

Admissions Applications Near Record

By Stewart D. Davis

More and more people are trying to get into the Harvard Law School. Already 2,000 applications have been made for next year's first-year class.

Vice Dean Louis A. Toepfer commented that the volume of applications is meaningless in and of itself, and stressed that the pertinent factor in recent years is the "self-selecting" done by the applying undergraduates. Because the Law School is to a degree successful in disseminating information concerning its high standards, those who apply are generally qualified for admission.

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Faculty Approves New Curriculum

By Walter V. McLaughlin, Jr.

The absence of a third-year section in Commercial Transactions, new courses in criminal law, and more third-year seminars are among the highlights of next year's Law School curriculum. The Law School faculty approved the program of instruction submitted last week by Associate Dean A. James Casner.

In the academic year 1964-65, the first-year program will remain unchanged. Visiting Professors will teach several of the first-year sections. Professor Charles A. Wright of the University of Texas will teach a section of Civil Procedure; Professor Yale Kamisar of the University of Minnesota, a section of Criminal Law; and Professor William E. Hogan of Cornell University, a section of Torts. A new member of the faculty, Assistant Professor Alan M. Dershowitz, will give one section of Criminal Law.

The second-year curriculum will continue to combine required courses and electives.

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Associate Dean Casner

Job Placement Good

To date, more third-year students have jobs than last year.

Miss Eleanor R. Appel, director of the placement office, told the RECORD this week that the job situation for third-year students is "excellent." This year 221 students have already reported jobs, whereas last year at this time only 191 had made definite plans for employment upon graduation.

"One reason for the increase," said Miss Appel, "is that more married students are in a better position to accept an offer since they are no longer subject to the draft and are

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BOMB SCARE FIZZLES

Query: When are Cambridge firemen more profuse than professors in the west wing of Langdell Hall? Answer: When the Law School is about to blow up.

Last Friday afternoon Harvard Law School came of age in the age of violence when a phalanx of firemen arrived, flashlights and axes ready, to check a bomb scare received by the Harvard switchboard minutes earlier.

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An Organization for Reform

The *Harvard Crimson* gave rather editorialized news coverage to last Friday's Law School Forum on "The Organized Bar and Social Reform." The *Crimson* story said, "The only matter of widespread agreement seemed to be that the organized bar doesn't really have very much to do directly with social reform." Indeed, we might add, not only does the organized Bar not have very much to do with social reform, but also, by its nature, it *cannot* have very much to do with it.

While such problems as Presidential inability are within its competence, the organized Bar, at least on a national level, cannot seriously consider matters which involve emotional controversy, such as civil rights for Negroes or perhaps even civil rights for anybody, because to do so would require it to sacrifice other vital functions. The Bar has an extremely important role as watchdog of the legal profession. If the ethical standards which it establishes for the profession are to have wide subscription, it must attract a fairly universal membership, no part of which it can afford to antagonize.

If the profession as a whole is to have a broad impact on the formulation of solutions in the area of social reform, a broadly-based association of lawyers devoting itself exclusively to public issues would better answer this need than existing organizations. In order to establish its claim to speak for the legal profession, such an organization would have to attract a large membership, and thus, a radical role as advocate would be out of the question. But at the same time it would not have to kowtow to all factions to avoid jeopardizing its usefulness in areas unrelated to social reform. In areas where abuse of rights is greatest, as for instance widespread police brutality, it could point out these abuses and suggest safeguards to protect against them in the future. Aggressive local units could aid in this task.

This suggested organization, if responsibly run, might accomplish much good. Naturally, if extremists gained control, its usefulness as well as its membership would disappear. But existing organizations are inappropriate for a reformist task. The one proposed is an answer.

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TONGUE 'N CHEEK

By Fenno

Having been spurned by the more selective extra-curricular activities at the Law School, I decided to devote myself to the one project at Harvard that demands both physical and mental agility — auditing a popular course.

I soon discovered that auditing was not the simple pleasure I remembered from college. I arrived at the classroom to discover all unassigned seats occupied and most of the available floor space crawling with other auditors. Knowing my station I squatted in the corner only to be told that the space was reserved for members of the Law Review.

Spying a friend seated at one of the hallowed back-row seats I inquired as to the nature of the confusion.

"Well," he said, rubbing a bruised elbow which had been his main weapon in securing a seat, "it's all a matter of economics. No, actually it's a matter of strategy. The best preparation for auditing this class is the Defense Policy seminar."

Being pacifistic, I inquired further.

"There are various ways to get a seat," my friend said, looking rather smug. "The most acceptable is to stand in line for fifteen minutes. But now that the room has three doors that method has its disadvantages. A more conservative way is to take the seat of an absent member of the class. But since one of the pleasures of auditing is complete nonparticipation, that method has obvious problems. Another effective tactic is to slip into the previous class five minutes before the break. The true sportsmen disapprove of that ploy."

"What about the back-benchers in the class?" I asked innocently.

"They wouldn't dare," he said gruffly.

Still somewhat confused I asked why the auditors didn't just ask to have the class moved to a larger room.

"Are you crazy?" my friend said. "Then just anybody could get in."

Does the Bar Promote Reform?

By Theodore S. Curtis, Jr.

"The only men who can lead our people back to thoughtfulness are the leaders of our Bar, The Establishment, as I call it. The public is now rightly cynical of the public Bar because The Establishment is unwilling to take the unpopular cause," contended Mr. Morris Ernst, New York civil rights lawyer and the Bar's most serious critic, at last Friday's Law School Forum on "The Organized Bar and Social Reform."

Defense counsel for the American Bar Association was Mr. Walter E. Craig, President of the ABA, who praised lawyers in general and the ABA in particular. Briefs of varying degrees of harshness were filed by panelists Dean Erwin N. Griswold and Professors Vern Countryman and Louis L. Jaffe, moderator.

Because it is considered the most important bar association and also perhaps because its President was on the panel, the ABA was the subject of most of the discussion and the largest share of criticism. Moderator Jaffe's introductory question, "Are lawyers particularly partial to the status quo?" provided the basis of the general attack on the ABA.

Dean Griswold explained how the work of the ABA is handled by various sections (e.g. labor law, corporation law, property law and a new general practice section) and offered his evaluation that "some of this work is pretty bad; some is very good." The ABA suffers, he said, from members' attempts to use the sections for the interests of their clients. He said in summary that "there are large influences in the ABA which are back-

ward-looking and opposed to any sort of legal reform."

Although some bars are almost exclusively social, others provide important services to the profession and the public, Dean Griswold said. He singled out the Association of the Bar of the City of New

York for commendation for its work on serious public problems such as loyalty and security investigations, conflict of interest and representation for indigent persons. Prof. Jaffe joined the Dean in praising "the enlightened conservatives" of the New York City Bar and their "most distinguished record for law reform."

"What worries me," commented Mr. Ernst, who refused to join in the general praise of Gotham's Bar, "is the lack of leadership of the Association of the Bar of New York." The leaders of the New York Bar, he insisted, will represent the "rich homosexual . . . the rich anything," but are unwilling to take the unpopular cause of a poor man. The Establishment, the great lawyers of America, represent corporations but seldom represent people and there are, he maintained, only "three polite crimes" that leaders of The Establishment in New York will represent: rich income tax, antitrust and securities.

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Forum panelists: Ernst, Griswold, Jaffe, Craig, and Countryman

Ernst Criticizes Bar

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Act defendants and was sent "four boys."

Pres. Craig explained that, because of its large membership, the ABA cannot move as rapidly as a local bar, but he expressed a belief that the ABA could contribute to social reform. Pres. Craig mentioned the recent activity on Presidential succession, praising Professor Freund's work and the ABA's Committee on Civil Rights and Racial Unrest. Pres. Craig was pleased that the ABA has a "cross section of geographical areas of this country as well as conservatives and liberals," but seemed to agree with Prof. Jaffe that this diversity results in the ABA partaking "somewhat of the clumsiness of the country as a whole."

"The people of our nation are on the streets," proclaimed Mr. Ernst who admitted that "we've always been a people of violence," but he added that the people who can lead this country back to thoughtfulness are the leaders of our Bar, The Establishment. He criticized the practice in "twenty cities" of reporters interviewing newly arrested men with leading questions before the accused has even been arraigned or had the benefit of counsel. Pres. Craig stated that the ABA was trying to correct this kind of disregard for due process.

Mr. Ernst's second major criticism regarded the difficulty of Negroes in the South obtaining counsel. The Establishment, he said, has much power to accomplish reform and cited the poignant example of the fifteen "greatest conservative lawyers of The Establishment" in New Orleans who filed a brief for integration, after which the other members of the legal profession in that city obediently approved the reform. Ernst concluded with a backhanded compliment to the Bar, "I envy the Bar Association Establishment; it is up to them to be gentlemen and indignant at the same time."

Prof. Countryman "did not quite agree with what Pres. Craig said about how lovable and agreeable lawyers are." The Visiting Dean of the New Mexico Law School deplored the lack of white lawyers in the South willing to handle civil rights matters and, referring to an ABA resolution that aid should be provided to "even the most unpopular of

defendants," stated that "obviously this commitment has not yet been discharged." Prof. Countryman saw the lawyer's role as basically conservative — to defend the basic integrity of the legal system, especially the Supreme Court and civil liberties and to provide adequate representation to all because "we are a licensed monopoly in the field of legal practice."

All speakers urged lawyers to join the bar associations. President Craig commented that "... it is the responsibility of every lawyer to participate in the work of his association." Prof. Jaffe stated that "it is remarkable what a determined person can accomplish in these organizations because there are very few people who are willing to work." Too often, Prof. Jaffe continued, "it is characteristic of the so-called liberal to simply gripe..." He pointed out successful revolts by individuals to reform the Bar.

In the question period Pres. Craig did not directly answer whether or not people who were arrested in civil rights demonstrations in the South would be eligible for membership in bar associations. He said that membership depended on "good moral character" and arrest for disturbing the peace might lead to loss of membership in the Bar.

Third-Year Committee Completed

The five elected members of the third-year Class Committee have chosen four more Committeemen to raise the membership on the Committee to its full complement. The four appointed members are B. Daryl Bristow, William A. Fields, William A. Merritt, Jr., and William D. Mulliken.

The basis of selection was a desire to obtain a balanced geographical representation on the Committee. Bristow plans to work in Houston, Fields in Charleston, W. Va., Merritt in New York, and Mulliken in Chicago. Class Secretary Paul L. Perito will operate from a Boston base. Elliot C. Rothenberg, the Class Marshal, will be in Minneapolis. As for the three other Committee members, Charles M. Hamann will be in Boston, Karl V. Hart in Atlanta or Florida, and Christopher M. Moore in Los Angeles.

Secretary Perito announced that class dues will be \$2.00. They will be used to finance the traditional beer party and to facilitate the mailing of the first news letter in September.

Freund Supports ABA Inability Amendment

by Walter E. Graham

In a recent appearance before the Senate Subcommittee on Constitutional Amendments, Professor Paul A. Freund endorsed an amendment proposed by the American Bar Association to deal with the problems of Presidential inability and succession. Professor Freund participated in the ABA conference last January which produced the recommendation.

The amendment would provide that, in case of Presidential inability, the "powers and duties, but not the office" would devolve upon the Vice President. The President himself would establish his inability by a declaration in writing. If he should not or could not do so, the Vice President could exercise the presidential powers with the concurrence of a majority of the Cabinet or by action of such other body as the Congress might provide.

The President would resume his functions by announcing his recovery in writing. If the Vice President and a majority of the Cabinet should not concur in the President's declaration, Congress would determine the issue by a two-thirds vote of both houses.

Some scholars, such as Richard Neustadt, professor of government at Columbia and former consultant to Presidents Truman and Kennedy, favor a simple agreement between the President and Vice President. In Prof. Freund's opinion, however, a constitutional amendment is desirable to meet the contingency of Presidential inability because the problem demands the most authoritative resolution possible.

Senator Keating (R-N. Y.), LL.B. '23, has criticized the ABA proposal on the ground that its detailed provisions would engender so much debate that ratification by three-fourths of the state legislatures might be imperiled. Keating favors an amendment giving a blanket authorization to Congress.

Prof. Freund told the Subcommittee such a "blank check" amendment would be likely to provoke resistance in state legislatures. He defended the ABA amendment as combining "flexibility with definiteness," noting that it would give Congress the power to establish a fact-finding body and would provide a procedure to be in effect pending the decision of that body.

Senator Ervin (D-N. Car.), LL.B. '22, has

introduced a bill proposing an amendment which would give authority to determine the President's inability to Congress itself, following impeachment procedures. Prof. Freund suggested that such a method would not meet the requirement of prompt action. In addition, he said, the Senate would be acting on second-hand evidence and action by Congress would violate the principle of separation of powers. The ABA proposal, he commented, "involves Congress as a last resort."

Turning to his views on Presidential succession, Prof. Freund said, "The key to the assurance of continuity of administration policy lies in keeping the office of Vice President filled at all times."

To this end he recommended to the Subcommittee an amendment providing for nominations of one or more persons by the President and election by a majority of the Congress meeting in joint session. Senator Bayh (D-Ind.), Chairman of the Subcommittee, has supported this proposal, which also stems from the ABA conference of last January.

Former Vice President Richard M. Nixon has advocated a different amendment, which would provide for a convention of the Electoral College to choose an interim Vice President from a slate proposed by the President. Prof. Freund voiced concern that the Electoral College "might be a rubber stamp or a mischief-maker," and pointed to the possibility that a splinter group could frustrate an orderly election. Use of the Electoral College, he said, would fail to meet two basic

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Williams to Discuss Apartheid

The Hon. G. Mennen Williams, Assistant Secretary of State for African Affairs, will speak on "The Anatomy of Apartheid" at a meeting of the Harvard Law School Forum on Friday, March 6. The Forum panel will consist of Herbert J. Spiro, Professor of Government at Amherst, and Rupert Emerson, Professor of Government at Harvard. The program will be held in the Rindge Tech auditorium at 8:30 p. m.

Freund on Inability

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requirements — that the Vice Presidency have a broad popular base, and that the choice be compatible with the President. "These objectives can best be achieved by associating the Congress and the President in the selection, with the opportunity for informal consultation to be expected in such a process," he added.

Prof. Freund remarked that the prospect for some kind of amendment was hopeful and noted that the more than 30 bills introduced testify to Congressional concern with the problems of inability and succession.

Job Outlook Bright

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able to go to work immediately.

"There is no question that there are far more opportunities than students to fill the jobs. But that doesn't mean that the student does not have to make a good impression nor make an effort," Miss Appel cautioned. "Also, the fact that jobs are available doesn't mean that single men subject to the draft will find it easy," she continued.

"Some good opportunities are not being sought after," Miss Appel pointed out. A notice of one New York firm has not received a single reply. As far as she can recall, this is the first time a New York firm has not received a response. "It may be due to the fact that the third-year students are busy writing their papers, but it seems to indicate that the students are not too upset about finding something," Miss Appel said.

The summer employment for second-year students is also on the upswing, "but there are still some very well qualified students looking for jobs in New York," Miss Appel said. She noted that many students feel they have to get summer jobs in law firms in order to get a job upon graduation. But this is absolutely untrue, Miss Appel reported. "The student should get what he wants because it suits his particular needs. Law firms do not demand that you have experience in legal work."

Miss Appel explained that the student runs a risk when he takes a job in a law firm for the summer. "If he is not offered a permanent job by that firm, he may be expected to explain why."

Bomb Scare

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Vice Dean Louis A. Toepfer dispelled suspicions that the incident manifested a sort of collective wish-fulfillment. The "bomb" was reported by a young boy, he said, who apparently had provoked a similar exercise at the Cambridge Latin High School earlier in the day.

After a period of general milling and confusion the firemen left, Dean Toepfer said, but soon returned with more equipment and personnel in response to a second call pointing out that the bomb had been overlooked.

In a revealing colloquy between Dean Toepfer and the apparent chief of the bomb squad, it was disclosed that there exists no plan for evacuating Langdell in such emergencies. When asked what would happen if a fire alarm were sounded, Dean Toepfer observed, "Probably nothing."

Dean Erwin N. Griswold remained throughout the crisis in his office, located a safe distance from the danger zone.

Wallace Hearing Next Week

Pursuant to a petition in the Federal District Court in Richmond for removal of the Fred L. Wallace felony trial from the state courts, a hearing for argument on the law is set for March 11.

Wallace's lawyers submitted their brief yesterday arguing under Title 42, sections 1442 and 1443 of the U. S. Code, that as a Negro, he could not obtain a fair trial in Prince Edward County. At the same time the State Prosecutor filed his brief, arguing his motion to remand.

Wallace himself will not attend the March 11 hearing.

Rep. Schwengel to Speak

Iowa congressman Fred Schwengel will speak on the Problems of Minority Staffing on Congressional Committees at 1:30, Monday, March 9, in the Harkness Meeting Room.

Cox Tells of His Advocacy

By Richard A. Hannaway

Once upon a time there was a lawyer who appeared in court for his client and did some very strange things. He told the judges that his client did not deserve to win the case; that, although the law might be in his favor, justice was on the other side; and, despite the fact that his client had won in the courts below, his victory should be reversed here.

This is not the start of a lawyer's fairy tale. It really happened and it continues to happen. The lawyer is not promptly fired by his enraged client and the judges do not scold him for failing to uphold the adversary system. He is one of the nine men in the Office of the Solicitor General and he is confessing error before the Supreme Court of the United States.

This "inside look" was provided by Mr. Archibald Cox, LL.B.'37, the Solicitor General of the United States, a former teacher at the Law School, in his speech last Friday at the Boston College Law School Forum.

"The position of a lawyer in the Solicitor General's Office is different in several respects," he said, "from that of the ordinary advocate in appellate proceedings. In some ways he is like a judge."

Mr. Cox placed the cause for much of these differences in the special position of the Solicitor General. First, the Office argues many cases before the Supreme Court, he said. Last year the Court heard 150 cases on the merits and his office appeared in 90 of them. Since the Solicitor General's Office has only nine lawyers, that means almost one appearance a week for each man. "This frequency of appearance," he said, "means that the judges come to know each man well. This imposes a pressure to be logically consistent which an ordinary appellate lawyer doesn't feel." You cannot argue one position and then practically the next week come before the court in a different case and argue the opposite, he explained.

Another difference is that one tends to be more interested in the long run development of the law than the result in a specific case. Mr. Cox said he had found that close association has created a deep attachment in his office for the Supreme Court as an institution. "Frequently the question will be asked,

'Will this presentation help the Court in reaching a decision?'"

Mr. Cox said that another source of difference was the fact that your client is the government. "In a real sense," he said, "the interests of the United States are served when justice is done, even if that means a particular case is lost. This feeling is very strong in my office." The procedure of confessing error helps to achieve this objective.

Mr. Cox noted that there were several arguments against confessing error, including the fact that it was "a dirty deal for the appellate court." The Court is not required to accept the confession. Mr. Cox recalled one instance where a young lawyer in his first appearance before the Supreme Court confessed error only to have the case affirmed. "However," he said, "I've managed to do much better since then."

Mr. Cox said that it was important to maintain a reputation for intellectual integrity before the court. Confessing error and the practice of his office of refusing to petition for certiorari when it seemed unjustified helped to achieve this, he said. The Court, he found, would give considerable weight to an argument by his office that a certain decision was necessary to maintain a government program or that certiorari should be granted, if his men had the reputation of dealing with the Court fairly.

He mentioned that one unusual role which his office sometimes played was that of mediator between government agencies. "The separate agencies of the government are almost warring entities," he said. "They frequently clash and sometimes this takes the form of a case which reaches the Supreme Court." Since both agencies would have to go through the Solicitor General to have their case presented to the Supreme Court, his office affords one of the few places for resolving conflicts between agencies, he explained. Often, the agencies can be persuaded to settle their differences instead of bringing the fight to the Court.

"An increasing number of the cases we handle involve appearances as *amicus curiae*," Mr. Cox said. Seven of his eleven

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GOP Holds Resultless Convention

By Roger P. Bernhardt

Saturday February 29 was a big day for campus politicians: the day of the New England Mock Republican Convention. Attracted by the prospect of Wellesley girls or of factional politics, 645 students including a Law School delegation descended on Wellesley's Alumni Hall.

The Convention's maneuvers and counter-maneuvers ended prematurely at 5 p.m., however, for the mundane reason that the hall had been rented for the evening. No candidate received a majority from the 645 eligible voters. Goldwater led with 293, followed by Rockefeller with 180. There were approximately 56 votes for Scranton, 55 for Lodge, 41 for Senator Morton, 14 for Nixon, six for Romney, one each for Senators Smith and Tower, and one for Harold E. Stassen.

Over 30 Law School students represented Michigan, though under the voting rules each delegate had an independent vote. Some of the Law School contingent arrived late and helped to precipitate one of the crises of the Convention, the struggle over credentials. Russell Van Hooser, 3L, chairman of the delegation, presented a request that they be seated, which was approved midway through

a roll call vote. The controversy centered over the supposed allegiance of the disputed delegates.

Both major candidates vied for the advantage of making the final demonstration. It finally went to Gov. Rockefeller, though Puerto Rico had the honor of making the last nomination for president, nominating Congressman Walter Judd.

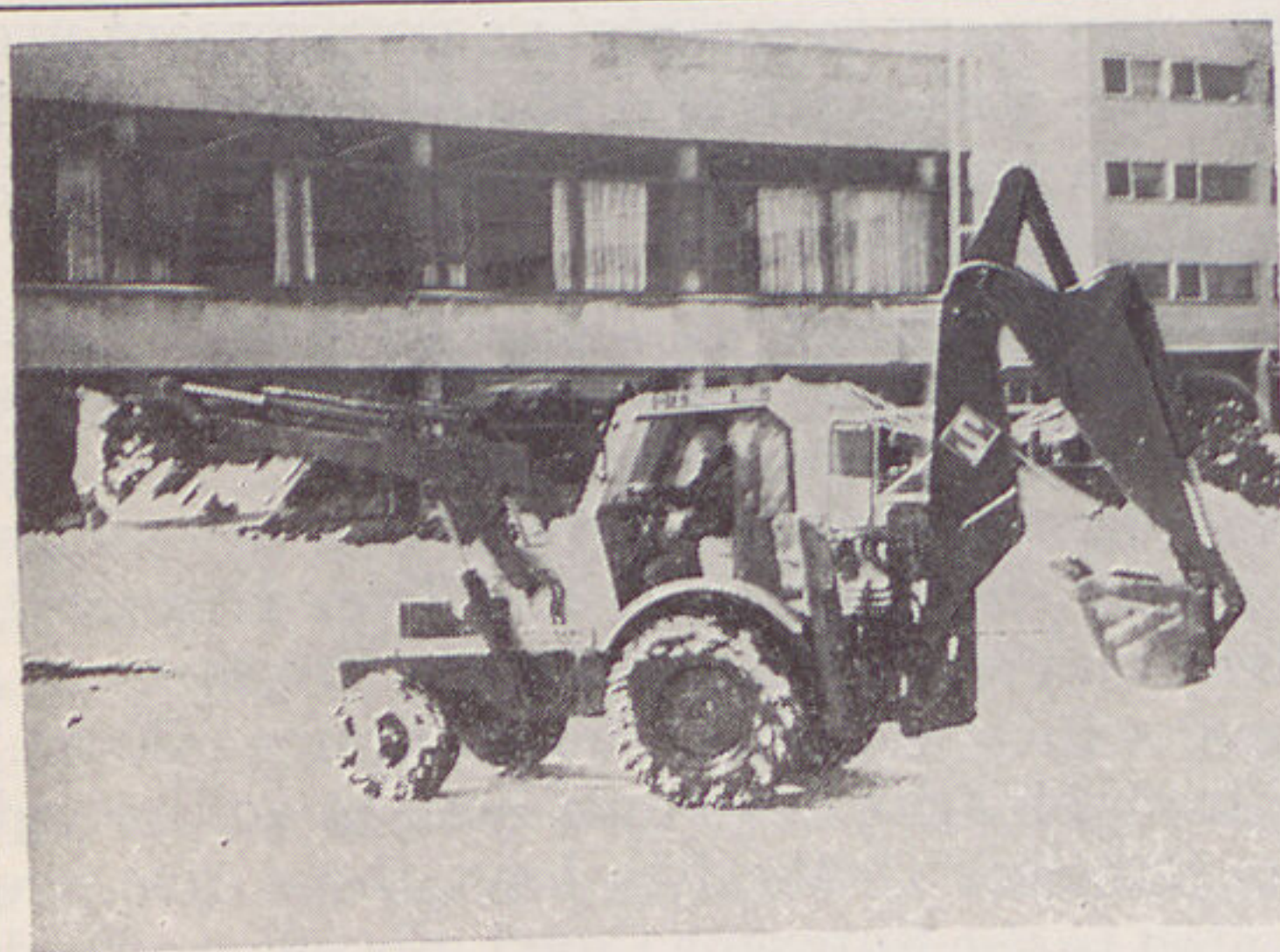
While nominating speeches droned on for the myriad of minor candidates including lightweights Saltonstall, Romney and Judd, many of the Law School group repaired to the nearby grill for refreshments. Others, however, took a more active part.

Theodore S. Curtis, 1L, put his Rockefeller button in his pocket, and nominated Governor Romney. Edward S. Cabot, 3L, spearheaded part of the well-organized Rockefeller demonstration. A number of Law School students participated in the louder, better-organized disorder of the Goldwater floor demonstration. A great quantity of confetti was thrown from the skylight during this demonstration, reputedly confiscated from Rockefeller supporters before the Convention began. H. Woodruff Turner, 3L, was all about the hall, buttonholing doubtful delegates for Goldwater.

Other Convention sidelights included Mark W. Murphy, 3L, in a Goldwater (?) LBJ (?) five-gallon hat. The Convention Chairman, Howard Phillips, Harvard College graduate, pounded away not with an ordinary gavel but with a croquet mallet specially appropriated for the occasion. One Rockefeller demonstrator distinguished himself by leaping upon a seat and loudly clashing cymbals until requested to desist by a Wellesley policeman after the Chair had ordered his removal.

During the roll call of states, Van Hooser announced the voting of the delegation: 14 for Rockefeller, 12 for Goldwater, five for Scranton, two for Romney and one absent. A poll was promptly demanded by Peter Lockwood, 1L. The polling was to be deferred until the end of the roll call, but was in fact never held.

The Convention was enjoyable for the participants, but its result might be summed up as full of sound and fury, signifying almost nothing.



In the middle of February the Law School community was girding itself for a long winter. Not wanting to be out of step with the season's spirit, the Harvard Buildings and Grounds Department put one of its bulldozers to work plowing off the Law School's private skating rink. That's what the signs said, anyway, although Cambridge kids outnumbered law students at least two to one. The next day the plow's work was undone by another snow storm. To complete the pattern of frustration the weather warmed up. And the Law School skating rink continued to be the most expensive free skating rink in the neighborhood.

Variety Show in Rehearsal

How does one go about creating an entertaining interlude in the lives of harried Harvard law students? This is the problem facing William S. Rubinstein, 2L, producer-director of the Law School Variety Show.

"I decided on *Lawyers, Lunatics, and Lovers*, a musical review, as a vehicle for song and satire, but the problems of production have been immense," said Rubinstein.

"It seems it's either Williston, Ames, or dames wreaking havoc with rehearsal schedules."

Composer-lyricist Peter F. Knopp, 3L, paraphrased Shakespeare to come up with the title *Lawyers, Lunatics, and Lovers*.

"I think Shakespeare would agree that lawyers are as prone to the same frenzied imaginative state as that which grips the poet, lunatic, and the lover," said Knopp.

"It is this element of madness — the lawyer's awareness of the unreason that hides behind his attempts at reason that we have tried to convey in the show," he explained.

Expenses have mounted. Professional lighting and sound equipment has been obtained to transform Sanders Theatre into a real theatre. The show will make use of fast-paced blackouts created by Gregory E. Good, 2L. Good won a best actor award in a contest sponsored by the public schools in Dallas, Texas. He then did summer stock at the Maxinkuckee Playhouse at Culver, Indiana. At a Yale Arts Festival he read the part of Don Juan in a reading of *Don Juan in Hell*. During a junior year in Paris, Good directed and acted in two musical reviews. This past summer he was in a musical review at Cape Cod.

Ann Turner, a secretary in the ILS wing of Langdell Hall, will be one of the many talented girls in the show. Choreography is under the supervision of Marilyn Siskin, who was imported from Brandeis. She appeared on Broadway in *Bye Bye Birdie*.

To add a cosmopolitan touch Peter R. Graham, a graduate law student from Australia, and one of the tweediest men in the two hemispheres, will be featured in two numbers. Harry L. Hellerstein, 3L, who juggles, will wash the proceedings in cynical acid.

Faculty participation in the show is speculative at this point. As one Professor eloquently expressed it, "Why should a law pro-



Lunatic Lawyers, David H. Small, 1L, and Peter R. Graham, having a Love-ly time.

fessor want to appear in a variety show?" Yet, negotiations are being made, and it is hoped that one of the many performers on the faculty will drop his corporate veil the night of the show.

The Variety Show will be followed by a dance across the corridor in Memorial Hall. The date is Saturday night, March 21.

CLS Grades Unrevealed

The Columbia University Law School faculty has announced that class rankings of students will no longer be available to prospective employers.

Columbia will initiate a Dean's List which will include all students with an average of B or better.

Publication of class standing was abandoned at Columbia for the same reasons it was abolished at Harvard. Generally there was a feeling that class rank itself is meaningless and that too much emphasis was placed on class standing by law firms.

The director of placement at Columbia commented that the common practice of restricting job applicants to the top 25% of the class had been "devastating to the morale of three-fourths of the class."

The abandonment of publication of class ranks will probably help students in the middle of the class, all of whom have about the same average, he said.

Curriculum

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An addition is an elective full course in United Nations Law and Problems of World Order, given by Professor Louis B. Sohn. This course was not available in 1963-64 because Prof. Sohn was on leave of absence.

The Trusts course "will tend to develop away from the formal trust area and into a study of the broader problems of the fiduciary's position in the law," Dean Casner said.

Commercial Transactions will be taught in three sections, as it is this year, but there will not be a special fourth section for third-year students. Dean Casner explained that this year a very large number of third-year students, who had not taken the course in their second year, elected the course. So many of the present second-year class are taking it now, he went on, that there would not be enough third-year students taking the course next year to justify a separate section.

The course in Roman Law, which was not given this year, will return next year. Dean Casner said that this was an important area in which much of our law has its roots, and that any major law school should present work in this field.

Professor Bernard Wolfman of the University of Pennsylvania will give one of the Taxation sections. In addition to his first-year course, Prof. Hogan will be teaching one of the Commercial Transactions sections.

The School will continue to expand the breadth of its third-year program in 1964-65 by increasing the number of full-year seminars from thirteen to seventeen. There will also be thirteen half-year selections in the fall and nine in the spring. Despite this increase some of this year's seminars such as International Business Regulation and State Constitutional Reform will not be offered. The new seminars include Problems of Commercial Practice, Views of the Legal Process, and International Protection of Human Rights.

The number of full courses will be increased to sixteen as compared with the present fourteen, and those in the spring to twenty compared with sixteen now. Nineteen half-year courses will be offered in the fall as

compared with 21 in 1963-64, however. Advanced Constitutional Law, Copyright and Unfair Competition, and Restitution will not be offered. New courses include Contemporary Chinese Law, Philosophies of Justice, and the Legal Status of the Negro in America.

While the seminars in Administration of Criminal Law and Criminal Responsibility and the Model Penal Code will not be given, the third-year program has been enriched with new courses in the criminal law area. Prof. Kamisar will give a seminar on Constitutional-Criminal Procedure, Professor John Mansfield one in Evidence in Criminal Cases, and Assistant Prof. Dershowitz another in Psychiatry, Psychoanalysis and the Law. A new half course, taught by Professor Livingston Hall, will be given in the spring, taking the title of the old seminar, the Administration of Criminal Justice. Dean Casner said that this new emphasis was "intended to give students a greater appreciation of what ought to be the Bar's role in criminal law."

Cox Speaks

(Continued from page 7)

appearances before the Court this year have been as *amicus*, he said. One reason for this is that the private interests of the litigants in a case before the Supreme Court are often much smaller than the public issues involved. If large public issues are to be decided, there should be someone in the case to represent the public, he said. Among the factors which his office considers before deciding to enter a case, Mr. Cox said, are: the importance of the issues; whether they have anything that will help the Court; and the policy view of the Administration.

"There are many problems when you leave the adversary system and volunteer your services as *amicus*," Mr. Cox said. "They are just a part of the difficulties involved in the ambivalent position of the Solicitor General, who is part lawyer and part judge." But he told his audience that he was always careful that neither he nor any of his men made the mistake of beginning to think of themselves as judges; for, he said, "When a lawyer begins to think of himself as a judge, it spells doom for his client."

More Apply to HLS

(Continued from page 1)

But as the Law School will eventually send out some 800 acceptances for the Class of '67, obviously some applicants must be denied admission. Dean Toepfer concisely expressed the problem, "Last year it was impossible; this year it is worse."

In terms of numbers the 2,000 applications now on hand represent a greater total than were received in any previous year but 1962 and 1963. And there are still two months to go before the Class of '67 applications are finally due. Dean Toepfer noted that if the school receives some 700 applications in the months of March and April, as it did last year, the 2,700 total will be 350 more than last year's, 700 more than 1962's and 1,000 more than it was 10 years ago.

Some 700 applications have been processed, and put in one of three piles. Some of the applicants have been mailed refusals, some have been mailed acceptances, and some have had their names put in the "hold" category.

Those in the "hold" group are given an opportunity to supplement their original application. The blank sent them by the Law School allows them to "reveal more of their individuality," Dean Toepfer said.

Explaining that it is to "aid the Admissions Committee in considering applications from candidates in whom the Committee is presently interested but for whom final action has been deferred pending further consideration," the blank asks the applicant to elaborate on six issues: "What achievements and qualities not otherwise revealed by your application do you wish the Admissions Committee to consider? Indicate the accomplishment during your college years which you regard as most significant. What are your hobbies and special interests?

"Describe the nature and extent of your participation while an undergraduate in activities which were not required as part of your academic program. Have you undertaken any course of study or employment which has given you special background, experience, or training not ordinarily obtained by undergraduates?" And, "Do you want the

Admissions Committee to notice particularly any parts of your record or application? Would you like to explain any part of your application?"

The blank seeking further information on "hold" candidates encourages them to give detailed answers by way of extra sheets of paper, or additional statements and material, attached to the official blank.

About 200 applicants have already been accepted, Dean Toepfer said. On the basis of past experience, he said, seven-tenths of these will come to Harvard.

"Now we have to proceed cautiously so that applications we get to last will have the same chance as those seen first," Dean Toepfer said. "Thus the lines we establish early are the most conservative limits for the class."

The Admissions Committee is composed of Dean Toepfer and Professors Richard H. Field and James Vorenberg. Assisting them are Assistant Dean John P. Wilson and Admissions Secretary Mrs. Edith D. Oliver.

"We feel we are carrying the weight of the world on our shoulders," Dean Toepfer stated. He stressed that the Committee must work hard and make "agonizing choices" while the hopeful applicants wait "under pressure, feeling that it is terribly important for them to be admitted." He concluded, "It makes for a hard spring."

The Committee meets each week for a little more than two hours. But prior to these meetings each member of the Committee sees each application at least once. The practice of the Committee is to obtain unanimity, sometimes by discussion, before making a final decision.

At the meetings the Committee members talk over cases of disagreement and cases representing "various problems and special circumstances." Dean Toepfer cited as examples a student whose marks varied sharply up and down, one who was expelled at some time, one with a handicap, or, for a graphic example, a 46 year old MD who has decided to change professions.

Applications are due May 1 and the Committee hopes to have the acceptances out by May 15.

Judges Selected for Ames Quarters

Judges have been chosen and briefs are in preparation for the Ames quarter-final arguments, to be held this month.

The opening round argument will consider the question of whether a person who fails to wear a seat belt in an automobile is precluded from recovering damages for injuries which would not have occurred if he had been wearing one. This question has not been litigated in America and thus will receive its first hearing before the Supreme Court of Ames as Keeton Equity meets Casner Equity. Presiding at the argument will be the Hon. Abraham C. Freedman, federal judge for the Eastern District of Pennsylvania; Elwood S. Levy, Esq., of Philadelphia, himself a former Ames Final oralist; and Blair L. Perry, Esq., of the Boston firm of Hale and Dorr.

Kaplan Club for the appellant and Casner Law for the appellee will decide a question of corporation law and equity in the second round of the quarter-finals. The judges in this case will be the Hon. Collins J. Seitz, Chancellor of the Delaware Court of Chancery; Earle W. Carr, Esq., of the Boston firm of Gaston, Snow, Motley & Holt; and Samuel M. Lane, Esq., of the New York firm of Casey, Lane & Mittendorf.

The third round case presents antitrust issues that arise when a manufacturer adopts a policy of refusing to deal with retailers who fail to resell at pre-established prices. Judges for the round will be the Hon. Edward C. McLean, federal judge for the Southern District of New York; Warren A. Farr, Esq., a leading antitrust litigator with the Boston firm of Ropes & Gray; and George D. Rey-craft, Esq., former Chief of the Antitrust

Division of the Justice Department. Griswold Law Club will represent the appellant, and Jaffe Club will represent the appellee.

In the final round the Root Club and Howe Equity Club consider whether travel to Cuba with a passport stamped "Not valid for travel to Cuba" constitutes a departure from or entrance into the United States without a valid passport. The Hon. Inzer Wyatt, S. D. N. Y.; Thomas G. Corcoran, Esq., of Washington; and Joel A. Cozol, Esq., of the Boston firm of Friedman, Atherton, Sisson & Cozol will be the judges.

The arguments will be held in the James Barr Ames Courtroom at 8 p.m. on March 12, March 17, March 19, and March 24 respectively.

Essay Award Offered

"Law Office Associates — How to Retain and Evaluate Them" is the topic in this year's contest for the Reginald Heber Smith Annual Essay Award. The purpose of the award is to stimulate and encourage research in the economics of the legal profession and law office organization.

Essays must be submitted by June 30, 1964. The recipient of the award will receive \$500; no award will be made if there is no outstanding contribution. Information may be obtained from Daniel J. Cantor and Co., Consultants to the Legal Profession, Attention: RHSEA, Suburban Station Building, Philadelphia, Pa.

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Scholar Compares Legal Systems

by Thomas E. Woodhouse

Visiting scholar ("that's to distinguish me from the visiting professors") Dr. Hilding Eek visited the Law School last year and decided to return to stay awhile. Dr. Eek, who occupies the Chair of International Law at the University of Stockholm, is spending his sabbatical here. He will be at the Law School until the end of April, will fly to Paris in May for a meeting of the executive board of UNESCO, and will return here for the summer.

Dr. Eek's experience both in domestic and in international political affairs has been extensive. For five years prior to 1948 he was chief political editor of *Aftonbladet*, a Stockholm evening newspaper. At that time the newspaper enjoyed a wide reputation as a "liberal" (non-socialist, though progressive) political organ, though it now functions as a government mouthpiece.

From 1948-1952 Dr. Eek headed a section in the Division of Human Rights of the United Nations Secretariat dealing with the topic of freedom of information. He found himself enmeshed in controversy generated by disagreement of purpose between the United States and the Soviet Union. Less activity has occurred in this area in recent years. Dr. Eek covered what developments there have been since 1954 in a report to the Secretary-General in 1961.

Since 1955 Dr. Eek has taught at the University of Stockholm and has represented the Swedish government on the executive board of UNESCO. His term in the latter office still has two years to run.

Dr. Eek disarms a visitor, or a reporter delaying his departure for home, with his quick good humor and readiness to respond to questions about himself, Swedish law and general matters of the world. Does he speak languages other than English and Swedish? Oh yes, French and German as well, though German not quite as well. He is the author of books and articles written



Professor Eek

in all four. Does he speak other Scandinavian languages? No need to. Scandinavians can understand each other, each speaking in his own language — "though the Danes speak down here," he said, pointing to the base of his throat.

He has noticed, in observing the teaching of law here, that there is greater emphasis on cases than in Sweden, although Sweden has not adopted a Civil Law system. Codified Swedish law was originally the codification of customs, and the codification is not complete. The judge is more important in Sweden than in Civil Law countries, Dr. Eek ventured. There is no rule of *stare decisis*, and the judge is more concerned with construing a statute to suit the ideas of the lawmakers than with prior judicial decisions. More respect is generally paid to the legislator than to the Supreme Court, but the role played by the judge is large.

In international legal studies, he suggested, teaching may be more similar to the teaching in this country. If there is less emphasis on

cases than here, it is because there are few important cases relating especially to Sweden. Lawyers concerned with export-import trade must have some familiarity with American law; in fact, Dr. Eek spent some time prior to leaving Sweden studying the Uniform Commercial Code.

One innovation in the Swedish legal system which has attracted much attention in the United States is the office of the *justitieombudsman*. This official, a highly qualified lawyer elected to his post by Parliament, oversees the administration of law at all levels throughout the country. He functions independently of government, and if he sees a failure in duty on the part of any public official, may initiate proceedings against that official. The *ombudsman*, Dr. Eek explained, may scold the offender, or if he deems it advisable may prosecute him before a court. The office appeals to many Americans concerned with the administration of law in this country, as is attested by the number of law review articles on the subject.

Spending a sabbatical in the United States promises to be especially pleasing to Mrs. Eek. She is American. Dr. Eek met her in Geneva.

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Williston Comp Finals Set

All three teams in the final round of this year's Williston Competition will be winners. Three prizes of \$250, \$150, and \$100 each are being offered. These awards are made available through the annual estate planning drafting contest of the Boston Safe Deposit & Trust Co. which is open to all law schools in the city. Prizes are awarded all Williston finalists just as if they had participated in that contest even though the problem area for the Williston Competition often, as this year, is not concerned with estate planning.

The drafting problem for this year's finalists is in the area of business planning. It involves the preparation of drafts of an employment agreement and the clauses in

an agreement of stock purchase and a stock pledge and escrow agreement designed to assure control of a corporation by the seller of the stock until the purchase price is paid. The judge will be Randolph H. Guthrie, Esq., of the New York firm of Nixon, Mudge, Rose, Guthrie, & Alexander.

The participating members of this year's finalist teams are as follows: Joseph M. Manko (3L), Steven J. Schwartz (3L), Richard B. Klein (3L), Charles R. Foltz (3L), Arlene R. Lezberg (3L), Jack I. Samet (3L), John W. Walbran (3L), Robert S. Miller (3L), Spencer Neth (3L), Bruce D. Shoulson (3L), and Stuart A. Smith (3L).

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Burton Fund Created

The Law School has received a gift of \$5,000 from Frank E. Bubna, LL.B. '27, to establish the Harold Hitz Burton Beneficiary Aid Fund, in honor of Mr. Justice Burton, former Justice of the United States Supreme Court. The Justice received his LL.B. degree at the Law School in 1912.

Dean Erwin N. Griswold has indicated that if other friends of Justice Burton wish to contribute to the Fund, their gifts will be welcomed.

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Recent Book

Language in the Law

Johnson's Dictionary, a Modern Selection, by E. L. McAdam, Jr., and George Milne. 465 pp. Pantheon. \$6.50.

by Thomas E. Woodhouse

"It has been asserted, that for the law to be known, is of more importance than to be right," wrote Dr. Johnson in the preface to his *English Dictionary*. Then he continued:

"There is in constancy and stability a general and lasting advantage, which will always overbalance the slow improvements of gradual correction. Much less ought our written language to comply with the corruptions of oral utterance, or copy that which every variation of time or place makes different from itself, and imitate those changes, which will again be changed, while imitation is employed in observing them."

Johnson published his two-folio dictionary in 1755. It was the largest, most comprehensive such work ever to be published in the English language. The *Dictionary* appeared when the English language was at its most robust. Probably at no time since has the language carried so full a measure of words of description, of composites which, by metaphor or directly, portray their meaning.

But Johnson knew that he could not save the language from change. Society raised above barbarity, he recognized, will constantly alter its expression; and a commercial society like England in the 18th century must be especially vulnerable to mutability. "Commerce," he declared, "however necessary, however lucrative, as it depraves the manners, corrupts the language."

Johnson conceived his role of lexicographer wisely: "I have endeavored to proceed with a scholar's reverence for antiquity, and a grammarian's regard to the genius of our tongue;" and with his mag-

num opus he struck "in hope of giving longevity to that which its own nature forbids to be immortal."

The selection reviewed purports to cull from the *Dictionary* a representation of that great work. The two editors are eminently qualified for their task, both in learning and in their appreciation of all that the *Dictionary* is, and so of all that a representation must be. The *Dictionary* is Johnson's style, and it is his learning and his personality as well. Sometimes Johnson thunders; sometimes he insinuates, or expresses scepticism, or even admits that he does not know the meaning of a particular word. There is throughout an established relation between the author and his reader.

Professor McAdam's participation in the editorship of this selection should be particularly pleasing to anyone who is a lover both of Johnson and of the law—as was Johnson, and as is McAdam. Johnson had a fascination for, and a close interest in law all his life. The best chronicle of Johnson's relation to law is *Dr. Johnson and the English Law*, by Prof. McAdam, who is more thorough in his coverage of this facet of Johnson than was Boswell.

A frequently cited entry from the original dictionary, which reflects a rancorous opinion toward the thing in question, is carried

over into this selection. Johnson defines *excise* as "a hateful tax levied upon commodities, and adjudged not by the common judges of property, but wretches hired by those to whom excise is paid." A quotation from Marvell follows: "Excise/With hundred rows of teeth, the shark exceeds,/and on all trades like Cassawar she feeds."

A no less interesting entry is *culprit*. Defining the word as "a man arraigned before his judge," Johnson observes that "About this word there is great dispute. It is used by the judge at criminal trials, who, when the prisoner declares himself not guilty, and puts himself upon his trial, answers; *Culprit, God send thee a good deliverance*. It is likely that it is a corruption of *Qu'il paroît, May it so appear*, the wish of the judge being that the prisoner may be found innocent." (The Oxford English Dictionary has it that the word derives from L. *culpabilis* and OF. *prest*.)

Few will fail to appreciate the utility of such nouns as *breakpromise*, *faithbreach*, or *findfault* (all referring to persons), or of *eyeservant* ("a servant that works only while watched") and *garlick-eater* ("a mean fellow").

The compilation of Johnson's *Dictionary* was a tremendous task. This selection does nothing to destroy the efficacy of Johnson's remark concerning his accomplishment: "I knew very well what I was undertaking—and very well how to do it, and have done it very well."

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Letters to the Editor

Special Circumstances Form Exam Excuse

To the Editor:

I am writing in reference to the letter appearing in the RECORD of February 27, 1964, in which an alumnus reports that the "Administration" left him "little choice" but to take an examination a few hours after learning of his father's death. I am surprised by this report because it has long been the policy of the School to excuse students from their immediate examinations under such circumstances.

The problem raised by deaths in the family occurs in several instances at each examination period. Whenever a student reports that a death in his family has occurred, both Mr. Peck and I have tried to make it clear that the student should go home and that he need not be concerned with whatever examination is imminent, since the Administrative Board will grant credit for examinations missed under such circumstances. It is our practice to stay in touch with

the student, however, and to make arrangements for later examinations, which can be taken at home if the student wishes.

I think I should say that it is not unusual for students to insist upon taking all examinations even under these sad circumstances. We are always willing in these cases, and when there are other special circumstances, to have examinations administered away from Cambridge.

The "little choice" which your correspondent reports could only be the result of a misunderstanding. I hope that through this letter students who may face difficulties at examination time will understand that despite the "rumors," the Law School is not completely hard-hearted. Under appropriate circumstances, it does grant excuses from examinations.

I hope that students who face personal problems at examination

time will not act on the basis of rumors, but instead report their difficulties to Mr. Peck or myself so that we can help them.

Louis A. Toepfer
Vice Dean

Unequal Editor

To the Editor:

In the story of the Adams Legal Papers carried in the February 27th issue of the RECORD the impression is given that I carry an equal share of editorial responsibility with Messrs. Wroth and Zobel.

May I have a small segment of your space to dispel that impression? My role in this venture in scholarship is of wholly negligible significance. I have kept an admiring eye upon the work of the two editors of these volumes. It has, perhaps, given them an illusory sense of security to know that if they needed help they could find sympathy and interest in my office. The editorial accomplishment, however, is theirs. My responsibility is wholly separate and deeply unequal.

Mark DeW. Howe

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