students who wish to use the Harvard gymnasiums must pay \$20 a semester plus \$4 for a locker, or 75¢ for each use. The Business School pays the University \$12 per student for the use of these facilities.

HLS Alumni Association Growing

Membership in the Law School Alumni Association is expected to reach 11,000 this year if the present trend continues, Assistant Dean William L. Bruce told the RECORD recently. The most current figure available shows 9,846 members.

If the expectation is fulfilled, it will be the third consecutive year in which membership has been 11,000 or over. "This is a very high percentage of alumni participation," Dean Bruce said. A membership total of 11,000 plus means better than 60% participation on the part of 16,817 living degree holding alumni of the school.

The total this year is not expected to equal the peak of 11,748 attained last year, since that number included a few who would not ordinarily be members but joined in order to receive the Quinquennial catalogue issued last year. But Dean Bruce said that judging from past experience, any drop will not be significant.

Spring Reunions Planned

The Class of 1934 will kick off the 1964 spring reunion schedule on the weekend of May 1-2.

Other May reunions are the 25th of the Class of '39 on May 8-9, the 45th of the Class of '18-'19 on May 15-16, and the 5th of the Class of '59 on May 22-23.

June's reunion, the 50th for the Class of '14, will take place on June 9-10. Chairman for this event is Mr. Reginald H. Smith of Boston.

Other chairmen are: Mr. William J. Speers of Boston ('39); Mr. Richard B. Johnson of Boston ('39); and Mr. James A. Fowler of New York ('18-'19).

Beware, Oh Automobiles, Of Heavy Falling Objects

Parking can be dangerous!

Registrar Margaret Quinn told the RECORD late last week to warn all law school employees not to park near Hastings Hall. She did recently with what she considered disastrous consequences.

Something or someone dropped or fell from the roof or fire escape of the building and crashed in the top of her auto, to the tune, she estimates, of \$55.

And, she concluded, her mechanic assured her the damage was not the result of tumbling snow.

Accountants to Lunch Today

The Student Accounting Society will hold a luncheon meeting today, at 1 p.m. in the Guest Dining Room, Harkness Commons. Future meetings are planned for February 20 and March 5. Elections will follow the February 20 meeting.

Berman Testifies

(Continued from page 1)

Prof. Berman was on a panel discussing human rights before the House Subcommittee on Europe.

Prof. Berman, who spent nearly a year in Russia in 1961-62, laid the basis for his argument by citing the "enormous difference between the Russia of eleven years ago and the Russia of today." He said there had been "very great strides forward in the past ten years" in personal rights, including freedom of speech, freedom of worship, the right not to be arbitrarily arrested, the right of a fair trial in court, as well as rights associated with equality of women, racial equality, and social security.

He said this liberalization has not been an unbroken movement forward, and he emphasized that the possibility of a return to Stalinism will continue to exist.

But he said the United States should respond to the situation by doing everything possible to help establish conditions in which Soviet legality, and protection of personal rights, will be strengthened.

He said that by doing what we can to reduce international tensions we help foster stable relations with the Soviet Union and give personal rights and freedoms a better chance for survival. By establishing extensive economic and cultural relations, he said, we help strengthen the hand of those who seek to consolidate the gains in personal rights in the Soviet Union.

Professor Berman told the RECORD this week that he believes the time is riper now than for many years for a full appreciation of the implications of the changes since Stalin's death.

Prof. Berman also told the Committee that the chances for establishing any enduring structure for peaceful relations are "substantially reduced by the ideological warfare which has been carried on by both sides, each being determined to persuade mankind that its social order is based on freedom and justice, whereas the other's is based on slavery and persecution."

He said our propaganda campaign suffers

from three basic vices. The first, he said, was self-righteousness.

The second is that "we speak of freedom as an absolute, as though it were possible for men to be entirely free at all times and in all places." "Freedom," he said, "is not a thing, to be possessed, but an objective, to be striven for, and all we ask of any society is that it offer the maximum opportunity to increased freedom, consistent with the requirements of order."

"If one country is moving away from freedom and another is moving toward it, the fact that the first country has 'more' freedom than the second is not very appealing."

He noted that our image of freedom had been tarnished by evidence of serious racial discrimination in recent years. "If the best answer we can give to our critics on this score," he said, "is that we are doing all we can to move toward freedom, then we must judge the Soviets by the same standard; we must not ask how much freedom they have, but how much progress they are making toward freedom. We must not try to measure our world against theirs and call ours free and theirs slave; any comparison must be in terms of the rate of moral growth."

Prof. Berman said the third vice of our ideological struggle is that "any set of beliefs presented as an ideology is by that very token suspect."

"When we speak of the victims of Communist oppression, how much do we care about helping those victims?" he asked. "Would we be willing to help create conditions under which Communism would become less oppressive? It is not easy to answer these questions when we are engaged in 'ideological warfare.'"

He said we should manifest our concern with this oppression by statements and measures designed to help the victims and not in mere blanket attacks on the Soviet system.

He said we should not engage in the "ideological struggle" on the basis that there is an absolute barrier between the Soviet outlook and our own, despite the fact that they insist there is. We should instead offer peaceful competition in moral growth—peaceful competition in progress toward freedom and justice—to be measured in dynamic terms."

Austin Hall Faces An Overhaul

By Stewart D. Davis

Lovingly referring to Austin Hall as a "fine building", Vice-Dean Louis A. Toepfer said this week that the structure faces a thorough internal overhaul this summer.

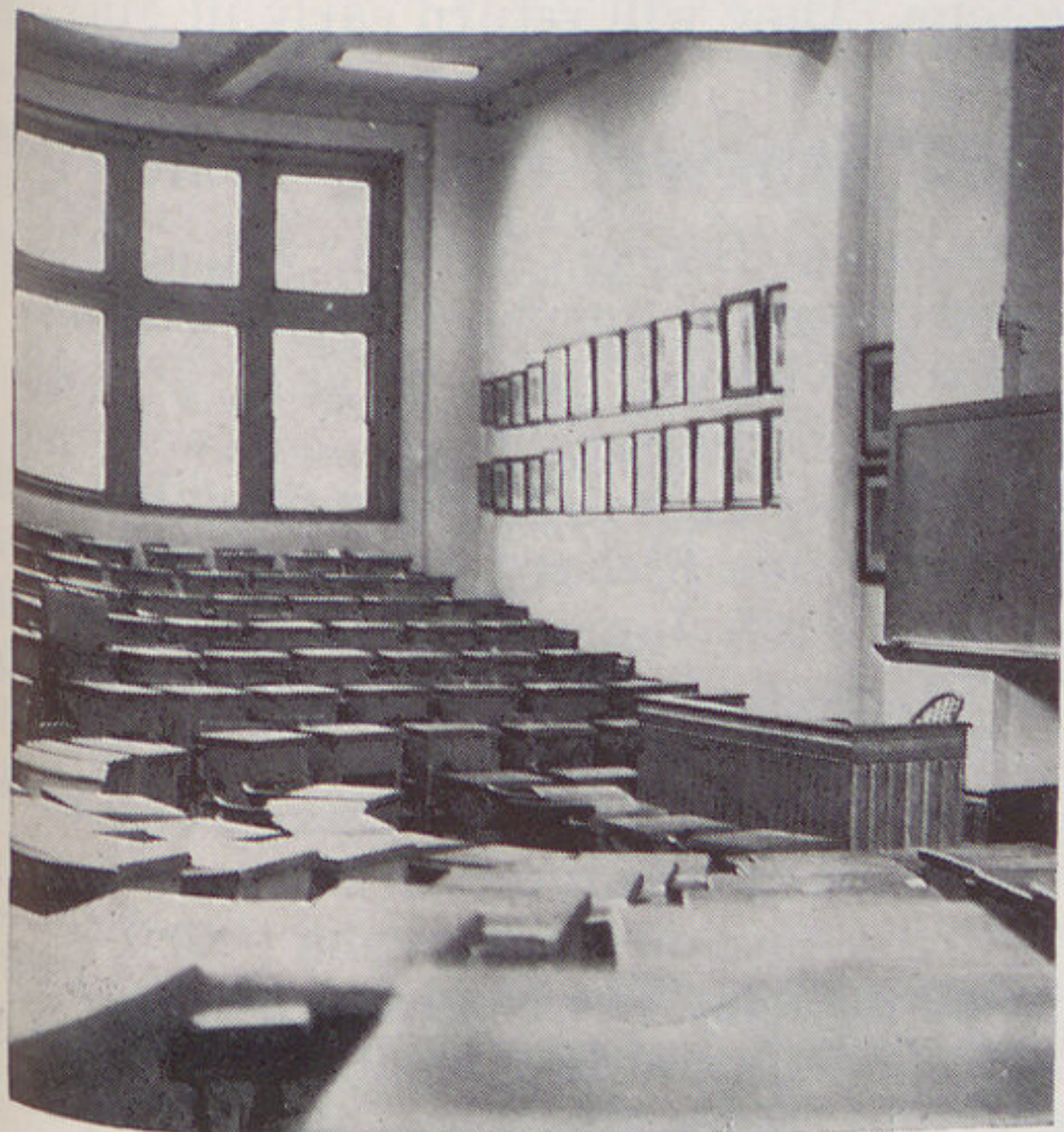
He emphasized that the planning is in its early stages, which includes consultation with architects and contractors. "We are staggered a little by what might be the cost," Toepfer admitted. "We may have to take it in bites."

Slated to go in the freshening process are the seating layout and old furniture in the Austin end rooms. The School's tentative plan has each of these rooms holding 175 seats in a quarter circle facing the professor's desk which will be in one of the room's front corners.

Modern ventilating equipment may be installed in the three Austin classrooms. In Austin North, which is to stay essentially the way it now is, there is planned a change in furniture, and a bringing forward of the front wall for ventilating purposes.

The area in the Austin corridor which is now occupied by a large table may become a rather plush study nook. The section would be partially closed off, a rug placed on the floor, and chairs and lights added.

To make the corridor itself more handsome



Austin North: Refurnishing Planned



Austin Corridor: Study Nook Considered

new lighting and a new floor are planned, as well as better bulletin boards.

Other planned internal improvements include a bettering of the Ames courtroom aesthetics.

Some minor changes are contemplated for the Board of Student Advisor's offices, including the changing of some walls and doors and some work on the floors.

On the exterior, Austin will be beautified by the use of a wet-wash blasting machine which will clean up the structure's white and red stonework.

Dean Toepfer stressed that nothing concrete has yet been decided but that there is "a tentative decision to do something." In his opinion a great deal of work, costing as much as \$250,000, could be done. But he added, "It is clear that we won't be able to spend that much as the funds are simply not presently available for a project of that size."

In short, something must be done and something will be done, but the administration is at the stage of considering which refurbishing is most needed and whether to do the whole building over on a limited budget or whether to do it over on a more grand scale but "bite by bite."

The architects working closely with the administration in planning the overhaul are

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Austin Hall

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from the old Boston firm of Shepley, Bulfinch, Richardson & Abbott. It was the famous Henry Hobson Richardson, whose name the firm still bears, who designed the building in 1883.

Dean Toepfer stated that the building is "well worth preservation". As an example of the time and thought that went into Austin, he cited the pillars in front of the building, on which are carved faces bearing many different expressions.

But Austin is much more to the Law School than a fine example of Richardson Romanesque. At one time Austin was the Harvard Law School.

In 1882 the school was in a precarious financial position, partly as a result of Dean Langdell's high standards which kept many prospective lawyers from entering Harvard. Moreover, the law school's building, Dane Hall, was unbearably overcrowded.

Into this troubled situation stepped a Boston merchant, Edward Austin, who offered \$100,000 to construct a building as a memorial to his brother Samuel. He raised his gift to \$135,000 when Richardson's plan to the contractors appeared to demand that sum, but the final cost of the building was appreciably higher than that.

Austin was to house the law school "for all time," and in fact it did provide well enough in 1883 for the faculty and the school's 400 students and 40,000 volumes. At that time the BSA offices were occupied by faculty and were library stacks, the present seminar rooms were stacks, and the present Ames courtroom was the library reading room.

A rapidly expanding student body and library brought about another crying need for more space at the turn of the century

and, after a plan for a stack and professors' offices tacked onto the north end of Austin was abandoned in '02 because of the increasing cost of building, Langdell Hall was begun in '05.

Austin continued to house a reading room until 1952-53. At that time the library was consolidated in Langdell and the courtroom, which had been in the Langdell west wing where the Pound Room and library office now are, was shifted, chairs, bench and all, to what is now the Ames courtroom.

Thus Austin Hall which now appears as an outmoded adjunct to its large northern neighbor was the dominant law school building until Langdell's north and west wings were added in 1928-29. Now it is again to rival Langdell in looks and functionality.

Leach to Lecture Down Under

Prof. W. Barton Leach will leave on a sabatical tour of Australia and New Zealand this month to deliver a series of lectures at law schools in those countries.

Prof. Leach will speak on the Rule Against Perpetuities at the University of Auckland, and the University of Christ Church, both in New Zealand, and at the University of Melbourne and the National University at Canberra in Australia.

Prof. Leach was married on January 3 to Mrs. Blanche Cameron Bartlett at a family only ceremony in the First Parish in Weston. Mrs. Leach will accompany her husband on the tour. They will return early in May.

Urban Renewal Forum Tomorrow

The Law School Forum will start its Spring program tomorrow with a panel discussion on Urban Renewal at 8:30 p. m. in Rindge Tech auditorium.

The panel of guest speakers will feature the Honorable Richard Daley, the Mayor of Chicago, Prof. James Q. Wilson of Harvard and Director of the Joint Center of Urban Studies of M. I. T. and Harvard, and Mr. Edward J. Logue, the Director of the Boston Redevelopment Authority.

Other topics on the drawing board for the Spring include "The Negro in Higher Education," "The Social Responsibility of the Lawyer," and "Excessive Publicity and Criminal Justice."

Books on China Displayed

The Harvard Law School Library is featuring an exhibit of Harvard University Press Books on China through March 6.

King Agrees Demonstrations Repressed

Albany, Ga., attorney C. B. King last week supported allegations by Elizabeth Holtzman, 2L, that civil rights demonstrations in Albany have been "ruthlessly repressed."

In a memorandum submitted to the RECORD, Mr. King, the Negro lawyer for whom Miss Holtzman worked last summer, gave a point by point rebuttal of the findings of an investigation instituted by the Harvard Law School Association of Georgia. The Association criticized the RECORD's publication of Miss Holtzman's allegations in October and presented findings which refuted her substantive charges. (See RECORD, January 30)

Upon receipt of the Association resolution, the RECORD asked the New York office of the National Association for the Advancement of Colored People if it had information to offer on the controversy. The request was forwarded to Mr. King, who submitted the material below and several copies of sworn affidavits on the general subject of police activity and the conditions of southern jails.

Below in italics is the substance of the finding of the Association in response to the charge by Miss Holtzman. Excerpts from Mr. King's responses follow. (For the complete text of the alumni resolution, see last week's RECORD.)

1. *To the charge that Chief Pritchett has himself beaten demonstrators and dragged girls by the hair, Chief Pritchett denied having physically contacted any demonstrator or having seen or having reported to him any beating or dragging of any demonstrators.*

Joanne Christian, a rather bright-minded youngster of 15, has sworn by affidavit that Pritchett did, in fact, grab her by her hair and drag her from the office of the desk sergeant through two swinging doors to the area in which the jail cells are located at City Hall. There are innumerable reported instances of police abuses . . . some of which I have personally addressed to the Chief of Police regarding officers of his command.

2. *To the charge that demonstrations have been ruthlessly repressed, Chief Pritchett denied it and said all demonstrators have been dealt with in a manner consistent with good police practice and as ordinary law violators.*

In my view, the demonstrations have been ruthlessly repressed. To my mind, ruthless, in this context, is analogous to arbitrary denials of constitutionally permissible conduct by the Chief to demonstrators in this community. Pritchett has, on multiple occasions, indicated to me personally that his responsibility is

that of keeping peace in the community. However, it appears that [neither] Pritchett nor America has any concern at all for what this has meant in terms of sacrifices of constitutional guarantees to a segment of the citizenry of this community. For example, the Chief has indicated not only to me off the record but in open court, that a "parade" is anything he says it is. I think another example of the arbitrariness of this law enforcement officer is depicted in the following conduct: Whenever pickets have been present in the downtown area, the subject matter of their picketing being protest against racial segregation and racial discrimination, hiring policies in the use of facilities or accommodations in the various stores who invite patronage, he has immediately arrested them and charged them with disorderly conduct. However, more recently we have refinements of this tactic: Young people who have persisted in picketing, notwithstanding that it is on a sporadic basis, were on one occasion arrested and kept in confinement without making any charges until such time as the business hours of the downtown stores were over, then they were released without charge. This, in my view, does tremendous violence to constitutional guarantees . . . on the part of a law enforce-

ment officer who has unwittingly been the recipient of accolades which have been most undeserving.

Further, I think some indication . . . of the administration of justice in this Community by example, may be shown in the following occurrence: Approximately a year and a half or two years ago, I was representing Charles Sherrod and Charles Jones of the Student Non-Violent Coordinating Committee, who had, subsequent to the ICC ruling with reference to non-discrimination in interstate commerce facilities, sought to be served in the local Trailways bus station cafeteria. While they were there seated awaiting service, the Assistant Chief of Police of the City, along with the manager of the facility, sought to require them to leave; they refused to leave, and were subsequently arrested and charged with loitering. The ordinance, under which they were charged, says essentially that when one is found upon the city streets idling, loafing or loitering, he will be found guilty of violating the ordinance of the city of Albany. The case came to trial, the case was called and the City Attorney requested that he be permitted to approach the bench. The Chief of Police, Laurie Pritchett, the manager of the cafeteria (sic) facility, and I approached the bench as well, on which was seated Judge A. N. Durden. It appears that through inadvertence, the white triumvirate then standing before the bench, ignored my presence or failed to become aware of my presence, and the City Attorney, Grady Rawls, indicated to the court that, in his view, in light of the facts, this case would not stand up but hastened to add that we got to charge them "niggers" with something and in which there was concurrence by Chief Pritchett. I inquired of the court, in open court, as to whether I was to understand that it would countenance the conversation that I had

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Zeckendorf Tells of Real Estate Schemes

Mr. William Zeckendorf, a man who has been called "the greatest genius in real estate today" gave a brief 'do-it-yourself' lecture last Friday under the sponsorship of the Bull and Bear Club and the Real Estate Club of the Harvard Business School.

Mr. Zeckendorf is most well-known as the man who put together the properties on which the United Nations was built. He is also credited with having an important part, through his development schemes, in persuading the large financial concerns to remain in downtown Manhattan around Wall Street.

Speaking to a large and attentive audience in the auditorium of the Business School library, he discussed real estate development and its opportunities.

"Real estate development," he said, "is a very intriguing field and a great challenge to the imagination. Land derives its value from the use to which it is put, and different uses of the same land gives it different values."

"The real estate developer is essentially a man who has the judgment and imagination to see that a certain piece of property can be adapted to a use radically different from the one it now has, and that the land will undergo a great increment in value when put to that new use."

He gave his audience an example from his own experience. His organization, in 1946, purchased land on the East Side of Manhattan which was then being used for slaughterhouses. The land was bought for \$17 per sq. ft., a price many other people thought exorbitant since the surrounding land was valued at \$2 per sq. ft. After complete demolition, new office buildings were constructed there and the land sold for \$150 per sq. ft. "The sole reason for such an increase in value was the new use the developer found for the land," he said.

The goal of the developer, he said, is to find a piece of land capable of a much more valuable use. The best example of that is found in the urbanization of land: for instance, farm land bought by the acre, partitioned and developed into house lots for a new urban community, may then be sold by the square foot. It has been common, he said, for land bought at 10 cents an acre and converted in

this manner to sell for 50 cents a square foot. To show the kind of prices which can be realized on land, he told of a piece of property on Wall Street which his organization had handled. The sale price of the land after development was the equivalent of 400 million dollars an acre, which he believed to be the highest price for which any land had ever been sold.

In concluding, Mr. Zeckendorf took note of the recent boom in urban renewal projects. He said that although he agreed with the goals of these programs, he believed that they would achieve much more if they were run by private developers subject to minimal government controls. The present system he considered too inflexible because of the complex government specifications involved. "The detailed bureaucratic designs which are imposed on renewal projects will never equal the ingenuity of the private developer," he said.

3 Teaching Fellows Needed

After meeting with each first year student for a discussion — hopefully a dialogue — on the practice exam, the Law school's six Teaching Fellows will wrap up the 15th year of the Group Work program.

Three of this year's Fellows, Lawrence Lee, David Robinson, and George Schatzki, are candidates for the LL.M. degree and will return as Fellows next year. Messrs. Robert Berry, Leon Letwin, and Richard Seeburger, will depart at the end of the academic year. The search for three new men is under way, according to Prof. Livingston Hall, director of the program.

Teaching Fellows are recent law school graduates interested in teaching law, who feel that experience and additional study will help them secure positions on law faculties.

In the fall a Fellow conducts five groups each week, audits and occasionally teaches first year classes, prepares the Model Trial and Appeal, and writes and grades the practice exam. If he remains in residence after February, he may assist in the trial practice course or the experimental legal writing project, do research for a professor, or do work toward the LL.M. degree.

Criminal Law Gains Respectability

By Robert A. Grayson

In five and a half years as an educator, Colin Howard has taught equity, trusts, succession on death and probate, elements of law, administrative law, jurisprudence, and legal history. But his real interest is in criminal law. "I am unhappy being pinned down to a couple of fields," he said. "However, I have never heard a lawyer say of criminal law 'that is a field in which I am not interested'."

He readily admits that the practice of criminal law has been "a minority preference" in many countries of the world. "The real reason for the inability of criminal law to draw enough talented and dedicated lawyers has been the intellectual neglect of criminal law as a branch of study," he said this week. "Law students find it hard to swallow propositions repulsive to their logic, and criminal law is filled with many of these propositions."

But the situation has changed in the United States, he suggested, with the adoption of the Model Penal Code. He agreed that the Code has "restored intellectual respectability to the substantive criminal law."

Mr. Howard, who taught criminal law last year at the University of Adelaide in Australia, where he is Senior Lecturer in Law, is at Harvard as Ezra Ripley Thayer Teaching Fellow this year, teaching a first year course in criminal law and a seminar in the Code.

Born in 1928 in Southampton, England, Mr. Howard received his LL.B from London University in 1955 and the LL.M in 1956. He received a Ph.D. from Adelaide in 1963. In 1958 he became Lecturer in Law at the University of Queensland, remaining there until 1960 when he accepted his present position at Adelaide.

Mr. Howard was admitted as a solicitor of the Supreme Court in England in 1958 and practiced for a short time as Assistant Solicitor before teaching in Australia. He was admitted as a barrister and solicitor of the Supreme Court of South Australia in 1961. He serves as member and secretary of the Committee on Postgraduate Legal Education, which was set up by the Law Faculty at Adelaide and the South Australian Law So-



Prof. Colin Howard

ciety to conduct the specialist postgraduate lecture courses in law.

Mr. Howard is now working on a text on criminal law. Since there is no basic text on criminal law of Australia, he expects this work to become the basic reference work both to students and the profession. Another book, *Strict Responsibility*, was published in November, 1963. Also released in 1963 was a collection of essays, *Studies in Criminal Law*, co-authored with Norval Morris. Five of the seven essays are based on innovations in criminal law in Australian courts.

There is no basic difference in substantive criminal law in Australia and the United States, Mr. Howard observed, but there are differences in procedure and constitutional issues. "Problems which are new in other countries are generally not new in the United States. This is because there are more courts and more problems raised. But the best solution to any problem here is often lost because of sheer multiplicity of choice."

Although it is not the custom for all law professors in Australia to wear beards, Mr. Howard says he finds it advantageous. "I first grew it when on a fruit-picking expedition seven or eight years ago, and when I came home my wife liked it, so I kept it." Its main advantage is identification, he confessed, for if people don't remember his name, they do remember "the man with the beard."

Go South, Young Men

(Continued from page 1)

ence between the North and South as a permanent home. Yet nearly without exception, the southern seniors plan to return to the South.

Almost all of the seniors and graduate students whose plans are settled are going either back to their home cities, or to Atlanta, Ga. Atlanta, the poll disclosed, is regarded by many as something of a Mecca for southern lawyers. The reasons were often repeated: "fast expanding;" "racially progressive;" "financial center of the South;" "unsurpassed residential community."

For the most part the third-year students who have jobs in southern cities will be doing corporate, tax and business work. Although a significant number expressed interest in criminal and civil rights cases, none said they would seek them, particularly in the first few years of practice. The feeling that effective work in the civil rights area can only be done by one who has first established a legal reputation in the community was often voiced. One senior from the Deep South said he would consider civil rights work "if there were any hope of doing any good. It takes a lot of guts and idealism to go back and work without a chance of success."

A higher, but not a high fraction of first- and second-year students showed interest in civil rights work, but only one expected to devote his professional career to it.

A high percentage of southern law students here attended colleges in the South. The most frequent reasons for coming to Harvard were, "considered it to be one of the best," "reputation, prestige," and "wanted a national law school." A few said they were interested in studying in the North "to gain a different perspective."

William R. D'Armond, 3L, is from Baton Rouge, Louisiana. He is considering either Baton Rouge or Houston, Texas, but leans toward the latter. D'Armond explained that since the civil law is still practiced in Louisiana, few who intend to practice there go out of the state for their legal training. He said that those who do normally must spend six months or a year after graduation preparing for the Louisiana Bar Exam.

Texans were asked what the pervasive at-

titude is toward Harvard in their home communities. Although it is "respected among the educated" and the object of "cautious admiration" by most, local pride runs high, and there is some resentment of Harvard lawyers. One student reported being asked, "Isn't the University of Texas good enough for you?" Another reported that his father refused to support him if he came here.

The students from Texas most frequently said they planned to settle in Houston. The reasons given were great potential growth and economic opportunity in Houston, comfortable living, good weather, and the "need for qualified lawyers with an attitude of leadership." One Texan said of his state "I like the people — they're easier to know than in the East."

New York and Washington are the cities most favored by the minority of Southerners (including Texans) who do not want to go home. Some, apparently trying to have the best of both worlds, would like to find work in a city such as Richmond, which one senior described as "not quite in the South, but at the southernmost tip of Megalopolis."

Although many of the students interviewed reported they had applied to other law schools in the North and West, including Yale, Columbia, Stanford, University of Pennsylvania, Northwestern and Cornell, comparatively few applied to Southern schools. When they did, Duke and the University of Virginia were most often named.

Two or three distinct trends were apparent from the results of the RECORD's poll. As a rule people from small southern towns are not planning to return home; some quite emphatically. They will go to the larger, more progressive cities in their state: Atlanta, Richmond, Charlotte, Tampa, Chattanooga, Houston. Those who are going home will join the family business or firm.

Southern students arrive with a high incidence of gypsy in their souls, but with absence, they grow fonder of the life they left. They become less interested in crusading. It cannot be inferred that these tendencies are regional. As one law graduate student commented, "After all, most of us do not discover until we get here that doing what our lawyer-friends back home do is terribly interesting and rewarding work."

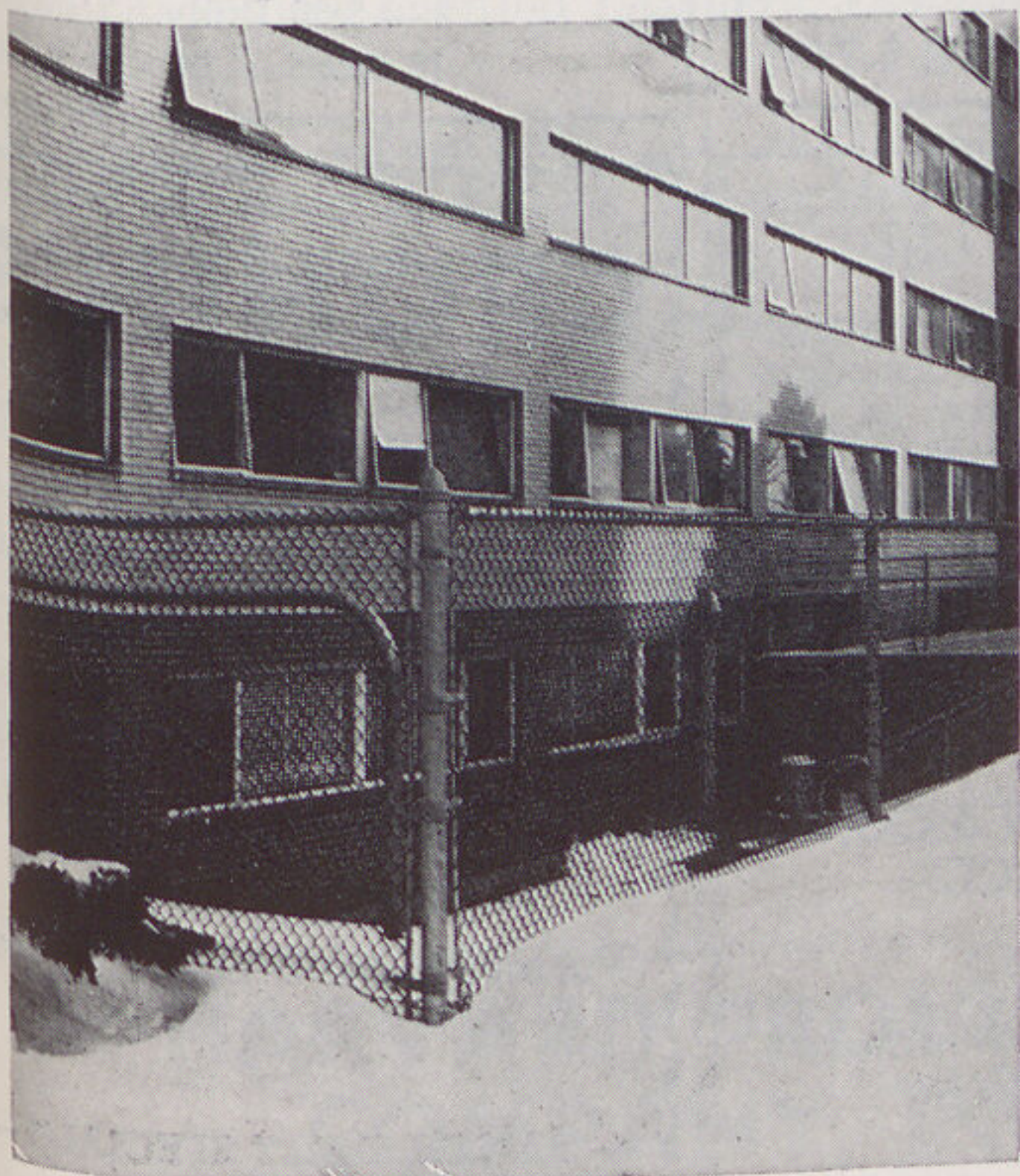
Copyright Prize Awarded

David H. Fishman, '63, has won the First Prize of \$250 in the 1962 Nathan Burkan Memorial Competition, which is conducted at the Law School under the supervision of Dean Erwin N. Griswold. His prize-winning paper was entitled "The Configuration of the Goods-Statutory Protection of Ornamental Designs."

The Competition is sponsored annually by the American Society of Composers, Authors and Publishers to stimulate interest in the field of copyright law. First and second prizes of \$250 and \$100 are offered in each of the leading law schools.

A panel of distinguished judges then considers all the prize-winning papers which are received from participating law schools and selects the outstanding essays for National Awards of \$1000, \$500, and \$250.

Do Fence Me In



Keeping the natives out is still quite a problem even in this modern age. In past history the stockade fence was the standard means of exclusion. However, to protect the Law School faculty couple who live in the basement of Story Hall from the depredations of marauding Cantabridgians, the Administration has decided that a steel mesh fence is the answer. It agrees better with its glass, brick and concrete surroundings — just an added touch of warmth.

Williston

(Continued from page 1)

four-man teams, partial teams, or individuals. Those who do not submit full teams will be assigned others to work with in the drafting problems. Participants have their choice of both jurisdiction and subject matter. Most problems are in the corporate law areas, but there are also zoning, trusts, and tax cases.

These problems are presented in the form of a memo from a senior partner in a law firm to an associate. The associate must select the course of action to be recommended to the client and draft the appropriate documents.

The research aspects of the cases are not as onerous as those in Ames, for the two-week time limit requires most of the time to be devoted to the drafting aspects. Errol L. Stone, 3L, director of the qualifying rounds for the Board, emphasized that a significant part of the average lawyer's work is drafting, and little training is given in law school to drafting problems.

Semi-finals are held in the first semester of the third year and finals the second semester. There are three teams in the finals to be held February 17 to March 3. The first team consists of Joseph M. Manko, Richard B. Klein, and Steven J. Schwartz; the second Charles R. Foltz, Arlene R. Lezberg, Jack I. Samet, and John W. Walbrow; and the third Gerald D. Miller, Spencer Neth, Bruce D. Shoulson, and Stuart A. Smith.

First prize will be \$250, second prize \$150, and the remaining team will receive \$100. The winners' names are also engraved on the large bronze plaque in the reading room of the library.

Practicing attorneys from the jurisdiction in which the case takes place serve as judges for all rounds of the competition.

Stassen Here on Monday

Harold E. Stassen, perennial Republican presidential hopeful, will arrive at Harvard on Monday to kick off his fourth assault on the GOP summit. Stassen is scheduled to speak to the Law and Graduate Republican Club in the Harkness Meeting Room at 1:30 p. m. Former Governor of Minnesota, he has since run unsuccessfully for several posts.

Bottle Battle Rests on Burden of Proof

The first steps toward final dissipation were taken by Dormitory Council members at the close of their meeting last Monday night.

Goldwaterites Set Their Sights

The organizational meeting of the Goldwater-for-President group at Harvard will be held on February 12 at 8 p.m. in the Wheeler Room of Holmes Hall. All members of the University community are invited.

A private liquor auction was held to rid the Council of the cumbersome bottled remnants of their October cocktail party.

Never has any item of Council business been concluded so efficiently or so fast. With due attention to the proprieties of organization, the decision was made to deal with the problem one bottle at a time.

Despite the fact that numerous contradictory motions were often

made simultaneously, no time was lost in taking recounts of the vote. Once the proof had been announced and the contents held up to admiring view, there was little equivocation.

Earlier in the meeting, as if in prior apology for what was to follow, the Council approved a motion 20-2 in favor of donating \$100 to the Annual Law School Charity Drive.

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The 3Ls: Lawyers, Lunatics, and Lovers



Dorm Council Pres. Jack I. Samet, Rubinstein, and Knopp

The Law School Variety Show to be presented March 21, in Sanders Theatre, will be a musical review entitled *Lawyers, Lunatics, and Lovers*.

William S. Rubinstein, 2L, said "After considering several scripts we decided that music and lyrics submitted by Peter F. Knopp, 3L, would provide quality entertainment."

Richard Sharfman, 2L, said that "The words and music are a musical milieu of the law school scene. Knopp has written a sketch for the faculty, but we are not yet certain whether it can be casted as written."

Knopp himself said optimistically, "This show could be my swan song to Mistress Law

and an overture to Broadway and subsequent fame and fortune."

"The law school professors have proven that the law can provide for some very entertaining routines and it is only fitting that they be entertained in return," he added.

Rubinstein said, "the decision to present a review of professional calibre has created enormous problems in terms of staging and casting. If there is a girl in Cambridge with Liz Taylor's looks and Florence Henderson's voice, I wish she would give me her phone number."

Rock 'n' Roll Cotillion Slated

In lieu of a mid-term break the Dormitory Council has announced plans for a frantic evening of rock'n'roll at "The Law School Cotillion" to be held at the Hotel Continental from 8:30-12:30 Friday, February 28.

Fred R. Profeta, Jr., Vice-President of the Dormitory Council said that Herbie Lee and the Screamers, a rock and roll band of sterling abilities, will provide the music.

A recent survey in the dorms indicated that there was great interest in a rock and roll dance. Of those who returned their ballots 43% or 147 people said they would definitely come. The Dormitory Council expects a crowd of at least 500.

The admission will be \$2 per couple and tickets can be purchased from dormitory representatives, at Harkness or from the Dormitory Office in Langdell. The admission price at the door will be slightly higher. Drinks may be purchased at the dance.

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C. B. King

(Continued from page 7)

just overheard. It appears, in the frustration of the court and that of the aforementioned triumvirate, feeble inquiries were defensively put forth. "Why are you eavesdropping on our conversation," etc.

3. To the statement that Miss Holtzman worked on cases involving 500 demonstrators and C. B. King has 2000 or 3000 cases on appeal, while more than 2000 cases have been made in Albany, only 15 or 20 have been tried, some of them involving more than one defendant. Only 75 writs of certiorari have been filed.

Miss Holtzman did, in one way or another, assist in the handling of cases involving demonstrations in Albany, Americus and Fitzgerald, exceeding 200 in number, in which I was counsel in court proceedings of various sorts, e.g., juvenile court, Recorder's Court, City Court of Americus, City Court of Albany, Superior Court of Dougherty County, Superior Court of Sumter County.

4. To the accusation that Albany's jail has a reputation as the worst in the South, the facilities are admittedly below what they should be, but city authorities proposed a bond issue for a new jail, which Negroes voted overwhelmingly against.

I am not familiar with the truth of the assertion that the Albany City Jail is the worst in the south. Suffice it to say, the conditions are deplorable in terms of the filth which accumulates as a result of a lack of sanitary means being used. I have personally observed vermin which is easily seen without benefit of microscopic aids; that the jail cells have not, to my knowledge, been painted over the past several years, or the mattresses upon which prisoners must lie cleaned over the past several years.

5. To the charge that white integrationists have been beaten unmercifully by inmates, paid by the police, there have been no reported incidents of beating or mishandling inmates.

I personally interviewed three of the white workers during the summer, they attest that this is true.

6. To the charge that white girls have been forced to strip in front of males, this is untrue and all female prisoners have been searched by matrons.

It is novel, indeed, to be advised that the City of Albany since Pritchett's appointment, has had a police matron. The only female that I have any knowledge of is a full time secretary of the Chief.

7. To the charge that one female was dropped on the sidewalk eight times and a minister was dragged by the genitals, all female demonstrators have been taken to jail by stretchers when they become passive and that under questioning by Chief Pritchett, the minister denied he had been injured or so handled.

(Mr. King submitted a sworn affidavit of one Samuel Benjamin Wells, which states: . . . the detective on my right caught me by the right wrist with his left hand. With his right hand, he grabbed me in my groin. With the first hold he only caught me in my pants. Then he reached down into my groin to get a hold on my genitals and they lifted me by these two holds . . . He did not say whether or under what circumstances this statement may have been retracted.) Patricia Gaines, a 15 year old, indicates that she was dropped on innumerable occasions after her arrest and that it appeared to her that this was

being done deliberately. The finding, responsive to the above accusation[,] by Perry, in my view, reveals the simple distinction between reputation and character. This is to say, what the national news media have been fleetingly exposed to and therefore built Pritchett's reputation upon is distinguishable from the exposure of those who have seen Pritchett after the performances and curtain calls are over.

8. To the charge that Negro children trying to swim at a white pool had burning matches dropped on their skin, there is no such report and the charge is a complete fabrication.

I am not familiar with this.

9. To the charge that the FBI has done nothing, the FBI has investigated every complaint and has made no prosecutions because the accusations have repeatedly been found to be groundless.

(He submitted an unsworn memorandum apparently compiled by the Student Non-Violent Coordinating Committee listing a series of complaints and charging the FBI with failure to act.)

10. To the claim that police harassment existed in the courtroom, because the trials were open to the public and national press, Judge Durden and Chief Pritchett made a special effort to prevent even an appearance of prejudice.

I am personally aware of [courtroom] harassments participated in, not only by officers under Pritchett's command but by Chief Pritchett himself.

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Recent Book

The Law Factory in Fiction

POWERS OF ATTORNEY, by Louis Auchincloss. Houghton Mifflin, 1963, \$4.50.

By Walter V. McLaughlin, Jr.

Powers of Attorney is a series of short stories centered around the personnel of a large, fictional New York law firm, Tower, Telney & Webb. Himself a practicing lawyer, Mr. Auchincloss seems to be observing the writer's first law, write about what you know, but somehow many of his characters fail to come to life.

Perhaps the explanation is that they are most truly characters in the sense of symbols or tokens. Each represents some supposed general type: Mrs. Abercrombie, the old dowager secretary from more gracious days; Waldron Webb, the litigious lawyer, coming

perilously close to champerty; Rutherford Tower, the milquetoast descendant of the vanished great.

The brevity of the story devoted to each may be a major factor responsible for this shallowness. However, with Clitus Tilney, who figures prominently in four stories, he is much more successful. Tilney takes substance when he is shown in various aspects as a realistic businessman-lawyer, an anxious parent, and the hoarder of a secret desire to be a college president.

Yet even some of the single-story figures are interesting beyond the surface glitter of their types. Morris Madison, for example, is revealed not only as a brilliant tax lawyer, but as a secretive and devoted diarist. Here for a moment

he seems to go beyond the paper world and almost to express some of man's crying passion for immortality.

Perhaps the most interesting personality is Lavinia Todd, wife of one of the firm's senior partners. In her Mr. Auchincloss tries to explore the mind of a middleaged housewife who suddenly finds that her husband considers that he has grown beyond her. Her reaction to his rejection, and her painful attempt to create some sort of sense out of the ruins of her simple world makes some of the better reading in the book. If nothing else, it has an unusual twist when she works out her emotional problems by publishing a magazine article recounting the whole sorry affair.

Overall, the book has some entertaining moments, and fewer interesting ones. For the law student looking forward eagerly to his life in the law it will perhaps have the attractiveness of a horror story, but with a liberal dose of salt it can make good light reading.

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SLRB Emphasizes Drafting

Karl Hart, 3L, President and Editor of the Student Legislative Research Bureau said this week that the Bureau's program for the Spring "will continue to emphasize the drafting projects which are the heart of the Bureau's existence."

Among the new projects will be a model statute to adapt the Scandinavian concept of the Ombudsman to American use. This office, which serves as a sort of administrative complaint desk, has long been used in the Scandinavian countries and has recently been adopted in New Zealand. Attempts are now being made to secure its enactment in Connecticut.

Other Bureau committees are working on a model home rule charter for the city of

Providence, and enabling legislation for a West Point for Administration of Criminal Justice. This latter proposal was suggested by Law School professor Sheldon Glueck, in an article in last June's Harvard Law School Bulletin.

Hart added that a great deal of work will also go into preparing the second issue of the Harvard Journal on Legislation. The lead article will be by Prof. William J. Curran, Director of the Boston Medico-Legal Institute, and currently a Lecturer on Legal Medicine here at the Law School. He is writing on the problems of legislation of drug addiction.

The Bureau is also preparing a cumulative index of drafting projects completed to date. The index is scheduled to be published in the second issue of the Journal, which is to appear in June.

Letters to the Editor

To the Editor:

Your readers may be interested to know that J. Edward Thornton, whose letter in your November 21 edition ably supported the notion of Anglo-Saxon supremacy, is President of the Alabama Bar Association. That a man with such views should apparently speak for the Bar of this State is, of course, disturbing. But it is fortunate to have these views candidly set forth in a significant publication. I do not recall such candor since the statements of Judge Walter B. Jones, deceased, formerly presiding judge for Montgomery County, Alabama, in "I Speak For The White Race," *The Alabama Lawyer*, April 1957; and "Judge Jones

On Court Room Segregation," *The Alabama Lawyer*, April 1961.

My primary purpose in writing is to suggest that a key to the Southern problem lies in this notion of a super-race, the notion of Anglo-Saxon supremacy, which Mr. Thornton champions. Secondly, I would like to add that there are a great many Alabama lawyers for whom Mr. Thornton does not speak. Thirdly, I cannot resist reminding Mr. Thornton that when his Anglo-Saxon forebears were swinging from trees, mine were living by the Ten Commandments, and Africans were building temples and charting the stars.

Alan W. Heldman,
LL.B. 1960 (61)
Birmingham, Ala.

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