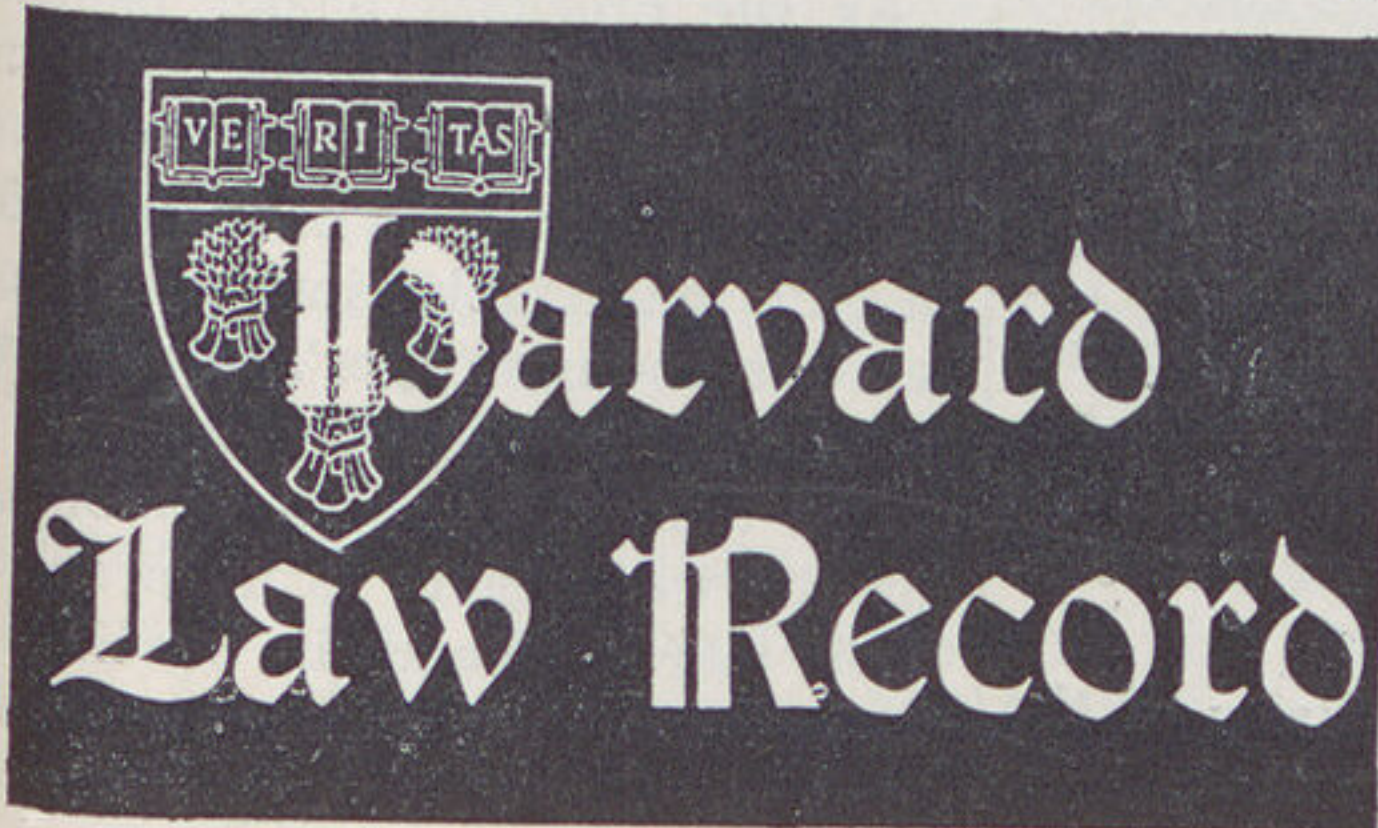


Bias Against Women May Be Unfair

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America's Oldest Law School Newspaper

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CAMBRIDGE, MASS. MARCH 26, 1964

By Michael Hampden
The grounds on which women lawyers are discriminated against in the hiring process may have little justification in fact. This conclusion emerged from responses to a recent RECORD survey of female Harvard Law graduates.

The survey attempted to discover the nature and extent of client contact involved in the graduates' jobs; the number of jobs held and leaves of absence taken since graduation; the relationship between the women lawyers' professional and personal lives; and the professional advantages and disadvantages pe-

(Continued on page 9)

Publicity: Its Effect on Doing Justice

By Stewart D. Davis

"Disillusionment and bitterness about the administration of justice" characterized the talk of NBC commentator Gabe Pressman at Friday's Forum on "Criminal Justice and Excessive Publicity" before what could only be described as an intimate gathering in vast Sanders theater.

Reminding his listeners that "Eternal vigilance is the price of liberty," the New York TV journalist spoke out for the medium's free access to those places where justice is administered, and against the incompetence of the administrators of that justice.

Particularly, Mr. Pressman favored televising trials, or parts of trials. He pointed out that microphones and cameras are the tools of the television trade, and are necessary so that TV may get its "piece of the story." He lashed out at Canon 35 (A.B.A. Canons of Judicial Ethics) which keeps court-room proceedings hidden from TV's watchful eye. To him keeping TV out of court because the participants might be tempted to "ham it up" would be "like blaming TV for the Oswald shooting."

Mr. Pressman said that TV is more ac-

(Continued on page 13)

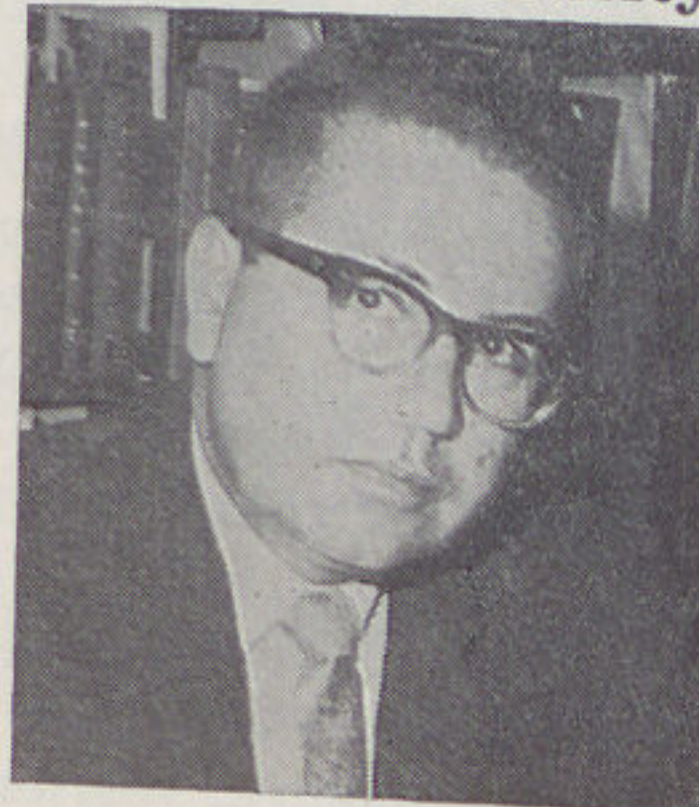
Ames Finals April 7

The Ames Final argument will be held Tuesday, April 7, in the Ames Courtroom and not April 17 as previously reported in the RECORD.

Book Borrowing Easier

The Law School Library announced this week a more liberal policy of book lending. The new rules, which will go into effect immediately, allow users to borrow some text materials for a period of one week.

Every spring the Library faces a security crisis stemming from increased use and mutilation and stealing by a few students reacting to the pressure of third-year papers and impending exams. Librarian Earl C. Borgeson said that at a time when persons are walking away with books or parts of them, "we hope to remind them that there is a proper way of taking books out of libraries." The new policy also reflects a desire to facilitate proper use of materials.



Mr. Borgeson

Textbooks, separate pamphlet laws, com-

(Continued on page 4)

The Employment of Women Lawyers

Last fall's job placement survey (December 12, 1963) revealed that law firms, at least those that hire Law School graduates, have two basic reasons for discriminating against women in their hiring: (1) a belief that women lawyers will be unacceptable to their clients and (2) a further belief that they are likely to leave their jobs for family life.

Although the results of the RECORD's survey of the careers of the Law School's women graduates, found in this issue, are not the product of a scientifically controlled study, they do tend to discredit these assumptions. The women graduates who are engaged in full-time practice reported overwhelmingly that their practice involves "much client contact," and half reported that they deal primarily with men.

A majority of our respondents (not necessarily a majority of the Law School's women graduates) are working full-time at their jobs. While some reported that they had left work permanently or temporarily to have children, family expansion has not terminated the careers of a majority of those who have children. It is clear that many women graduates of this Law School do not feel compelled by the logic or illogic of the maxim that "responsibility is in the home."

Where, Oh Where, Are Our Grades?

Two Law School professors are apparently still poking their way through blue books, and three others have only recently limped across the finish line in the Examination Derby. Grades are frequently unwelcome arrivals at the Law School, and perhaps these professors ought to be cheered for sparing some of their students from trauma.

On the other hand, we should point out that some of our brethren worry nigh unto death prior to receiving their grades, but quickly accommodate themselves to the results. Also, in a few cases, that 75 at the mid-year may mean a job offer. At any rate, we think that fewer professors should answer "unprepared" when grades are due.

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TONGUE 'N CHEEK

By Fenno

As the crocuses bloom beneath the snow emergency route signs and the budding trees in the Yard are reflected in the pools of melting ice on the charitably immune steps below, a young lawyer's mind turns to thoughts of spring vacation.

For those staying in Cambridge for the week there is no problem. Their mere presence in the library will be enough to soothe their consciences. The student planning a real vacation is the one who needs help in easing the guilt pangs that go along with seven days away from Langdell.

In packing for a vacation trip the first step is to decide what legal volumes to take along. Obviously if one is flying the most important consideration is the weight. The departure of Agency from the curriculum is to be mourned in this regard.

The next consideration is the purpose the book will serve. If one is trying to impress fellow passengers, then the Legal Process or Development of Legal Institution materials are out. Mimeographed pages just do not have that Perry Mason look.

For the student planning a Florida or Bermuda outing there is definitely a need for an impressive looking volume that will either withstand sea water, beer and sand or can be willingly sacrificed to the elements — say, like this year's tax regulations.

Anyone heading home for vacation should include a copy of his Ames brief and a volume of old exams with which to impress the family, along with that part of the catalogue which explains the marking system.

For all around good vacation taking, the Federal Rules of Civil Procedure, any copy of the Law Review or the tax code combine the finest characteristics of status and light weight.

As for something to read over the vacation, if you are traveling outside of Massachusetts, you might try *Fanny Hill*.

Countryman Critical of HUAC

Professor Vern Countryman, speaking to the Harvard Law Graduate Democratic Club on March 16, described the famed "files" of the House Un-American Activities Committee as a compilation of gossip, rumor and suspicion.

Citing examples of the improbable stories coming before the Committee, Prof. Countryman said that "in the past years the Committee has heard that the NAACP is a Red front, that *Time* follows the Communist line, that the YWCA is infiltrated by Communists,

Rights Workers Recruited

Civil rights supporters will try next month to recruit law students for the army of civil rights workers descending on Mississippi this summer.

Barney Frank, a Harvard graduate student, said a program is being sponsored by the Council of Federated Organizations (COFO) to get more than 1000 workers on various projects throughout the state. COFO is composed of representatives of NAACP, CORE, SNCC and the Southern Christian Leadership Conference.

Frank said law students would be assigned to special tasks in voter registration efforts, helping in educational projects, compiling statistics and preparing affidavits for possible suits. They will also try to get information useful in expected challenges to the credentials of the Mississippi delegations to both national conventions this summer and to the seating of the state's Congressional delegation next January.

The students will also help compile statistics on Negro participation in Federal welfare programs, which would be valuable in efforts, under Title VI of the pending Civil Rights Act, to require nondiscrimination in the administration of the programs.

COFO will seek to provide rooms for the workers but will not pay salaries. Frank estimated expenses for the full summer would total about \$150.

Applications may be obtained from Frank or from Dorothy Zellner in the SNCC office in the Harvard Epworth Methodist Church next to Hastings Hall.

and that Shirley Temple was a Communist dupe."

Prof. Countryman said that his name is in the files, simply because he made some speeches critical of the Committee. Although the speeches were reported in the *New York Times*, the Committee's files cite as their source the now defunct *Daily Worker*, which carried the same reports.

The Committee, he argued, is not serving the normal function of a legislative committee. Instead of investigating with an eye to framing legislation, it is, as members of the Committee have admitted, wielding the weapon of publicity against those who come before it. Procedural laxities which an ordinary legislative committee may be allowed are inexcusable in these circumstances.

Prof. Countryman pointed out that the charges are often vague, and that the accused is given no opportunity for cross-examination. While he is permitted a lawyer if called to testify, the lawyer will be removed if he does more than advise when to take the Fifth Amendment. Yet these allegations can have serious, almost penal consequences. In one hearing in Pittsburgh, Prof. Countryman said, 300 names were mentioned and almost 100 of those people lost their jobs.

Any reform movement has a long, hard fight, Prof. Countryman said. "The greatest number of votes against it in the House has been fewer than 12." The Supreme Court may act, but there are "some legitimate constitutional objections which allow it to continue to ignore the situation." Reform from within is even less probable, he maintained, citing the conversion of critics to believers when appointed to the Committee.

'Sabbatino' Discussion Tonight

The International Law Club will present an analysis of the Sabbatino case in Harkness Meeting Room tonight at 8 p.m. The case, decided by the Supreme Court this week, is regarded as important in the field of international law. Club elections will follow the discussion by three attorneys interested in the case.

Lending Policy

(Continued from page 1)

mentaries and casebooks located in the stacks will be generally available for one-week borrowing. However, the list will not include any books on the open shelves in the reading rooms or books on general or course reserve at the circulation desks. Books presently available for overnight use will retain this status unless more extended borrowing is allowed.

Mr. Borgeson hopes that the new policy will curtail unauthorized borrowing, theft and mutilation of books. During daylight hours free access to the stack areas of the Library in Langdell Hall makes them a relatively easy target for persons who want to take books. The presence of teaching offices in these areas prevents sealing them off in a way that would reduce security risks. Permitting limited borrowing of stack materials, Mr. Borgeson believes, is one way of meeting this problem.

He warned, however, that while the Library will continue its free access policy, it will increase its efforts to prevent unauthorized use of stack areas. He promised more spot-checks in the stacks to make sure that those using them have passes and more after-hours checks to discover any unauthorized possessors of keys. He said that persons with master keys to Langdell Hall and without authority to possess them have been found on a number of occasions. Such keys are issued only to faculty members.

The mutilation of books is apparently an increasing library problem. Mr. Borgeson said that in the last two years "more of this has come to our attention than at any time previously." He said that persons who are discovered mutilating books will be turned over to the Vice Dean for discipline. Serious infractions might result in expulsion.

He added that "if a person really wants an article he can always get a photocopy of it for one dollar or so. The cost to the Library of handling a replacement, sending a book out to be bound, having it sent back and placing it on the shelves, may run from four to five dollars."

Library Reclassifies Books

About 1,030,000 books in the Harvard Law School Library are undergoing reclassification. The silent metamorphosis which began about four years ago will probably be completed within the next four years. Librarian Earl C. Borgeson said that he hopes that the foreign law collections, some of which served as pilots for the project, will be reclassified by 1965 and the Anglo-American collections, started two years later, by 1967.

The reclassification method is the Law School's own personal answer to a problem which for many years has bothered law school librarians. Mr. Borgeson said that in recent years three or four systems have been in use — none of them universally accepted.

The Law School system breaks down the library collection first into jurisdictions, then by the nature of the materials (legislative, administrative, and judicial) and finally into subject matter. Treatises are classified according to 98 broad categories, some of which have a decimal breakdown.

When reclassification is completed and books and other materials have been rearranged, library users will have materials on a particular subject within a small area in the stacks, and extended searches in the card catalogue for books on related topics will be minimized. Mr. Borgeson said, however, that for the present, books will still be maintained in alphabetical order.

According to the Chief Librarian the reclassification process has been set up in a manner contrary to normal library procedures. The normal way, he said, would be to bring the books to the Cataloguing Department for classification. This procedure, however, would require transporting books all over the library and having them off the shelf for the period of time necessary to classify them.

In order to avoid this inconvenience reference librarians, Philip A. Putnam, George A. Strait, and Vaclav Mostecky and "whatever foreign students we can get" are doing the classifying without the books on hand, Mr. Borgeson said. High school students are doing the actual taping and numbering of the books in the stacks during summers.

A by-product of reclassification is an inventory of the Library's vast collection.

Cuba's Communism Discussed

By Richard A. Hannaway

"Cuba today is a Soviet colony — a terrible indictment of the betrayal of the Cuban people," the first president of Cuba under Fidel Castro told a Law School Forum audience March 13.

"When I met Fidel Castro in the Sierra Maestra and he asked me to be the presidential candidate of his movement, Dr. Manuel Urrutia said, 'I was completely fooled. He succeeded in hiding his Communism even from his closest friends.'"

"But a few months after I became president, I began to speak publicly from the presidential palace against the inroads that Communists were making into the government. On July 17, 1959, Castro went on television before the whole nation and calumnized me for these speeches."

"Today, in Cuba, all power is in the hands of a small group. There is no freedom or equality. Communism in Cuba has resulted in a system of monopolistic capitalism and has given rise to a new managerial class, which I call Fidel Castro and Company, Inc., and which exercises power more absolute than that of the dictator it overthrew."

Dr. Urrutia explained that such a result was inevitable under Communism. It is impossible, he said, for all the people to own the means of production in any real sense of the word "own." When the means of production are expropriated, labor must also be expropriated as merely another means of production. Since the Communist economy is a planned economy, the worker cannot remain free or the planning will break down. "When Communism expropriates the means of production," Dr. Urrutia said, "you get the worst type of slavery the world has ever seen."

Although the Communist system, as it operates in Cuba, may place the legal title to goods in all the people, the real incidents of ownership belong to a small class who "speak the last word on the use and enjoyment of all means of economic production, without the consent of the worker."

Dr. Urrutia was joined on the panel by Mr. Ernesto Blanco, a Cuban exile now an

Assistant Professor of Mechanical Engineering at M.I.T., and William Worthy, a reporter for the *Baltimore Afro-American*.

Mr. Blanco said that the thing which works most against the free world in its relations with Cuba is the ignorance of the methods of Communism. A close friend had asked him recently, "Why don't the Cuban people revolt if most of them disapprove of Castro?" Such a question, Mr. Blanco said, "shows how difficult — almost impossible — it is for one who lives in the United States to conceive of the oppression in a police state."

Mr. Blanco had particularly severe words for newspapermen who visited countries like Cuba to find out "the truth" and get an "objective appraisal" of the situation. "Such excursions show an amazing degree of naivete," he said. "No citizen of one police state would dream of making such a trip to another police state. He would know better."

He cited an example from his own experience, while he was still living in Cuba. An American reporter asked him for an interview. He granted it, saying in response to the reporter's question, that an interpreter would not be necessary. The following day the reporter appeared with a government interpreter. Later Mr. Blanco saw the results of the interview published as the view of a prominent Cuban intellectual. "Of course, it is absurd to imagine that what I said to that reporter represented my real views. I knew that the interpreter would report everything I said; and I knew what would happen if I said the wrong thing."

(Continued on following page)

Democrats Elect Officers

The Harvard Law-Graduate Democratic Club held its election for new officers on March 9. The new President is Edward M. Stadum, 2L. Other officers are Peter F. Rousselot, 1L, Vice-President-Treasurer; Dale G. Higer, 1L, Recording Secretary; and Michael F. Donlan, 1L, Corresponding Secretary. The club elected three members at large, Vincent P. McCarthy, 2L, Robert J. Kafin, 1L, and Victor Emanuel, 1L.

Griswold Favors Weakening Exec Council

Dean Erwin N. Griswold told members of the General Court of Massachusetts last week that the state government needs a clearer line of responsibility in the executive department. He urged passage of a bill which would strip the Executive Council of much of its veto power over gubernatorial action.

At a public hearing on the bill held in the State House he described the eight-man Council as "an anachronism, unfortunate, unwise and undesirable." The Council exercises at present a veto power over hundreds of ap-

Communist Cuba

(Continued from preceding page)

Mr. Worthy, who has made several trips to Cuba recently, brought to the discussion a considerably different view of the situation. "I would urge all of you," he began, "to go and see for yourself what is going on inside Cuba. My real concern," he said, "is not what a few Communists could do to the United States; but what the fear of Communism causes us to do to ourselves." As an example, he cited the case of the Cuban Hurricane Relief Committee which had been prevented by the Government from sending powdered milk to Cuba after the disastrous hurricane there. "I shudder at the future of a country so inhuman."

Mr. Worthy went on to say that unreasoning fear of Communism and Cuba was corrupting the United States in many other ways. He mentioned specifically the corruption of the press. "Exiles," he said, "because of their hatred, are the least objective analysts of what is going on in their country. Yet the press duly repeats whatever they say no matter how wild or impossible it may be." Mr. Worthy said much of the truth about Cuba was repressed in the news, such as the truth that the people are well fed and there is some free education for all. One could not find mention in the press, he said, of the fact that thousands of Cubans had returned to Cuba since 1959. He pointed out the paradox in press statements about Cuba which simultaneously warn of its menace and predict its imminent collapse. "A country about to fall apart hardly constitutes a great menace," he said.

pointments, numerous contracts, pardons and miscellaneous regulations promulgated by state department heads. It also has limited powers of supervision over all state expenditures.

In recent years the Council has come under increasing criticism for the backroom dealing which has characterized some of its operations. One of its members has been convicted of bribery and another has been indicted on similar charges. The bill would reduce opportunities for corruption by removing most of the Council's non-constitutional powers. Supporters of the Council argue, however, that it is a necessary instrument in preventing the governor from assuming dictatorial powers.

Dean Griswold, answering this argument, told the RECORD that the solution to this problem is not a body which can "hamstring the governor to whom we give the executive power. If he abuses that power, we should turn him out of office at the next election." He pointed out that 48 states get along without such a council and added that in most states the governor has an unrestricted power of appointment and removal over executive officers.

Although he spoke only a few minutes at the legislative hearing, the Dean did have an opportunity to rebut one specific objection to the present bill. The argument was that if the matter were left for a popular referendum in November, approval of the measure by the electorate would be effective 30 days afterwards and would allow a possibly lame-duck Governor Endicott Peabody an unfettered power to appoint his particular favorites to executive posts. The Dean noted, however, that if the legislature passed the measure itself, then it would have an opportunity to set the date on which the repeal of Council powers would become effective.

Several other Law School graduates supported the bill at the hearing. This apparent unanimity prompted one member of the legislature to ask the Dean whether he "brainwashed" Law School students. Rep. Paul L. Murphy, LL.B. '62, interrupted to answer this allegation. He noted that "brain-stretching" rather than "brain-washing" prevailed at the Law School.

Songs Spark Law School Show

By Thomas E. Woodhouse

"What is a lawyer?" asked Peter Graham, billed as the "Observer" in the Dormitory Council's 1964 variety show, *Lawyers, Lunatics and Lovers*. The answers, mostly disparaging, were thrown back in song and slycrack during a show which had less variety and more spots than the same production last year.

There were good bits. A chorus line composed of assorted long-gams quickly caught the favor of the audience, and the Seven Sons of Harvard (seven, count them, five) made another Dixieland smash.

Except for the music of the Seven Sons, who also played for the dance in Memorial Hall afterwards, the show went all the way with songs and skits. The songs were quite superior. Peter Knopp was responsible for both the music and lyrics, and succeeded in providing the only real strokes of quality. The songs were ably performed, and Peter Graham singing about "How to Make a Class Recitation," Gregory Good with "Lost in Langdell," and the chorus rendition of "A Lawyer's Prayer" were outstanding.

The latter item, incidentally, brought forth a rather elaborate *double entendre* of negotiable instruments law: "If *your* negotiable instrument should return dishonored, and the original maker cannot be found, then you as the last endorser. . . ." It will be difficult anymore to read the UCC as other than a dirty book.

The skits ranged from amusing to mediocre and once degenerated to worse. The interview at the firm of Coxie, Foxie and Moxie was of the first category, while Harry Hellerstein dished up some of the second and is to be blamed for the third. Out of touch with his audience for a painful few minutes of earthy humor better suited for interment in Paris' *Caveau des Oubliettes*, he regained his former footing with the usual run of jokes at



A Lawyer and His Love

the expense of Messrs. Griswold, Leach and Casner. A recently inspired addition to this year's show was a reference to "Ringo" Bator.

To borrow a phrase from one of the pieces, the show was a worthwhile "addition to the mental hopscotch of the classroom." Rubinstein and Alenstein are to be credited for a production which showed professional confidence, at least. If some of last year's performers were sorely missing, perhaps we have seasoned a few for next.

Countryman Made Professor

Dean Erwin N. Griswold announced last week that Visiting Professor Vern Countryman, Dean of the University of New Mexico Law School, will join the Harvard Law School faculty next year as a Professor of Law.

Commenting on his appointment Prof. Countryman said that he was "delighted to be back in a full-time teaching job in a first-rate American law school, despite the acoustics of some of the classrooms."

Professor Countryman is an authority on creditor's rights, and will teach courses in Commercial Transactions, Financial Planning, Creditors' Rights, and the Legal Profession. He will also supervise third year papers.

No RECORD Next Week

The RECORD will not publish an issue next week. All the editors are planning to take a week of vacation to think about impending exams. Next RECORD, April 9.

Nichols Tells of GOP Success in Maine

By Theodore S. Curtis, Jr.

The role of a state chairman in the Republican Party was described by David A. Nichols, Chairman of the Maine Republican State Committee, at a luncheon meeting of the Republican Club Friday. Nichols who has a one man general law practice in Camden, Maine, and recently completed a three-year term on the American Bar Association's Board of Governors, presented a "case study" of Maine to examine the value of a dynamic state committee.

When Nichols assumed the office of State Chairman the Republicans in Maine had just lost four of five major offices in the 1958 election — the Governorship, a U.S. Senatorial and two Congressional seats. Only popular Representative Clifford G. McIntire (now a candidate for U.S. Senate) withstood the Democratic landslide. But, since Nichols has been Chairman, the Republicans have not lost a single major race, have increased their large majorities in the Maine Legislature and have even won mayoralty races in heavily Democratic cities such as Waterville and Biddeford.

"None of the procedures or ideas used in Maine were new," Nichols stated; "many were adapted from other states." For example, copying Vermont, the Maine State Committee publishes a *Maine Political Yearbook* as part of its fund-raising efforts. Advertising is solicited from businesses which under Federal law, cannot contribute directly to political campaigns but can advertise their products in political publications. About 150 advertisers, ranging from the state's largest companies to small businesses such as restaurants, super markets, insurance agencies, radio stations and farms purchase advertising space in the *Yearbook*. The highly profit-

able publication contains bi-partisan articles, pictures, and directories concerning Maine political activity. Copies are distributed free to high schools, libraries and interested citizens, thus helping to increase public awareness of the importance of political parties.

The *Yearbook* and a general finance drive provide an unusually broad financial base for the Republican Party, Nichols said. Most of the money is used to promote the campaigns of major Republican candidates in Maine, a feat which few party organizations in other states can match. Realizing that the State Committee arranges and pays for most of the television, radio, newspaper and billboard campaign publicity, good candidates are attracted to carry the Republican banner, partly because they know many of their campaign expenses will be assumed by the State Committee.

For city and county chairmen the State Committee conducts training conferences. It also provides a special campaign school for candidates for the Maine Legislature. Individual party leaders are given recognition for accomplishment via membership in the Key Club for people contributing or raising \$50 or more and a recognition dinner for those city and county chairmen whose areas report a Republican vote in excess of a quota assigned by the State Committee. Nichols stated that the quota system has worked well

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F. W. Grinnell '98 Dies

Frank Washburn Grinnell, LL.B. '98, died on March 13 after a lifetime of distinguished service to the Massachusetts Bar. An editor of the *Law Review*, he maintained contact with the school as secretary of the Law School Association. He was also a member of the Alumni Committee for the RECORD.

Mr. Grinnell served for 40 years on the Massachusetts Judicial Council, an advisory body to the courts and legislature. A frequent contributor to legal periodicals and newspapers, he is acknowledged to have had a great influence on the legal history of the Commonwealth.

The RECORD wishes to extend sympathy to his family and friends.

May 1 — Scholarship Deadline

First and second year students who foresee a need for financial assistance must file Financial Aid applications not later than May 1.

No scholarship is automatically renewable. Application forms may be obtained from the Financial Aids Office in Langdell Hall.

Lady Lawyers

(Continued from page 1)

culiar to being a female at the bar.

Of the 120 women graduates of the Law School between 1953 and 1963, forty-eight responded to the questionnaire. Eight, nine and ten returns were postmarked, respectively: Washington, D.C., Boston and New York City. Thirty are employed in full-time legal work, 11 in part-time, and the few remaining hold non-legal jobs or are not presently employed.

The women whose jobs involve "much" client contact outnumber those with only a "little" by two to one. Only one respondent answered "none." There are approximately even numbers (18 to 21 respectively) of those whose clients are "predominantly men" and those whose are "neither men nor women predominantly." Thus contrary to the fear of many firms that female lawyers would be unacceptable to clients (particularly male ones), a male clientele looms large in the lives of two-thirds of the sample.

An equally important basis for the prejudice against women which exists widely in the profession is the fear of losing a female trainee to matrimony or motherhood. The findings of the poll suggest that this has been exaggerated. Twenty women, or nearly half of the sample, have held only one job since graduation, and 12 more have changed employment once. Two graduates are with their third employer; and three more, with their fourth. Although the one- and two-job women are most numerous among recent graduates, they are consistently found back among the graduates of the mid and early Fifties. It would be difficult and probably unnecessary to compare this employment record with the males, though an indication of Harvard lawyers' mobility can be gleaned from the fact that two-thirds of the Class of '53 as a whole have changed their jobs at least once.

Leaves of absence were conspicuously few among the respondents. Although twice as many are married than are single, only 10 women lawyers have taken leaves for characteristically female reasons. Nine of these ten left during pregnancy; one other took leave while her husband served in the Armed Forces. Research, graduate studies and run-



Reaching Toward A Future

ning for public office were reasons given by a few others.

Among the three answering graduates who are not working at all, two explained that raising a family had become more important to them; and one, that there was "no future" for her. It was apparent that for a woman practitioner with children, a full- or part-time governess is as essential as an attache case. Almost without exception, they employ one.

To the question, "Do you appear in court often?", 17 answered "never"; 14, "sometimes"; and nine, "often." In a profession of relatively few litigators, however, it is unlikely that there is a significantly higher incidence of courtroom work among their male associates. If there is, it may be partly explained in terms of the frequent complaints registered on the questionnaires that women are apt to be relegated to "important aspects of unimportant cases, and vice-versa."

Asked whether they experience any conflict between their professional and personal lives, nearly all the women answered, "none." For the four who found a conflict, the time factor was most significant.

Contrary to the belief expressed occasionally by firms to support a discriminatory hiring policy, the graduates overwhelmingly assessed their relationship to the non-professional women in their firms as satisfactory. Sixteen responded, in effect, "very good"; 18, "good"; four, "fair"; and only three, "poor." (In evaluating the responses to this question,

(Continued on following page)

Lady Lawyers

(Continued from preceding page)

certain interpretive liberties were taken. Where it was reported, in substance, "Just fine — I descend to their level," the relationship was evaluated as "fair.")

The participants were invited to comment in general on the validity of the views held by so many firms toward women. It was apparent that they had given considerable thought to the problem, and many had strong opinions which they seemed anxious to share. The following commentary is a patchwork composed from many questionnaires:

"Re your earlier survey, I suspect there's a good deal of hypocrisy in the answers that showed women more undesirable than Negroes. This is no doubt due to the existence of intellectually acceptable reasons for objecting to women, and absence thereof regarding Negroes (Jews, Mexicans, Methodists, etc.).

"Most of the reasons given for not hiring women are, however, patently spurious. It is simply *not* true that women are not acceptable to clients — most clients are charmed by the whole idea. Moreover, this excuse is most frequently offered by large Wall Street firms who have no intention of exposing clients to associates for the first three or four years — and as library lackeys the women are as good as the men!

"I once asked one of the clients about this and he advised me that obviously I would not be with the firm if I didn't know how to handle his problems. It might be inferred from this response that if a client has confidence in the firm, he will repose that confidence in whomever represents the firm, regardless of whether the lawyer is male or female.

"No client I have ever dealt with has made a fuss about having a female lawyer on the job. They usually appear to be quite intrigued by the idea and it is often easier for me to get information from them than it is for my male associates.

"I would like to comment on 'the high risk of their leaving the firm' excuse. I personally feel that if I leave the firm it will be because I'm given so much dull, meaningless work that I'm bored. I intend to work after I have children *unless* the work I'm doing is

too dull to withstand day after day. Moreover, I'm perfectly willing to work evenings, and often do so when I'm working on something interesting. But they can't expect women lawyers to stay around to do glorified proofreading and filing. There is perhaps a higher rate of job turnover among women lawyers resulting from this quest for interesting work.

"Since I am the first woman attorney employed by the firm, I do feel that the partners will judge the desirability of employing women attorneys in general by my example. This situation does not exist with male associates.

"Most of the female attorneys I know have felt discrimination with respect to the type of matters that they are allowed to handle. This is particularly true in some of the larger firms. As a result, whenever I have considered looking for another job, I feel a definite reluctance about changing from a fairly good working relationship to an unknown situation. I do not know whether I would have remained with my present firm as long as I have if I were not a female, but I do feel that there is a distinct limitation in the opportunities of a female lawyer at the present time.

"As for 'women's place in the home,' I regard that rubric too absurd for answer. Unfortunately there seems to be a growing feeling among women that this is *true* — I think they've just heard it for too many years.

"That women's 'responsibility is in the home' is a social judgment entirely irrelevant. It cannot, however, be rebutted. The only answer really is that this is a personal decision which the female applicant should be free to make — the applicant has presumably decided either that her place is not in the home or that she can combine home and office.

"Some firms cannot quite accept the fact that the average female attorney is no longer a grey spectre in steel-rimmed glasses, of indeterminate age but clearly unmarriageable, who is willing to work for years in the back room with lower pay and no chance of a partnership. Today's woman lawyer is young, often married, aggressive and believes she is capable of assuming a position in the foreground of any law firm.

(Continued on page 12)

Women Lawyers Receive More Bows

Women lawyers apparently receive more deference and courtesy from other lawyers and judges than their male counterparts, according to the responses to the RECORD's poll of women Law School graduates.

The major substantive advantage, however, seems to be an ability to make clients feel more at ease in giving the details of a case, especially in juvenile matters or domestic relations.

But most of the respondents gave the impression that the inherent advantages and disadvantages of a woman in law either are not very important or tend to neutralize each other. The impediments to advancement, they said, lie in more arbitrary forms of discrimination.

The discrimination question brought an almost even split in responses. Seventeen said they were discriminated against professionally because they are women. Seventeen, including four in government and one at a university, said they felt no discrimination. Six others said they faced no discrimination now but they had previously, especially in seeking a job. (One applied to 40 firms before getting a job with the NLRB.) The other seven did not answer.

The discrimination mentioned took the form of poorer jobs, lower salaries, less chance of promotion and a feeling that a woman's place is in the home.

One woman said she did not feel discrimination but "I have to show I am better than most male lawyers." Several others voiced the same qualification.

The only inherent disadvantage mentioned more than once was the idea that women could not be forceful enough to give the impression of authority in a courtroom.

Some of the comments follow:

"Clients confide more about personal affairs because there is social distance (whatever their club is, they won't see you there on Sat.)."

"Greater freedom from financial pressures. In the absence of unusual misfortunes, a woman need not contemplate putting several children through college unaided. She can therefore plan her professional career around work that provides maximum enjoyment and nonfinancial satisfactions.

"Greater opportunity for federal (and presumably state and local) appointive jobs because pressure always exists to appoint some women and there are woefully few who are qualified."

"Men feel they are superior, show it by discussing their cases till they get carried away and divulge trial strategy. I listen admiringly, make them think I am stupid and then get the information I need."

"I can't help feeling that some unpleasant chores or essentially administrative tasks are 'dumped' onto me, because I, as a woman, am probably least likely to complain—or maybe even have least standing to do so. This hardly rises to the dignity of discrimination, though, and I have never considered myself prejudiced professionally by being a woman."

"One valid objection to a woman lawyer is very seldom raised: namely, that she cannot share rooms with the senior partner when trying an out of town case. (I was offered a job clerking for a judge with the condition that my husband travel with us on circuit to preserve the decorum of the court.)"

"I feel my being a woman makes me have to fight for opportunities for advancement which men lawyers in the agency can take for granted. On complaining, I was told I was being 'protected'; which 'protection' I neither need nor asked for."

"I think that a lot of the non-rejected non-discriminated against feeling I have expressed in this questionnaire is made possible because it was 'Harvard' which established and continues to establish my appeal to clients and other lawyers."

"I think that women who feel they are discriminated against (1) bring it on themselves and (2) have something of a persecution complex."

"I think an aggressive and competitive woman might generally find that men are higher paid in law and become partners and receive promotions more quickly, but this must be the case in most other areas where women find employment. If a woman's main interest, however, is doing responsible work that calls upon all her professional skills and training, she should not be disappointed in law practice."

Women Venture into Varied Legal Fields

"What areas of the law offer the greatest opportunities to women?" was a question in the RECORD poll of women graduates. The answers were precisely what one would expect — government, domestic relations, estate, and probate work.

Judging from the responses to the poll, however, it appears that the ladies are by no means concentrated in these four fields. About half of those who answered are evenly divided between government work and general practice. The others are occupied in almost every conceivable field.

A survey of answers to this question of the poll points up the difficulty of generalizing. For example, a general disbelief in the possibility of success in corporation law was evident, yet several of the ladies are working in that field. The only real consensus was that women shy away (or are kept away) from jobs where they would have to negotiate business deals.

Perhaps a government job offers the best opportunity to the woman graduate. Better than one in four of those responding to the poll reported that their first job was with a governmental department or agency, and while many of these women have changed jobs, the great majority are still with the government.

The principal reason for this concentration in government work is apparently the absence of discrimination in hiring. Several women said they took a government job primarily to develop a specialty, with the expectation of enhancing their attractiveness to a firm. Most respondents felt that government work did not offer any greater opportunity for advancement to top level positions than is found outside the government. And some pointed out that government jobs cannot offer flexibility in working time, such as

maternity leaves or a part-time schedule.

Aside from the government field women graduates apparently favor domestic relations, estate and probate work. Often-cited reasons were abdication by men and the supposed ability of women to pay attention to detail. These fields, where the clients are likely to be women and the attorney need be less assertive, seem especially suited to their talents.

Of the 26 respondents who mentioned salary, five reported an annual income of less than \$5000 (only one of these was working full-time), four — \$5000-\$7000, eleven — \$7000-\$10,000, five — \$10,000-\$15,000, and one — above \$15,000. A frequent comment was that the woman graduate working in a firm is, more often than not, paid on a lower scale than her male peer.

Lady Lawyers

(Continued from page 10)

"Most of the older women who are practicing had a difficult time in getting anywhere in law. As a rule, they went to night law schools or law factories. Many started as secretaries, either before or after law school, and continued as glorified secretaries thereafter. Others still bear the scars of years and years of uphill fighting. As a result, these women are either 1), subservient, accepting the treatment they receive, or 2), overly aggressive, antagonizing other attorneys, judges and even clients. This has had a strong effect on the attitude of the bar. It would be difficult to respect either type of person. On the other hand, most young women lawyers have had good legal training, good general educational backgrounds and possess a certain amount of self-confidence and ability to handle themselves and others. I believe this 'younger breed,' though greatly handicapped by the image created by the 'older breed,' is breaking down the old prejudices. But I see it as a very long process.

"I was greatly distressed at the results of your placement survey. There is certainly a great deal of discrimination against women in law, but I don't think the situation is that bleak, and the opportunities for women seem to be on the increase."

HUSBANDS AND DAUGHTERS

Only four of the 47 respondents to the RECORD poll would not encourage a daughter to become a lawyer. For the rest, apparently it has not been that disillusioning.

The group's family status: Most are married, half of these to lawyer-husbands. Only 12 are mothers-in-the-law.

TV and the Courts

(Continued from page 1)

curate than the older media, and suggested that it could record court happenings invisibly and undramatically, like a court stenographer.

Pointing to such defects in the system as judges who take bribes and inefficient bureaucracy in the criminal courts, Mr. Pressman said there is a need for media scrutiny.

Stating that the A.B.A. committee on TV will not even allow experimental trial filmings to see whether Canon 35 should be modified, Mr. Pressman could only conclude that the Bar fears a "mirror of reality" which might cause an "upheaval among our citizens."

On the subject of ethics the journalist said he was disturbed by the "holier-than-thou" attitude of lawyers, and added that newsmen have ethics, but not formalized ones drafted by committees. He added, "Our oath is to wage war on censors, to seek and broadcast the truth."

In summary, Mr. Pressman would have the media get the truth to the public, for "only the average citizens can reform our institutions, and God knows our courts are in need of reform."

Too Much Publicity

What was disturbing the rest of the panel was not publicity but excessive, prejudicial publicity. Visiting Professor Arthur L. Goodhart, the moderator, stated that historically the Anglo-American system of jurisprudence has rejected the secret trial in favor of one before a jury representing the public, and that therefore publicity is and always has been an essential part of justice.

"Profoundly shocked," was the phrase Visiting Professor Zelman Cowen used to describe his reaction to the media's handling of the Oswald case. Though the Dean of Melbourne Law School could excuse this because the presidential assassination was "a dreadful and unnerving thing," he said, "The same story is told again and again locally." The listing by newspapers of a defendant's previous crimes and/or confessions, has "disturbed me not a little," Prof. Cowen stated, adding, "It is quite fundamentally wrong."

In the British Commonwealth criminal contempt is the weapon against such publi-

city, Prof. Cowen said. Heavy fines and imprisonment are visited on media which antecedently or concurrently publish anything which might prejudice a fair trial.

Prof. Cowen thought that the press has no valid historical claim to print evidence in the name of news which might not be admissible in court.

He noted that in the Commonwealth both lawyers and policemen face tough contempt punishments for prejudicial publicity, and added that, there, lawyers would face severe professional discipline and policemen are restrained by enforced regulations.

Rationale for Publicity

Law School Professor James Vorenberg tried in his talk to explain the rationale of those who oppose curbs on publicity. First he cited the right of the public to know how the government is handling a person's rights. Second, publicity may keep the police and judges in line, as Americans do not trust their government as the British do. Third, the announcement of the apprehension of a suspect may allay public fears. Fourth, publicity may help the police in finding witnesses.

Remedies for too much publicity suggested by Prof. Vorenberg included possible civil liability of those who prejudiced the case, disciplining of lawyers under Canon 20, A.B.A. Canons of Professional Ethics (prohibiting an attorney's public discussion of pending litigation); ordering a new trial where prejudice is shown; contempt proceedings; and self-policing of the bar, police and media. He admitted that neither the civil liability or contempt solutions are likely to be used successfully.

Little Publicity for the Poor

Wilbur G. Hollingsworth, Chairman of the Massachusetts Defenders Committee, said that his group defends the poor who get little publicity either before or after trial. He said it is the notorious characters who are hurt by excessive publicity, and they have their own high-priced lawyers. He noted that the Supreme Judicial Court in Massachusetts has and would reverse conviction where the trial has been over-publicized.

About television he said that "Witnesses are hard enough to work with, and it would be nearly impossible with flashbulbs and spotlights in the courtroom." He did admit

(Continued on following page)

TV and the Courts

(Continued from preceding page)

TV might have a good effect on "rambunctious" judges, though.

Judge Jacob J. Spiegel of the Massachusetts Supreme Court noted that a public trial is under the control of the judge while publicity, such as a caption or headline in a newspaper, is quite unsupervised. Aiming at equal justice under the law, one must be aware that publicity — whether through misinformation, sensation, or a misleading headline — can hurt a particular defendant, Judge Spiegel said. Equal justice is unobtainable if there is exaggeration or prejudice, either expressly or subliminally, he concluded.

The discussion period which followed the many speeches usually found the lawmen lined up on one side and the lone journalist on the other.

Mr. Pressman, speaking to Prof. Cowen, said he did not like the idea of a contempt situation, but does believe in a voluntary press code. He added that he believes the press is as a whole "pretty responsible."

Asked by Prof. Vorenberg how TV can scrutinize police interrogation, Mr. Pressman said, "Muckraking is a dead art. Investigatory journalism should be practiced by local television. We just need guts. We must go into the area of defendant's rights. But until then it's your baby." He added that TV in the courtroom would act as a watchdog on inefficiency in administering justice.

Judge Spiegel questioned Mr. Pressman on why TV commentators do not simply comment on what happened in court. Mr. Pressman said people want reality. The Judge asked if people do not act differently under TV's eye. The newsman answered by asking if people do not act differently with reporters

in court. The Judge said such pressure is less, and said there is always pressure from just being in court.

Mr. Pressman pressed on, asking about reporters taking what witnesses say, out of context. The Judge noted that TV cuts its film, too, and breaks up continuity for commercials. The newsman said that TV would decide on the most newsworthy parts, and stressed that "quotations are more accurate on tape." The Judge concluded by saying he is in favor of searching out the truth, but does not want to see the Anglo-Saxon system of jurisprudence changed so that TV is a super-judiciary trying to see what is wrong with the courts, and possibly seeking truth in place of the courts.

Prof. Cowen asked about prejudicial publicity which violates the accused's right to a fair trial; Mr. Pressman simply answered that a journalist does not suppress any news.

Asked by a member of the audience about the lack of internal or external control over what the media say, Mr. Pressman said he feels the law of libel is an effective restraint.

Another member of the audience asked whether TV coverage might not open the eyes of citizens to what transpires in the courts, admitting she had not known until appointed to jury duty. Judge Spiegel agreed that the public should be educated and said, "The answer is to visit the courtrooms." He pointed out that even a petit larceny trial of only three hours duration would not get on TV in its entirety.

In answer to the evening's last question Mr. Pressman stressed that TV is now America's primary source of news and that it should be able to show the news of the courts. "The courts are the saddest segment of our society," he said.

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An Anglo-American Legal Scholar

By Paul M. Branzburg

"This is the first time in history that the *Law Quarterly Review* and the *Harvard Law Review* have both been edited at the Harvard Law School," he declared. Then, with a twinkle in his eye, he added, "Of course, the *Law Quarterly* was founded three years before the *Harvard Law Review*."

The source of these observations could be none other than Arthur Lehman Goodhart, the editor of the *Law Quarterly Review* since 1926, and currently a Visiting Professor at the Harvard Law School. Professor Goodhart is conducting the third-year seminar in Jurisprudence.

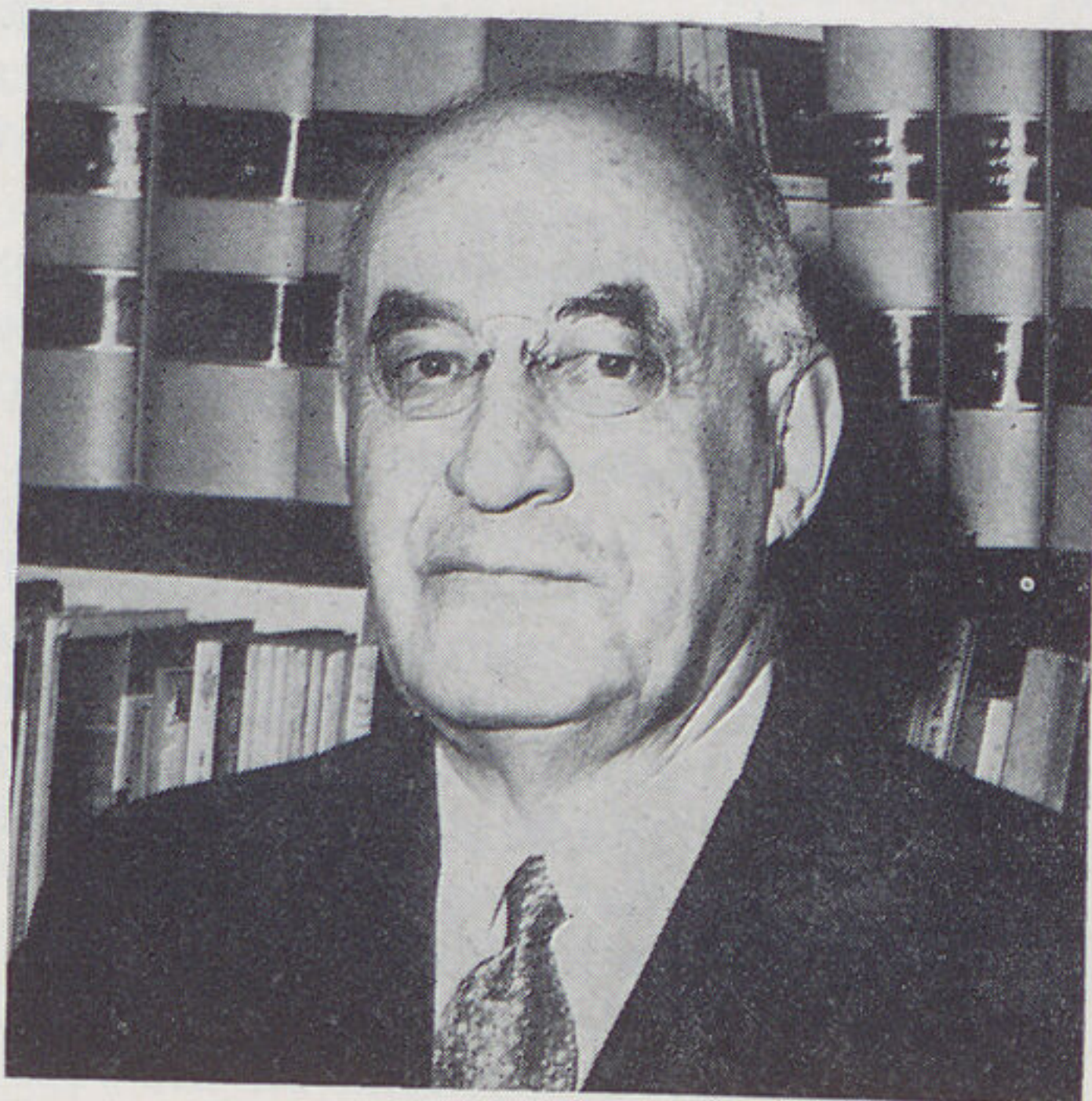
Born in New York City in 1891, graduated from Yale in 1912, Dr. Goodhart went to Trinity College, Cambridge University, to study economics. When he arrived, however, he discovered that the economics tutor, or director of studies, "had taken a year off to go to Harvard." Dr. Goodhart was told that he could study under a young economics tutor at Kings College who was considered "not terribly sound." The tutor was John Maynard Keynes.

At this point, Dr. Goodhart decided to read law at Trinity, and in 1914 he received the LL.B. degree. Recalling the Trinity College economics tutor who was away studying at Harvard, Dr. Goodhart concludes, of his career in law, "I owe it entirely to Harvard."

Upon his return to the United States, he was admitted to the bar of New York and became a secretary to his uncle, Judge Irving Lehman, who later became Chief Judge of the New York Court of Appeals. After working for a time as Assistant Corporation Counsel of New York City, he saw service in France as a 1st Lieutenant and later as a Captain with the Ordnance Corps.

After the war, Dr. Goodhart became a Fellow and Lecturer at Corpus Christi College, Cambridge, serving there until 1930. In 1931, he was elected Professor of Jurisprudence at Oxford's University College, of which he became Master in 1951.

Comparing the law students at Oxford and Cambridge with those at the Harvard Law School, Dr. Goodhart notes that most British students read the law as undergraduates and hence are several years younger than their



Prof. Goodhart

American counterparts.

Harvard Law students work harder and seem to be more ambitious and grade-conscious. Dr. Goodhart confesses that he has "never understood why marks should be given so much emphasis" by American students and employers. In England, grades have considerably less importance in terms of securing a job. Desirable personality traits and social graces are given more emphasis. "Dining," for example, "is still one of the important things in becoming a barrister in England."

Dr. Goodhart became an Honorary Bencher of Lincoln's Inn in 1938, and Queen's Counsel in 1943. He is vice president of the British Academy, was chairman of the International Law Association from 1953 to 1959, and president of the Pedestrian's Association For Road Safety from 1951 to 1963.

In 1948, Dr. Goodhart was made Honorary Knight Commander of the Order of the British Empire. He is also an Honorary Fellow of three Cambridge Colleges: Trinity, Corpus Christi, and Trinity Hall. At Oxford, University and Nuffield Colleges have made him Honorary Fellow.

One honor which Dr. Goodhart finds "particularly pleasing" is having been made an Honorary Member of the Harvard Law School, along with Lord Evershed, Master of the Rolls, and Mr. Justice Harlan.

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GOP in Maine

(Continued from page 8)

because it creates an incentive for party leaders in both the overwhelmingly Republican towns and the predominantly Democratic cities.

The State Committee has a full time staff of one executive secretary and one office secretary augmented during campaigns. Nichols estimated that he spends about a third of his time, but c“

The Chairman is not paid by the party for his time, but Nichols, who believes in a fairly rapid turnover of State Chairmen, commented, “I don’t mind contributing my time now; some day it will be someone else’s turn.”

“Contrary to what most people think,” he said, “my law practice has been hurt rather than helped by the large amount of publicity I receive as State Chairman. In the years I have been politically active I have received only one client as the result of my political activity. Potential clients think I’m too busy in Augusta to advise them on their problems.” He stated that sometimes he turns down clients to avoid a conflict of interest. For example Nichols refuses to plead pardon cases

before the Governor and Council because he once served as a member of the Council and he feels there would be an ethical problem if he took pardon clients.

Nichols predicted a floor fight by Goldwater and Rockefeller supporters for National Convention delegates at the Maine State Convention on May 1-2 in Portland, although he was certain the delegation will be pledged to Maine’s favorite daughter, Senator Margaret Chase Smith, for the first ballot.

Goodhart

(Continued from page 15)

Although Professor Goodhart is rather modest and reticent about his own career, he is quick to discuss his three sons. Like his wife, they are all British subjects. Two of them hold Harvard degrees: one took the Ph.D. in March of 1963 and the other received the LL.M. degree at the Law School in 1958.

The third and oldest son is a Conservative M.P. representing Beckenham. Since he has a “majority of 20,000 out of 60,000” voters, Dr. Goodhart is not terribly worried about his son’s fate in the forthcoming election.

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Celtics Avenge Single Loss, Win Basketball Crown

The Celtics, sparked by Stu Ludlum's 13-point second half, swept to a 57-50 win over the O. L. Five in the intramural basketball league's championship game, thereby reversing their only regular season loss.

Trailing 24-19 at the half, the Celts caught the Five at 32-32 and then moved out to a 16-point lead before Larry Edwards led a last-ditch effort for the Five squad. All-league Edwards had 22 points to lead all scorers while Ludlum had 19 and Forrest Broman, another all-league selection, had 15 for the Celts.

The A League squads romped in the play-offs' opening round. The Five eased to a win over the C League champion Plumbers, 74-50; the Italian-Americans beat the B League co-champion Alchemists 60-50; R. C. Means topped Thomson and the Belmonts 49-39; and the Celts romped over the Tortfeasors 92-48.

In the semi-finals the Five got 21 from Edwards in edging the hustling Italians 57-53. The Celts squeezed into the finals with a 47-43 win over the Means; the score had been 24-24 at halftime, but Broman pumped in 13 in the last half.

A LEAGUE ALL-STARS

1st TEAM

Joe Santora, R. C. Means A. C.
Larry Edwards, O. L. Five
Emmett Keeler, O. L. Five
Forrest Broman, Celtics

2nd TEAM

Joe Austin, R. C. Means A. C.
Ray McGuire, Celtics
Dave Vena, Italians
Louis Guzzetti, Celtics
Rod Burkley, Italians
Tom Bopp, O. L. Five

B LEAGUE ALL-STARS

1st TEAM

Gordon Miller, Red Raiders
Jerry Jensen, Thompsons
Mike McBride, Alchemists
Rod Burkley, Tortfeasors
Mike Bernstein, Bearcats

2nd TEAM

Victor Keen, Sacramento Sqd.
Ed Byrne, Ed Byrne A. C.
Ray Horton, Bernhard A. C.
Larry Buxbaum, Ed Byrne A. C.
Jay Swardenski, Tortfeasors

C LEAGUE ALL-STARS

1st TEAM

Stu Ludlum, Plumbers
Jim Hackett, Dane One Plus
Bert Rein, Law Review
C. B. Cox, Plumbers
Tom Boodell, Voluntary Defenders

2nd TEAM

Jim Pickman, Dane One Plus
Jay Kriegel, Law Review
Bob Thau, Voluntary Defenders
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Sesqui centennial In Genesis

Legal scholars, possessed of an historical sense and the capacity for perceiving future interests, might well be expected to possess sufficient foresight to begin planning well in advance the celebration of the 150th anniversary of the founding of Harvard Law.

And so, although the sesquicentennial of the School will not fall for another three years, plans for the 1967 celebration are already at least germinal.

According to Dean Bruce, all that is certain concerning the event is that it will be big, significant, moving, and connected to a fund drive.

In 1919 the Harvard Law School Association, at the suggestion of its president Mr. Justice Holmes, made the following announcement:

"At a joint meeting of the faculty and of the council of the association . . . it was decided to celebrate the beginning of the second century of the life of the law school and the fiftieth anniversary of the beginning of Dean Langdell's service as a teacher by a great reunion of the graduates of the school, to be held in June 1920.

"It was impossible to observe the centennial birthday of the school, as planned in June, 1917, owing to the conditions resulting from the entry of the United States into the war. The close of the war and the beginning of a new era in American, as well as international law, is a peculiarly fitting time for such a gathering."

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UN Assessments in Arrears

By Robert L. Clarke

"The U. S. S. R. is in danger of losing its vote in the United Nations unless its overdue assessments are paid before the General Assembly convenes this year," Stephen Schwebel, Assistant Legal Adviser to the State Department, predicted as he spoke before the International Law Club on March 16. He urged that Article 19 of the United Nations Charter be enforced in an effort to relieve the severe financial crisis which the organization faces.

Article 19 stipulates that no member nation shall have the right to vote if its debt to the U. N. exceeds the amount of its annual contribution for a two-year period. It allows deviation from this requirement only when the General Assembly feels that the debtor has a legitimate financial difficulty. "Of the current \$130 million deficit, \$92 million is owed by members who wilfully refuse to pay," Mr. Schwebel told the group. These members include the UAR, some Latin American countries, and all the members of the Soviet bloc.

Part of the conflict stems from a dispute over which assessments are binding on the nations. Those for the Middle East and Congo peace-keeping forces have been refused by the Soviet Union on the theory that such assessments are

not binding under Article 19. "The law is clear on this," Schwebel insisted. "A 1962 decision of the International Court of Justice held that the assessments are binding and this is now the law of the organization."

Additional tension is created by the Soviet contention that the General Assembly must decide whether or not a nation is to lose its vote under Article 19. "The United States considers this wrong on all counts," Mr. Schwebel asserted. "Determination of the arrears of the nations is a simple matter of mathematics, and the wording of the article clearly shows that the loss of vote is to be mandatory." As further evidence of his position, Mr. Schwebel contrasted Article 19 with the "permissive" provisions of the Charter such as Article 5 which allows suspension of membership rights only upon the recommendation of the Security Council

(Continued on following page)

Dorm Council Elects

Dennis O. Cawthorne, 2L, scored an easy first-ballot victory over Allen B. Afterman, 2L, and James P. McGranery, 2L, to become Dormitory Council President for next year. Cawthorne served this year on the Council as Social Chairman.

Other officers elected at the Monday meeting were McGranery, Vice-President; Robert L. Clarke, 1L, Secretary; and Frank E. Morris, 1L, Treasurer. All but McGranery received a majority vote on the first ballot. Running against two opponents, McGranery was elected on the second ballot after the candidate with the lowest vote was dropped from the ballot.

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(Continued from preceding page)
and the approval of the General Assembly.

According to Schwebel, the Soviets are attempting to gain veto power over peace-keeping operations by placing authorization of the funds for such undertakings within the jurisdiction of the Security Council. "The United States could never accept such a proposal," he said, "since operations like the Cyprus peace-keeping force would very likely not have been able to begin."

Speculating on the final outcome of this controversy, Mr. Schwebel expects that most of the debts will be paid. He does not foresee a Soviet walkout of the U.N. "They may lose their vote, but because of the Korean experience they will not leave altogether," he said. Under United Nations procedure the Soviets could still vote in the

Security Council and speak in the General Assembly.

Mr. Schwebel was firm in his belief that Article 19 must be applied. "We do this as a matter of conviction," he said. "If the U.N. shrinks from applying the law of the Charter, the consequences to its political, constitutional, and financial integrity would be serious." Noting that the United States would consider its money well spent even if it financed 99 per cent of the United Nations' operation, Schwebel concluded by saying that "to be genuinely international in character, the organization should be financed in an international fashion. While the influence of the major contributors may in some cases be greater, financing by only part of the membership is not good for the character of the organization."

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Letters to the Editor

Examiners to Blame For Bad Bar Tests

To the Editor:

Commenting on causes of bar failure, I should like to say that in the final analysis the fault lies not so much in inadequate preparation of the candidate, but rather in the unfair questions submitted by bar examiners.

Secretary Russell H. Peck reported that many candidates pointed to "the need to memorize the peculiarities of local practice." It seems to me that a bar examination should be designed not as a test of memory but far more importantly as a test of ability to reason logically.

It was my privilege to serve for

five years as a member of the Ohio Board of Examiners. Although some of my colleagues disagreed with me, I departed from the practice of submitting questions calculated merely to test the applicant's memory. Some people are blessed with a retentive memory; others are not, and these others should not be penalized. It was my policy to give full credit for an incorrect answer, logically reasoned (for after all there are dissenting opinions,) and to allow no credit whatsoever for a correct answer such as "defendant should prevail, as decided in 189 Ohio State page 322, *Smith v. Jones*" — without any supporting reasons.

It is important to remember that clients want to know the theory and the basis of their rights. They care little about the victory which Jones won over Smith in 1903.

Alfred A. Benesch, LL.B. '03
Cleveland, Ohio

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New Members of the Nominating Committee are Mrs. Michael M. Horn, Mrs. Joseph L. Lazaroff, Mrs. J. Bradford Shiley, Jr., and Mrs. Andrew W. Singer.

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