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Panel Says Primary Schools First:

Negro Education Needs Bettering

By Richard A. Hannaway

"Our topic is one of the most important social problems in the country today. We must find a way to smash the 'vicious circle' of present Negro education, in which the Negro youth comes from a culturally deprived home into a bad school; advances from there to a weak college; and graduates to become a teacher in a Negro school, thus perpetuating the inferiority of Negro education."

These introductory words of Dean John Munro, Dean of Harvard College, set the tone for a Law School Forum discussion of The Negro in Higher Education, held in Sanders Theater last Friday evening. In addition to Dean Munro, who served as Moderator, the panel included Dr. James M. Nabrit, President of Howard University, Dr. Lawrence C. Howard, Consultant to the Higher Education Commission of the New York State Department of Education, and Mr. Roy Hatt, Assistant Director of Admissions at Northeastern University.

President Nabrit said "Higher education rests on primary and secondary education. In order to understand the difficulties which the Negro is facing now in higher education, you must recall the condition of this primary and

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Forum panelists, Hatt, Howard, Nabrit and Munro

Charity Drive Ends

by Walter E. Graham

The Harvard Law School Charities Drive collected \$1600 this year. Conducted by the Law School Phillips Brooks House Committee, the drive began on Feb. 3 and was extended a second week because of a slow response.

310 students contributed, a noticeable improvement over last year's total of under 200. Individual contributions ranged from 25¢ to \$25 with the exception of one student's gift of stock valued at \$212. The Dorm Council gave \$100. The amount collected exceeded last year's total by almost \$400.

The drive benefited 17 charities. By far

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Overseers Will Visit Here

The Committee to Visit the Law School of the Board of Overseers of Harvard University will make its annual pilgrimage to the Law School on Saturday.

Hon. John Marshall Harlan, Associate Justice of the United States Supreme Court and four members of the University Overseers will be among those attending Saturday

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A Majority Vote

If class consciousness can be equated with class unity, then the third-year class at the Law School has discovered itself. Unfortunately many aspects of the skirmishing preliminary to the class elections last week had the attributes of the type of class consciousness that one ordinarily associates with revolution. What saved the situation from disastrous division was perhaps a general awareness that the controversy (over election procedures) had exceeded the cause.

Granting the farcical element attached to the whole proceedings, the election rules change by the Ad Hoc Committee, the petition for repeal, and the final overruling of the adamant Committee by the Deans, the RECORD believes that the choosing of class officers is a significant matter and should in the future be determined by proceedings which place a smaller premium on factionalism.

Two years ago in his report to the President of the University Dean Griswold outlined five areas to which the Law School "must continue to devote much thought and energy." Included among them were professorships, research and library development. If the Law School's needs in these areas are to be satisfied, the means of accomplishment will be Alumni contributions. Effective class organization in *all* classes, not simply those with the greatest donative potential, will be essential to the satisfaction of these demands.

When nine men run for one office the victor is bound to be the elected representative of a minority of class members unless a means exists for assuring a majority vote. A run-off election between the two or three candidates with the largest vote would assure that a large percentage of the class would share in the election of the officer. Effective Alumni participation in the growth and development of the Law School is in part dependent upon a sense of participation in the planning of those developments. Election of class officers by class members is an important if indirect way in which such participation can be assured. As many class members as possible should have a part in this decision.

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TONGUE 'N CHEEK

By Fenno

Others may concern themselves with the New Hampshire primary or the balance of payments but to several hundred law students the burning issue of our day is the lack of adequate gym facilities at the Law School.

Hemenway Gym, which is the center of the controversy as well as of Law School sports and games, is comprised of 10 squash courts, a basketball court and a small room euphemistically called "the weigh room". Since the last mentioned contains no weights, I can only assume it got its name from people standing around in it waiting for the Harvard Freshmen to get off the basketball court.

The problem seems to be that between the freshman gym classes and the college squash team, the legal athletes have too little time and too little space in which to play. Each sportsman pays \$40 a year to get in on the aggravation.

Since the administration does not seem disposed to furthering the cause of physical fitness (The Ivy League, having once been frightened by an athletic scholarship, seems determined to put bigger and stronger minds on smaller and weaker bodies,) the obvious solution is the Fenno modest proposal.

I propose that all of those interested throw away their flannel suits and attache cases and get black leather jackets with "Gym Rat Gang" in gold letters on the back.

A few stone-centered snow balls tossed at the right windows and a well-organized rumble or two would come next. This would be followed by mild molesting of passing females and a few feigned knifings.

No doubt some social workers would then start working on the problem, the new menace to the Cambridge community. And as everyone knows the only cure for a gang is a Boys' Club and you can't have a Boys' Club without a gym in which hostilities can be worked off. Who knows, the plan might be so successful that next year we'll get a summer camp.

Battles Rage Over Class Elections

The wildest battle in the history of Law School class elections erupted last week when the Class of 1964 set out to choose its officers and approve a Class Charter. The political maneuvering reached heights surpassed only by the absurdity of the situation.

Elliot C. Rothenberg, of Minneapolis, Minn., was handily elected marshal in a field of nine candidates, gathering 114 votes to 70 for his nearest rival, Peter A. A. Berle, Jr., of New York. Paul L. Perito, of Medford, Mass., was elected Secretary over three others. Charles M. Hamann, of Riverside, Conn., Karl V. Hart, of Mayo, Fla., and Christopher M. Moore, of Los Angeles, were elected Committeemen.

The battle began when the Ad Hoc Election Committee changed the election rules after the nine candidates had filed for marshal. At a luncheon meeting Friday, Feb. 14, the Committee discussed ways in which to obtain a better consensus of class opinion than the simple plurality election specified in the published rules.

After dismissing the possibility of a runoff because of the added work and administrative problems, the Committee decided to use a system of weighted voting, whereby each voter would cast a first and second choice vote, with the first choice being counted as two points and the second as one. The candidate with the most points would be declared the winner, the Committee said.

But a group of students was unimpressed. Amid various charges that the Committee was out to stop certain candidates and further others, a petition was circulated appealing to the Law School Administration to reverse the Committee's ruling.

The petition, with 85 signatures including three candidates', was presented Monday by Doran Koulack and D. Michael Poast to Assistant Dean William L. Bruce, who annually gets stuck with initiating the election. The petition contended that the Committee either had no power to make the change, or if it had the power, it had abused its powers. The usual charges of misrepresentation surrounded the collection of signatures.

After considerable discussion with Dean Bruce and Committee Chairman Raymond G.



Third-year Class Committeemen: From left, Hart, Rothenberg, Perito, Moore and Hamann

McGuire, it was decided the Committee should meet again to reconsider. Tuesday, the group voted unanimously to stand by its decision.

This time the appeal went to Vice Dean Louis A. Toepfer. Nelson M. Kasfir went along with the petitioners.

Dean Toepfer was first confronted with the question whether this was the type of issue he had power to determine. He decided that only Dean Griswold could decide that, but since he was acting Dean while Dean Griswold was attending the ABA meeting, he decided that as Vice Dean he had to decide the question.

For about two hours he heard arguments. At one point it was suggested that a public hearing be held, with the right to cross examine witnesses. Nothing came of the suggestion.

At the end of argument, Dean Toepfer reversed the Committee. He said he had a "feeling" that it was contrary to democratic policies to change the rules after the race had begun, and he had to reverse to protect the Committee from charges of bias.

McGuire said he would accept the ruling since he was unable to argue the Dean out of his "feeling."

On another front, the Committee rejected 15 of 16 changes in the Class Charter, reportedly proposed by Michael A. Glass, whose request not to be identified was honored by McGuire. The Committee approved the recommendation to allow the class to elect honorary members. It rejected the other

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Elections' Battles

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changes, including one which would have prohibited the officers from assessing class dues but giving them power to use for class affairs money contributed by class members to the Alumni Fund.

The major result of these decisions was to provoke a "Vote NO!" drive, which seemed to pick up votes when Committee members said the entire election might be invalid if the Charter were defeated. The Charter was approved, however, 251-124.

Dean Toepfer said this week that he had "never seen so much seriousness over what had such strong undertones of hilarity in all my days at the Law School."

Several Committee members felt it was the closest the Law School could come to a panty raid.

Koulack said afterwards that "in the context of Harvard Law School," it was important for the electorate to be quick to guard its rights. He said his group did what they thought the law called upon them to do.

The full results of the balloting were as follows:

Marshal: Rothenberg, 114; Berle, 70; Lampert, 50; Richard J. Guggenhime, 40; Stephen Ellis, 36; Richard J. Denney, Jr., 34; Joel S. Wachs, 27; and Howard S. Klotz, 21.

Secretary: Perito, 132; Jon J. Masters, 114; David O. Fuller, Jr., 89; Richard H. Hahn, 69.

Committeeman (elect three): Hamann, 267; Hart, 265; Moore, 247; Judith C. Richards, 236.

Forum: The Bar and Reform

The Harvard Law School Forum will present a program on the "Organized Bar and Social Reform," tomorrow night at 8:30 in Rindge Tech Auditorium. Speaking at the meeting will be Dean Erwin N. Griswold of Harvard Law School; Dean Eugene V. Rostow of Yale Law School; Walter E. Craig, President of the American Bar Association; and Morris Ernst, counsel to the American Newspaper Guild, the Dramatist's Guild, and the Author's League. Prof. Louis L. Jaffe of the Law School will moderate.

Athletic Fee Cut Proposed

A plan has been offered to reduce substantially the cost to law students of participation in the present athletic program. The proposal, sponsored by the Dormitory Council, calls for an annual fee of approximately \$4 or \$5 to be paid by all male law students for the privilege of using all the athletic facilities presently available at a cost of \$20 per semester.

In a poll of dormitory residents, 83% approved the plan. The most frequently expressed concern on the part of those registering disapproval was that the facilities would become overcrowded. However, Council President Jack I. Samet, 3L, stated that this would result only if the facilities were presently being used to capacity.

Some individuals also expressed an objection to paying for a privilege which they felt they would never use. However, Samet stated that some provision might be made for a waiver of the fee in such cases.

The plan is still subject to the approval of the Law School Administration and the Harvard Athletic Association. The Council then hopes to work toward making all the athletic facilities of the University available for a slightly higher fee of perhaps \$10.

An Albatross Goes

The Dormitory Council last week finally got rid of its albatross — the old TV set from Holmes Hall. A new color set was installed in November, and since that time the question of what to do with the old set has turned up at more Council meetings than have some of the members.

Every conceivable use of the set that would benefit the Council and the Law School community was investigated at past meetings. Motions were made and ad hoc committees were formed. At one point consideration was given to the possibility of using the set to pay off an anticipated debt. The debt, however, never materialized, and other favored solutions proved to be unfeasible. At last week's meeting the Council decided to give the set to the Children's Hospital.

The Council also passed a motion to purchase a sound control device for the color TV in Holmes Hall. Until the device can be installed the set will be turned off at midnight.

Adams Papers Highlight 'Massacre'

by Myer J. Sankary

Interesting details of the trial of the British soldiers involved in the "Boston massacre" are highlighted in *The Legal Papers of John Adams*, edited by Professor Mark DeWolfe Howe, and Messrs. Hiller Zobel, LL.B. '59, and L. Kinvin Wroth, LL.B. '60.

The Papers will be published in three volumes by the end of 1964, as part of the collection of works on the life and times of the Adams family, called *The Adams Papers*, under the general editorship of Lyman Butterfield.

"*The Legal Papers*," said Prof. Howe, "will give a picture of the practice of law in America in the second half of the 18th century through the eyes of John Adams as a lawyer."

Perhaps the most interesting feature to many readers will be the intimate details of the trials of those involved in the "so-called" Boston massacre, Mr. Zobel pointed out. Adams, though a patriot himself, defended the British commander, the British soldiers, and loyalist citizens who were accused of murdering the rioting Bostonians. "The case presents interesting problems of fair trial in the 1770's," said Mr. Zobel.

On Choosing Jurors

An example is the selection of the jurors in the case of Captain Preston, the British Commander. A Bostonian merchant, an avowed loyalist, advised Preston which jurors to challenge. When the regular list of jurors had been exhausted and only eight men had been selected, the court appointed "talesmen," bystanders, to fill out the jury. All four remaining jurors happened to be loyalists, one of whom was the Boston merchant who had advised Captain Preston! Of the jury's acquittal of the British soldiers, Adams remarked, "As the evidence was, the verdict of the jury was exactly right." Investigator Zobel added, "We haven't found anything to say Adams' comment was not justified."

A conviction would not have resulted in punishment, however, according to Mr. Zobel. It is a little-known fact that orders from London had been sent to grant the military men pardon in case they were convicted by the jury. "We can learn an important lesson

from the case," said Mr. Zobel, "that the apparently guilty are not always such."

The presentation of *The Legal Papers* will be in the format of a casebook, said Mr. Zobel. The volumes will include Adams' courtroom notes supplemented by "file documents" — pleadings and exhibits which are now held in the office of the Clerk of the Supreme Judicial Court of Suffolk County, a direct descendant of the Superior Court of Judicature before which Adams practiced in 1758. Mr. Zobel pointed out that the cases will be selected to illustrate not only Adams' practice, but to present historical information which will be of interest to readers other than lawyers.

On Quick Justice

Some of the interesting aspects of the early trials were the small need for preparation, the large number of trials per day — 6 or 7, and the inability of the judge to control the jury verdict. Cases were more easily tried then than today and quickly disposed of even with a trial. The trial of the British soldiers was probably the first to require more than one day to present all the evidence.

Lawyers used to travel with the judges on circuit and the party involved in a suit would come to the lawyer shortly before trial, leaving little time for preparation. Rules of evidence were decidedly different in the late 1700's. A witness would be asked to tell what he knew about the case, but would not be subject to cross-examination. Parties in interest were prohibited from testifying at all, even in criminal cases.

On Good Authority

The research indicates that Adams was a good "book man," said Mr. Zobel. He could always find authority to support his legal position and would read everything he could find on the subject. Adams prided himself for possessing the largest and best law library in the Colonies.

The research is being sponsored by the Cromwell Foundation and the completed work will include over 80 volumes. Mr. Zobel is a Boston attorney, and Mr. Wroth is now assistant professor at the University of Maine Law School. Their offices are in Austin Hall.

Negro in Education

(Continued from page 1)

secondary education." In Georgia, he said, there wasn't one Negro public high school until 1925, though there were seven white high schools in Atlanta alone. The Negro grade schools, he said, were "a travesty on the name of education." Negro colleges at that time were glorified high schools, staffed by teachers who had graduated from the same system. From 1925 to 1954 development in all levels of the Negro school system was sporadic. "The 'separate but equal' doctrine, as applied to Negro schools, was always a myth" he said.

The first school-integrating decisions in 1954 triggered a change. Since that time the Southern states have been devoting large amounts of money to improve Negro schools, Dr. Nabrit said. All this activity has been carried on in the hope of proving that "separate but equal" really does work. In fact, some states have been spending more on Negro facilities than on white, he said. But he added that in view of the miserable state of Negro schooling before 1954, the amounts recently spent do not give an accurate picture of the state of Negro education.

Dr. Nabrit digressed briefly to say that no one should take his words to imply that he thought white schools in the South were good. "It is not that white schools are good and black schools are bad," he said. "White schools are merely the best of a poor lot. I admire James Meredith's courage very much; but I can't commend his choice of school."

Dr. Nabrit recognized that part of the problem was the lack of motivation for more schooling in the Negroes themselves. This he attributed to economics. Last year the average Negro earned 52¢ per hour for every dollar per hour earned by the average white person, he said. Also education does not mean a widening of employment opportunities to the Negro graduate as it does to the white. He summed up the situation by saying: "For the Negro, education is poorer, there is less of it, and it pays him less to get it."

Referring to the recent efforts of many colleges to increase their number of Negro students, he said that there was much make-

believe and pretense in this. "It's the thing to do nowadays," he said. "Have a Cadillac and some Negroes. And the colleges want their Negro students to be really black, in order to be seen from distance."

In concluding, Dr. Nabrit said with a gesture; "Our precepts are up here (holding his hand high) — Our practice is down here. And that's true North, South, East and West."

Dr. Howard said that the most urgent need in this area was for educational leaders to understand that integration was not the enemy of good education. On the contrary, he maintained that integration is "the beginning of better education for all; and each person must feel this in the pit of his stomach before real progress can be made."

He described the problem in the North as one of *de facto* segregation. Negro primary and secondary schools occupy the poorest buildings, in the poorest locations, with the poorest teachers and administrators, he said. Intelligence and performance tests, depended on for rating students, have a built-in anti-Negro bias. Segregation in higher education is even more prevalent, he said. There are few Negro teachers in the colleges, and the curriculum is designed to be pro-white.

On top of all other obstacles in the Negro's path to higher education, said Dr. Howard, is the fact that he has little incentive. "The average white grammar school product," he said, "earns more than the Negro college graduate. Ten percent of all female graduates become domestic servants."

Mr. Hatt and Dean Munro each discussed the efforts now being made to improve conditions. Mr. Hatt described a program just inaugurated at Northeastern under which twenty-five Negro students a year for the next three years will be enrolled, supplied with all necessary financial assistance and given any special instruction required.

Dean Munro said that this year Harvard had 25 Negro students in a freshman class of 1200. This number, he said, represented a tremendous recruiting drive by many people. Until ten years ago, two or three Negroes was the average number per class. "We would take more," he said, "if we could find qualified ones."

Professors Consider Redistricting Decision

by Michael D. Hampden

On Monday, February 17, the Supreme Court decided the case of *Wesberry v. Sanders*, holding that "as nearly as is practicable one man's vote in a Congressional election is to be worth as much as another's." The next morning most Law School students and professors had their copies of *The New York Times*, the stopgap "unofficial reporter" of celebrated opinions. On Thursday, before copies of the opinion were available with footnotes and without typographical errors, the RECORD solicited first impressions of the case from several of the law faculty.

Contrary to the outrage of Justice Harlan, the predicted clamor in the House, and the excitement of the national press, Professors Paul A. Freund, Mark DeWolfe Howe and Arthur E. Sutherland generally showed little surprise at the result, did not abhor the Court's jump into the "political thicket," and welcomed the new opportunity for political change. Each, however, expressed surprise at Justice Black's reliance on Article I, rather than on the "equal protection" clause of the Fourteenth Amendment.

Prof. Freund:

"The outcome is scarcely surprising after *Baker v. Carr* [369 U. S. 186], but the use of Article I is strange. It may portend a wider cleavage within the Court on the application of the "equal protection" clause, and the majority may have taken this way out to avoid developing classifications under that clause.

"The dissent seems to object to Justice Black's use of history to construe wording clear on its face. But that legislative intent should only be sought when language is ambiguous is a wooden maxim, particularly when Constitutional questions are involved. One should seek all the help he can.

"But the historical reading itself is dubious. A better ground would be that of *Baker v. Carr* — the Fourteenth Amendment.

"The issue of separation of powers is not as clear as the dissent makes it sound. This is not a direct Congressional matter, but more one of state laws. Prior to several amendments to the Federal Constitution, the states had power to set all voting qualifications, including property requirements, sex and

payment of a poll tax. From 1911 to 1929 Congress demanded through legislation that districts be contiguous, compact and as nearly equal as possible. *Wood v. Broom* [281 U. S. 1] held that Congress' failure to re-enact those standards gave voters no relief on general constitutional principles. But that decision left the situation ambiguous, depending on the weight given to the 1911 standards.

"The political consequences depend on legislative reactions state by state. There may be attempts by gerrymandering to comply with the numerical equality but keep the lines drawn favorably for party purposes.

"If the decision is to be fruitful, we must have Congressional action to define and unify the vague concept of 'as nearly equal as is practicable.' I take it variations will be tolerated to allow for natural and governmental boundaries."

Prof. Howe:

"I suppose this follows *a fortiori* from *Baker v. Carr*, but the majority opinion is very doubtful. I don't believe history tells this story exclusively, though it may be one strand. It is absurd to pretend that history requires this result. We should be suspicious of reasoning which avoids an obvious ground and dwells on an obscure one.

"Particularly surprising is Justice Black's notion that general elections are desirable as a model of the "one man one vote" principle.

"The political importance of the decision is overdone. Very little has been added to what was said in *Baker v. Carr*. At least it is unclear to me what has been added.

"The greatest good this decision can do may be to infect Congress with the Court's enthusiasm for reform. And of course the courts will have to respect Congressional guidelines if they are forthcoming."

Prof. Sutherland:

"The decision is scarcely surprising. I was struck by the fact that Justice Black never reached the Fourteenth Amendment. He relied both on this and on Article I in his dissent in *Colegrove v. Green* [328 U. S. 549].

"The historical emphasis is interesting, because it is important to pay attention to history. No doubt what Justice Black says is true — there were people plugging for

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Rockefeller Backers Continue Work

by Stewart D. Davis

With the New Hampshire Republican primary less than two weeks away Rockefeller supporters at the Law School are aiming a saturation campaign at the little New England state.

John R. Price, 2L, said that the Rockefeller group is attempting to send canvassers from the Boston area schools (Harvard, B.U., Fletcher, Wellesley, etc.) to New Hampshire daily, creating an impact from door-to-door campaigning on one little town after another. On Saturdays larger groups give more high-powered efforts to canvassing in such cities as Portsmouth, Nashua, and Manchester.

Coordinating with the senior Rockefeller organization in New Hampshire under the direction of former Governor Hugh Gregg, the young Boston-area Republicans are hitting the southern end of the state while Dartmouth covers the north.

Price said that the Rockefeller campaign is gaining a "sense of momentum" as the March 10 primary approaches. Emil H. Frankel, 2L, another pro-Rockefeller man, reports that the Rockefeller people are "getting more optimistic" and attributes this fact both to the New York governor's campaigning and to Sen. Goldwater's "bad showing."

Edward S. Cabot, 3L, who has been going up nearly every week to work for Rockefeller, said that Rockefeller is now "in an advantageous position." He added, "If he wins at all it will be a big help to him as he was so far behind." Cabot thinks that any voter changing his mind now will not go for Sen. Goldwater, but may go for a candidate other than Gov. Rockefeller.

The big event this coming weekend for the area GOP is the New England Regional Young Republicans Mock Convention to be held at Wellesley College. A delegation of some 30 Law School students will join Law

School Republican Club President Robert C. Kirkwood, Jr., 2L, in attending the meeting.

About 700 college and graduate students from New England are expected to be present. Price said early this week that the Rockefeller group is "guardedly hopeful of success" at the convention. He pointed out the meeting will be significant, and carefully covered by the national press, because of its regional character and its closeness in time to the New Hampshire primary.

The Goldwater supporters on campus held a general membership two weeks ago at which 35 persons from the University were present, according to H. Woodruff Turner, 3L. Some of these, under the direction of James F. Whipple, 2L, have been going to New Hampshire to do survey work and canvassing for their candidate.

Others, under the direction of Stephen Ellis, 3L, are working on a paper which will elaborate Goldwater's position on civil rights. This group will do five or six more such papers for distribution around the University in the near future.

Goldwater supporter Mark W. Murphy, 3L, commented that he believes the Rockefeller group is working too hard on their campaign. He said they would transport anyone, Republican or Democrat, to New Hampshire for Rockefeller. He commented, "I'm not sure what part Harvard Law students have to play in the New Hampshire primary. I question the validity of spending more than a half day there. We are here, after all, to study law."

A 29-Cent Politician

Law School students will have an opportunity to learn practical techniques of launching and organizing a successful political campaign next Tuesday at a meeting of the Law and Graduate Schools' Republican Club. Mr. Raymond V. Humphreys, Director of Education and Training for the Republican National Committee, will speak at 1:30 in Harkness Meeting Room on the topic "How to Get Into Politics for 29¢."

Keeton Talks on Ruby Today

Professor Robert Keeton will speak on the Jack Ruby trial today at 1 p.m. in the Harkness Commons meeting room. The talk is sponsored by the Law School Democratic Club.

Shapiro Re-views His Law School

by Barkley Clark

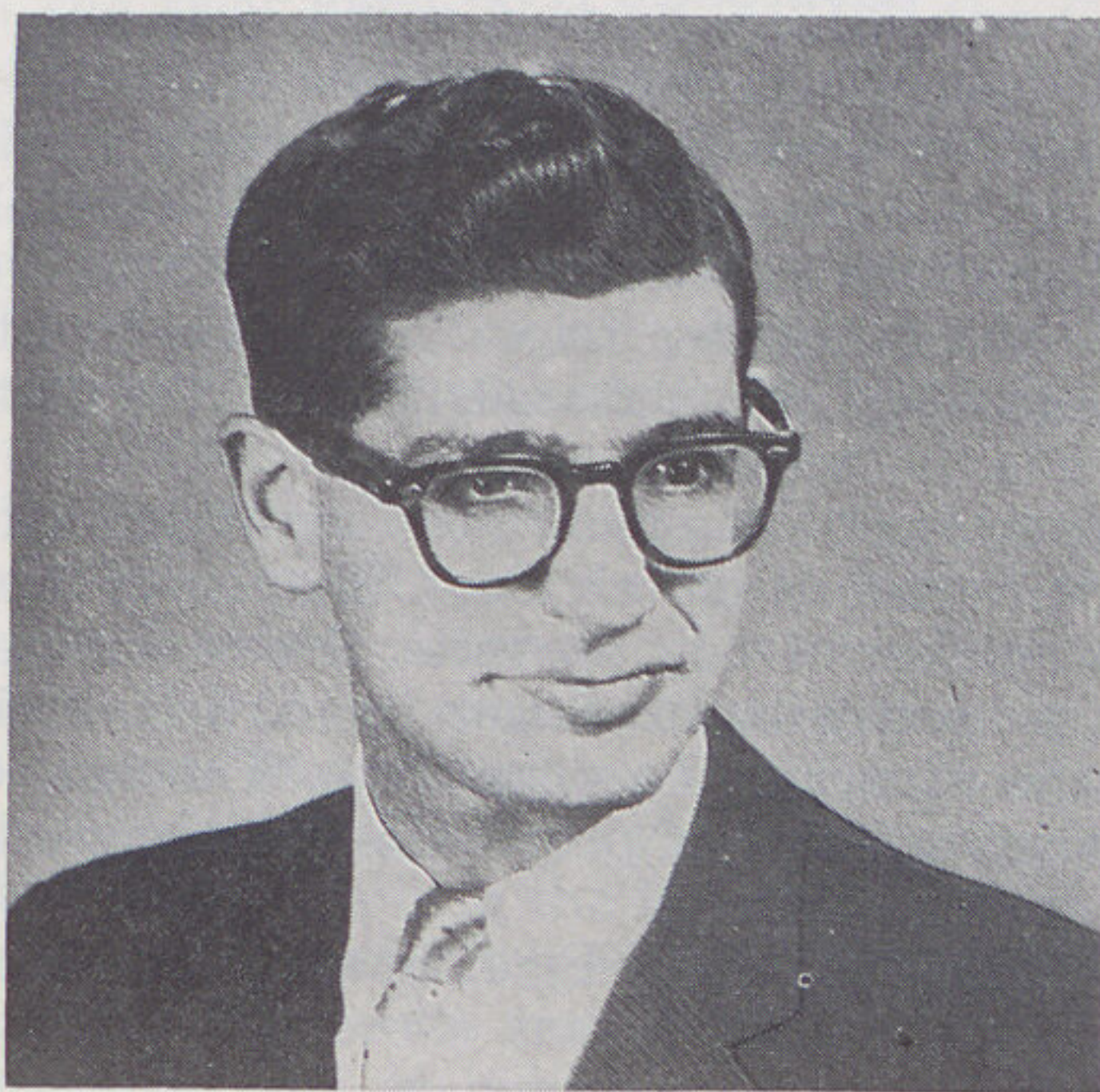
Prof. David Shapiro, like Odysseus, has returned home after an extended journey abroad. Following his graduation from Harvard Law School in 1957 he practiced law in Washington, clerked for Mr. Justice Harlan and came back to Cambridge this fall as Assistant Professor to teach Contracts and Labor Law. Such an odyssey gives him a unique vantage point from which to compare the Law School then and now, as well as the roles of teacher, practitioner and student.

Prof. Shapiro notes an increasing flexibility in the curriculum, especially for second-year students, since he left Harvard as a student. Such courses as Trusts, Commercial Transactions and Estate Planning were required staples in his own Law School diet. International Law and Labor Law were difficult to take in the second year. This juggling of the curriculum and increase in electives has worked a significant change toward greater freedom of choice after the first year. However, he does not believe that this means that students are over-specializing. The more flexible curriculum has been accompanied by a new emphasis on "problem" courses, such as Economic Regulation, Legal Process and Business Planning. The open-ended approach of these courses, Prof. Shapiro feels, counterbalances any trend toward specialization.

And the faculty has changed too, according to Prof. Shapiro. He relates that when he returned to Harvard to teach he was astonished to see that the median age of the faculty had markedly dropped.

In Prof. Shapiro's view, the first year of teaching lays to rest the notion that the classroom is as tedious as practice is electric. He finds his classes a constant challenge, with a host of new problems presented every day. A year as a clerk somewhat softened the change, he admits, but it requires a great effort to be prepared for the recurrent demands of the classroom.

He compared the characteristics of students in first-year Contracts with those of students in upper-class Labor. The amount of student participation tends to be about the same in both classes he said, but there is no comparison when it comes to preparation. Whether from terror or zeal, first-year stu-



Professor Shapiro

dents are generally much better prepared for class. Upperclassmen are clothed (at least, so they think) with greater sophistication which they use in place of brute preparedness.

In turning for a moment from analyst to advocate, Prof. Shapiro defended (1) the legal profession, from the cutting remarks of Mr. Edward Lamb in a recent *Time* magazine article; and (2) Elvis Presley, from the recent plague of "Beatles." In a speech at the Business School Mr. Lamb accused today's lawyers of inability to solve problems with originality while being tied up in precedent. Prof. Shapiro feels the speaker oversimplified his case. The originality of lawyers varies as widely as do the personalities of individual lawyers, he believes. In discussing the current rage over the "Beatles," Prof. Shapiro came out sharply against the "terrible" tones of that group and contrasted these times with the halcyon days of Elvis.

Prof. Shapiro's legal experience has been wide. His practice in Washington focused, appropriately enough, on matters of public law. He was engaged in much advocacy before federal administrative agencies and in antitrust litigation. Legal Aid work also occupied much of his time. He describes his clerkship to Mr. Justice Harlan as a working relationship so close that he felt himself part of a small three-man law firm of which the Justice was the senior partner.

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Shapiro

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Although he comes from New York, Prof. Shapiro is quick to correct those who would call Washington a "cultural desert." He feels that the city has much to offer without the two-hour commuter trip. "The place has to be exciting," he stressed, "when the local news is the world's news."

Now that he has moved to Cambridge with his wife and daughter, Prof. Shapiro is busy in a number of new pursuits. He is engaged in a project with Professor Richard H. Field for the American Law Institute. The project involves a series of proposals for changes in the Judicial Code.

In his spare time, Prof. Shapiro has been concentrating on fiction ("everything from *The Brothers Karamazov* to *The Group*"), golf ("I still play well enough to enjoy it"), and travel (the Shapiros plan to drive to California this summer and have spent past summers near Franconia Notch, N. H.).

Scott, Goodhart Honored

Austin W. Scott, Dane Professor of Law Emeritus, has received a citation by The Fellows of the American Bar Foundation for "outstanding research in law and government by an individual." Professor Scott's long work in the field of legal education, and especially his work in the fields of trusts, restitution, judgments and civil procedure was the subject of high praise at the Fellows' annual banquet where the award was made.

Also honored at the banquet was Arthur L. Goodhart, a Visiting Professor of Law here this year who was named an honorary member of The Fellows. Professor Goodhart, formerly from New York, is now master of the University College, Oxford University, England.

Intelligence Needs Men

The 241st Military Intelligence Detachment is currently offering an opportunity for a limited number of third-year law students to fulfill their military obligation. Interested students should call Mr. Russell at LI 2-6000, extension 575 or 577.

ABA Adopts Succession Proposal

The House of Delegates of the American Bar Association adopted last week at the annual mid-winter ABA meeting the recommendations of the Standing Committee on Jurisprudence and Law Reform concerning problems of succession in the event of Presidential inability. The proposals included a recommendation that the President have the power to fill a vacancy in the Vice-Presidency with the approval of a majority of Congress.

Returning from the conference where he served as the State Delegate from Massachusetts, Dean Erwin N. Griswold said that the proposals represented an important contribution to a "very important problem."

The ABA recommendations provide that "in the event of the inability of the President, the powers and duties, but not the office, shall devolve upon the Vice-President or person next in line of succession for the duration of the inability of the President or until expiration of his term of office."

The ABA recommendations also deal with the restoration of the President's ability, and succession in the event of the "death, resignation or removal of the President." The recommended means of enactment is a Constitutional Amendment with appropriate interim legislation pending ratification.

While at the Chicago conference, Dean Griswold participated as a member of the board of directors in the activities of the American Bar Foundation. At present the Foundation, a research organization, is at work on a "very extensive survey" on criminal justice in America, the Dean said. The first part of the survey concerning "arrests" has already gone to the printer.

Redistricting

(Continued from page 7)

specific recognition of the 'one man one vote' principle at the Constitutional Convention. But that is only half the story.

"The political consequences are beyond me. Congress made a law once and let it go in the late Twenties. I suppose the decision will shift some political power to the cities. Whatever happens, it is a good thing. I've never been comfortable with *Colegrove*. The decision left a disproportion in Illinois of 914,000 voters in the Seventh District to 112,000 in the Fifth."

America's Cup Attracts HLS Sailors

by Stewart D. Davis

As the sails on the 12 meters billow and snap before fresh winds south of Newport, R. I., this summer, two Harvard Law freshmen will be crewing for possible America's Cup defenders.

K. Dun Gifford, 1L, has been chosen for the key job of navigating on the Constellation and David Rockefeller Jr., 1L, hopes to work on the foredeck of the Nefertiti.

Gifford will be in the afterguard of his "12" with skipper Eric Ridder and tactical adviser Robert Bavier, Jr. He describes his job as a threefold one: determining the course the boat must sail to get to the marks, figuring how far ahead or behind of the other boats his is, and deciding on the relative movement of the competing boats.

He must give lightening-fast answers, in both time and yards, to his skipper's questions. "It is not too difficult when you can see the mark," he states, "but you often must make a good guess when you're ten miles from the mark, or sailing in a fog."

Gifford has been sailing from his family's summer home in Nantucket since childhood. Starting at the age of 15 he instructed at the Nantucket Yacht Club. He sailed also at St. George's School in Newport and while there he and his brother won the interscholastics.

During his freshman year at Harvard he sailed with the Harvard Yacht Club, and for the succeeding three years sailed "less and less, and then mostly for my own edification." For the past three years he sailed on a minesweeper as a junior officer, and held a communications shore job, in the U. S. Navy.

He gained navigating experience sailing in the Bermuda race in 1960 with Frank Hardy (where their 48-foot sloop Viking placed second in Class C) and in the Marblehead-Halifax race in 1963 with Hardy (where their 60-foot yawl Magic Carpet placed first in Class A).

Through Hardy he met Buddy Bombard and then Ritter, and he offered to do anything on the Constellation, to be a "string-puller." But he was happy to land the navigating job and says, "I know I can do it; I'm not overawed." He admits he has never sailed on a "12" before.

Gifford will spend his weekends this spring

on the trial horse Nedeus, a "12" the Constellation syndicate picked up so the crew can practice before Constellation's launching in May or June.

Gifford will remain an amateur, or as he calls it "a Corinthian." But he and his family will stay gratis at Castle Hill in Newport this summer.

Rockefeller's opportunity to crew on the Nefertiti depends partly on whether that boat's foredeck foreman of two years ago goes to the Olympics. At least assured of an alternate's slot, he plans to be in Newport June 6, one day after his first year exams end.

Rockefeller sails in the Bar Harbor area of Maine, skippering rugged International One Designs. His ocean racing has been on 40-footers, he says, including one Bermuda race.

Gifford reported Pierre DuPont IV, who graduated from the law school last year and navigated for the Nefertiti in the '62 trials, will not be able to find time for this year's races.

Constellation, Nefertiti, and a third American vessel being built by the Aurora syndicate will battle for the right to defend the Cup during August, and the Challenge will begin Sept. 15.

Both Gifford and Rockefeller say they would be very willing to miss the first few weeks of second year law school if their respective boat is the elimination victor.

A-League Ends Season

The A-League intramural basketball teams qualifying for the eight-team, single-elimination playoffs are the O. L. Five, the Celtics, the R. C. Means and the Italian-Americans. The final week of A-League competition saw the O. L. Five take their first defeat from a hustling R. C. Means team, 52-50.

A three-way tie developed when the Celtics won handily over the Italian-Americans, 62-38, the Estovers forfeited to the O. L. Five, and the R. C. Means scored a ragged victory over the McAnaney A.C.

The playoffs will begin tonight in Hemenway Gym with two games, at 6:45 and 8 p.m., and continue on Monday night of next week. The semifinals will be on Tuesday and, the finals on Wednesday.

Law Review Elects

After twenty-eight hours of deliberation last weekend, *The Harvard Law review* announced the election of Matthew Nimetz, 2L, of Brooklyn, N. Y. (Williams '60, Oxford '62) as President for the coming year.

Note Editors will be Jay L. Kriegel of Brooklyn, N. Y. (Amherst) and David L. Chambers III of Indianapolis, Ind. (Princeton). Allen Martin, Manchester, Conn. (Williams, Oxford) and Ronald B. Lewis, Homewood, Ill. (Harvard) were selected as Article Editors.

Sharing responsibility as Case Editors are Lee A. Freeman, Jr. of Glencoe, Ill. (Harvard) and Albert W. Alschuler, Aurora, Ill. (Harvard). Supreme Court and Developments editor is Paul A. Brest, Cambridge, Mass. (Swarthmore). Supreme Court and Note Editor is Thomas B. Stoel, Jr. of Portland, Ore. (Princeton).

Albert C. O'Neill, Gainesville, Fla. (U. of Fla.) was selected Executive Editor, and the new Treasurer is Mark F. Clark, E. Rochester, N. Y. (Harvard).

Charity Drive

(Continued from page 1)

the most favored were Care, Inc. (\$235) and the American Cancer Society (\$210). Groups with a religious affiliation were least popular.

The contributors were able to determine the allocation of the funds. Donees of \$615 earmarked their gifts for specified charities. The remainder of the funds were allocated on a pro rata basis; e.g., a charity which received 10% of the total by specific donation was given in addition 10% of the general funds. The religious groups and CORE received only the contributions expressly given to them.

A group of 25 students worked in the Drive. Ray McGuire, chairman of the PBH House Committee, expressed their appreciation for the response, which was more enthusiastic than in past years. He acknowledged, however, disappointment that the gifts received represented little more than \$1 per student. Intensive efforts were made to combat the "mid-winter apathy" always encountered by the Drive. In addition to the publicity achieved with posters, a letter was

(Continued on next page)

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(Continued from preceding page)

mailed to every student and about 75% of the student body was contacted personally. An innovation this year was the booth set up in Harkness Commons and other convenient stations where contributions could be turned in.

In McGuire's opinion the principal problem confronting the Drive was the all too typical reluctance of people to give to charity. "Three fourths of those who contributed when solicited in the dorms gave out of embarrassment," he said.

Another problem, in his view, was the lack of a sense of community at the Law School. He felt that the Drive might be more successful if there were an element of competition present, such as among the first-year sections.

The Committee's expenses in conducting the drive amounted to \$191 and was paid by the Committee, not deducted from the funds collected.

SLRB Chooses Officers

The Legislative Research Bureau has announced the election of new officers for the 1964-65 school year. The new officers, who will work with the present officers for the rest of the Spring are: E. Stephen Derby, 2L, President and Editor; Sarah M. Raney, 2L, Vice-President-Journal; Bruce D. Haims, 2L, Vice-President-Legislation; and William E. Rapp, 2L, Secretary-Treasurer.

Overseers

(Continued from page 1)

morning classes. The Overseers include Hon. Paul C. Reardon, Associate Justice of the Massachusetts Supreme Judicial Court and chairman of the Visiting Committee; George A. Brownell, New York attorney, Archibald Cox, United States Solicitor General and Hon. Henry J. Friendly, Judge of the United States Second Circuit Court of Appeals.

The Committee function is to report to the Overseers on developments at the Law School. After attending classes, the committee will attend a luncheon at Harkness with members of the faculty, meet with the full faculty in the Root Room at 2:30 p.m. and hold a private committee meeting. The visit will end with a dinner with members of the faculty.

The other members of the committee appointed by the Board of Overseers to participate in the visit are:

John G. Buchanan, Chauncey Belknap, Howard H. Cannon, Paul Carrington, Burnham Enersen, Hon. Edward T. Gignoux, Paul F. Hellmuth, W. John Kenney, Dana Latham, William A. McAfee, Robert W. Meserve, Bernard A. Monaghan, H. Richard P. Niehoff, Squire R. Ogden, David W. Peck, Edward S. Pinney, John B. Prizer, Robert Proctor, Ronald C. Roeschlaub, William Schofield, Whitney North Seymour, Hon. John V. Spalding, Harris B. Steinberg, Thomas E. Sunderland, Gray Thoron, Wright Tisdale, James H. Wilson, Jr., Hon. John Minor Wisdom.

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ILC Panel Compares Career Opportunities

by Paul M. Branzburg

The young attorney about to embark on a career in international business law should choose carefully between joining a private law firm and becoming a house counsel, for these alternative paths may result in significantly different professional experiences.

This point emerged clearly in a panel discussion on "Practice of International Law" held in the Pound Room on Thursday evening, February 20. Moderated by Professor Richard R. Baxter, the panel consisted of Mr. Richard Wiley of Bingham, Dana & Gould and Mr. Richard Murphy of Arthur D. Little Inc. Mr. Wiley discussed international business law practice from the perspective of the private practitioner and Mr. Murphy looked at it from the point of view of a house counsel.

The panelists agreed that most law firms and corporations seek a lawyer with a thorough grounding in American business and corporate

law. Other qualities sought in an international business law prospect include a reasonable reading knowledge of any one or more of French, German, and Spanish, and the experience of having lived abroad.

New York is the center for firms specializing in international law. In other major American cities, there are usually one or two firms having some degree of international business law practice by virtue of their connection with a bank having international dealings. Outside of New York City, there are very few people who devote themselves exclusively to international law. Consequently, only in New York can one find a law firm dealing only in international legal matters.

Mr. Wiley said that when a lawyer works for a law firm, he does not travel abroad as much as is commonly thought. This is largely because much of the work is done through foreign corresponding counsel. Moreover, his work is largely legal with relatively little consideration given either to foreign politics or to the management considerations of the corporations for which his firm is working.

(Continued on next page)

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**THE
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(Continued from preceding page)

Mr. Murphy described the house counsel as the "lawyer who has one client," or, the "lawyer who is kept in professional sin."

More seriously, he stressed that a house counsel must necessarily act as an advisor to management. He "must participate very actively in the decision making process" with respect to international legal questions. Often the house counsel must make a decision, based on various legal risks, and then back up this decision when it thwarts the goals of management. For this reason, he is all too often "assumed by management to have one function: to keep them from doing what they want to do."

Because his work will be "at least 50% business management and 50% law," the house counsel will have to

be satisfied with a legal practice which is "somewhat superficial."

He must not only determine into which areas of the world his firm should go, but once it is there he will have to keep abreast of all relevant political changes, legal trends, and administrative pronouncements. In order to effectively translate this inflow of information and to communicate his firm's domestic economic and legal position to foreign counsel, it is necessary for the house counsel to do a great deal of traveling. Noting that "you practically live in a suitcase," Mr. Murphy added that he is more likely to run across some of his Boston colleagues in Zurich than in Boston.

Although it is not extremely difficult to go directly into work as a house counsel, the panelists agreed that is much better to work first for an international law firm for about three years.

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Letters to the Editor

(Continued from page 16)

Shrewd Assessments

Although Mr. Long was a graduate of Harvard College with honors in Government, I assume that he has given no thought or study to the many studies and facts concerning the problem of capital punishment and the moral problems involved. Mr. Long will now, in a most direct way, be participating along with other citizens of Massachusetts in his State government intentionally taking the life of a human being. There may be concern about Mr. Long's shrewdly stressing this issue the way he did, because it "would help him most".

In an address at the Harvard Commencement exercises in June 1963 entitled "A Moral From The Birds", Mr. Whitney I. Gerard, Law-1963 (Harvard Law School Bulletin, October 1963) said: "Remember, in a democracy, the symbol of leadership is not the raised sword—but the raised finger, moistened to test which way the wind is blowing." Certainly, Harvard should have some concern that such an ironic statement be applied to its graduates.

Herbert L. Cobin, LL.B. '33
Wilmington, Del.

'Rumor' Is True

To the Editor:

The "rumor" that a student was required to take an exam on the day of a parent's funeral (RECORD, February 13) has a substantial basis in fact. In 1962, during my third year at HLS, the Administration left me little choice but to take an exam a few hours after I had learned of my father's death. (Eds. note — Name withheld at request.)

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Letters to the Editor

MAR 13 1964

Not So Bad in California

To the Editor:

I have read your article appearing in the January 30, 1964 HARVARD LAW RECORD, entitled "Percentage Failing Bar Exams Rises." As an ex-California bar examiner I think I should come to the defense of Harvard men who come to California. The latest available published statistics show that Harvard men passed the California bar examination with a percentage of 90.2 over the three year period from August of 1960 to the spring of 1963. This was higher than any of the local law schools where presumably the students have the benefit of instruction in Community Property. The fall 1963 examination figures are not publicly available.

California no longer has the rule which denies an applicant the right to take an examination if he fails it three times. This rule, affectionately called "the baseball rule," was never rigidly enforced and was repealed some time ago.

One difficulty which a student attending an out-of-state law school faces is that he may not have taken courses in subjects which are the basis of questions in the bar examination. Before he enters his third year a student should be familiar with those subjects which are required by the bar examiners in the state in which he intends to apply for examination. If, for example, a student does not have a course in

Evidence, it is going to be difficult for him to acquire the knowledge of the subject in a few hours by taking a cram course. If he fails to take courses in several bar examination subjects he places himself at a very distinct disadvantage.

Homer D. Crotty, LL.M. '23
Los Angeles, California

Unrealistic Education

To the Editor:

The article on bar exam failures prompts this letter on my part. [If] scholarship at the Harvard Law School has not changed since my tenure from 1947 to 1950, it is no surprise that there is a rise in bar examination failure. The rise is probably accounted for by the greater competition for entry to the school and its resultant selection of more "scholars."

While the heritage which I carried away from the school was an "approach" to the law, I felt in retrospect, once getting into practice, that the faculty was just out of touch with the realities of law practice. I do not believe that legal "scholarship" and the ability to pass the bar examination are academically incompatible, yet I suspect that much of the faculty does not take into account the "practice" of law as distinguished from the "approach."

I still recall with some displeasure my drab school record punctuated by a bare C in Evidence the final year, and thank Providence

that this grade did not shake me into failing the bar examination. I can remember the confidence with which I left the exam room, knowing the course "cold." Though I was shaken by my low grade in the course during the bar examination, knowing no other way to answer questions, I answered my evidence questions as I did at the Law School, feeling I knew them "cold" yet petrified about the bar criteria. Needless to say, the bar examination presented no difficulties.

On the affirmative side for the school is the fact that in approaching any practical legal problem, I'm not afraid to seek, use and find unusual approaches successfully.

M. Arthur Auslander, LL.B. '50
New York, N. Y.

Shrewd Assessments

To the Editor:

[This letter refers] to the article in your January 30 issue with regard to Mr. Charles W. Long's election as a representative to the Massachusetts State Legislature. Without detracting from Mr. Long's victory, your comment is noted: "It is difficult to assess the importance of substantive issues in an election of this character, but Long shrewdly stressed those which would help him most. He campaigned . . . and for the retention of capital punishment (his district favors capital punishment by five or six to one, Long said)."

(Continued on page 15)

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