

Applications Inundate Admissions Office



America's Oldest Law School Newspaper

VOL. 38 NO. 9 FIFTEEN CENTS
CAMBRIDGE, MASS. APRIL 16, 1964

The continuing surge in applications for admission may force the Law School to make some changes in its internal procedures for selection, Admissions Director Louis A. Toepfer said this week.

More than 2500 applications have already been received this year, with nearly 200 more expected by the deadline May 1. This would be about 400 more than last year and 700 more than 1962. Dean Toepfer expects the total to reach 3800 in another two years.

"The 'threat' of increased applications is being realized," he said. "We are becoming concerned about our ability to handle them in the way we have been."

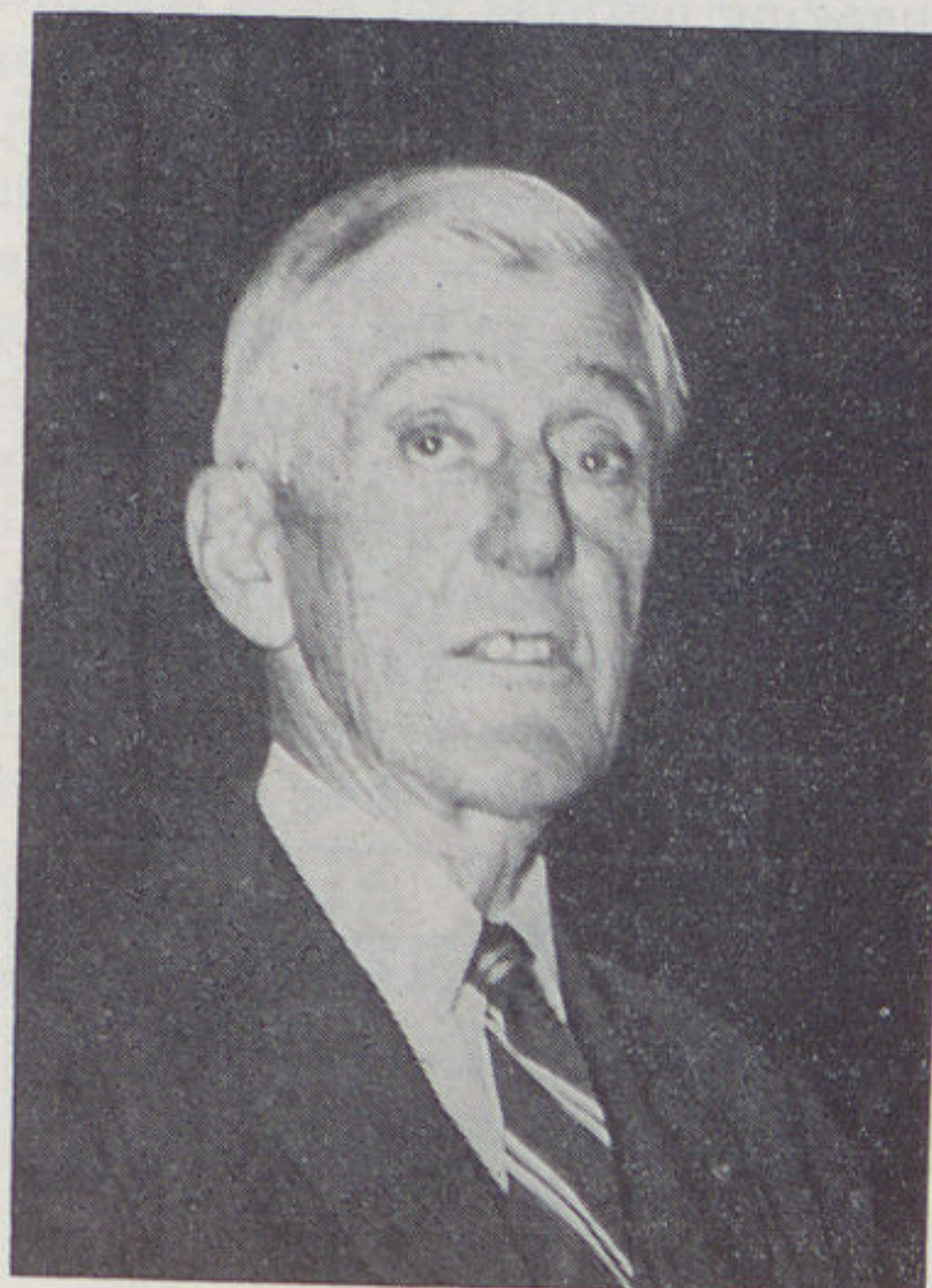
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Rights Bill Changes Hinted

Senator Leverett Saltonstall, speaking to the Law- Graduate Republican Club last Friday, indicated that the vote for Alabama Governor George C. Wallace in the Wisconsin Democratic primary will not affect the outcome of the civil rights debate in the Senate to any significant degree. The Senator, LL.B. '17, predicted, however, that "some technical amendments will definitely be made" and he added that it was possible that some substantive amendments, such as those offered by Senator Everett Dirksen, would be approved.

In his prepared remarks, Sen. Saltonstall defined the essential difference between the two parties to be in the means used in strengthening the nation. "Republicans," he said, "have more faith in the initiative of individual citizens and want to keep government close to home. In contrast the

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Senator Saltonstall

Law Review Work Valuable, But...

By Michael D. Hampden

Most members of the Harvard Law Review would choose to work on it if selection were not based on grades. They think that their work has great value both to themselves and to the legal community. But many believe that the time they spend is disproportionately large in relation to this value.

Forty-two of the 57 Law Review students responded to a RECORD questionnaire sent also to members of the Legal Aid Bureau and the Board of Student Advisers. The survey was intended to discover some of the satisfactions and dissatisfactions of honor society

membership, and how the members evaluate their organizations in their present form.

Twenty-two on the Law Review noted its enhancement of the School's reputation. Other ideas expressed more than once were: "provides a forum for the faculty," "the notes are useful for class work and Ames research," and "gives a good education to those on the Review." Eight members thought that their student colleagues actually get little value from the publication.

Many of the respondents treated the Law Review's contribution to the School and to

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Leaving the Beaten Path

The Law Review, the Board of Student Advisers, and the Legal Aid Bureau are all venerable institutions. The youngest of them, the Legal Aid Bureau, was established in 1913. And like most such institutions, they have become, in our opinion, somewhat encumbered by their own traditions. Although the Law School today is patently different from the Law School which existed at the time of the establishment of these societies, chiefly in the improved standard of the student body as the result of a selective admissions policy, these organizations, with a few hopeful signs of deviation, seem to plod much the same path year after year without regard to their changing environment.

We think that the time is ripe for constructive change. While the results of the survey of honor societies reported in this issue do not in themselves provide any positive solutions, they do suggest ways in which felt disadvantages of membership in these organizations can be converted into opportunities for the Law School, the student body and the legal profession. For example, a significant number of members of all three societies believed that their second-year experience was more valuable than their third-year experience. This finding suggests that new and engaging projects for these students in their third year might give them a greater sense of achievement than the repetition of work done a year previously. If wisely chosen, such projects could benefit the Law School community as well. Fledgling efforts in this direction have been taken — witness the Law Review-supervised legal writing program for second-year students and the Legal Aid Bureau's client-counseling program for students in Family Law — but such efforts ought to be expanded.

With a decline in active membership as a result of such a diversion of talents, enlargement of the rolls of these organizations could be undertaken. The tremendous advantages accruing to students who participate in these activities, particularly those on Law Review, suggest that these organizations should have as large a membership as is compatible with their purpose and their organizational structure.

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Published on Thursdays ten times each semester by THE HARVARD LAW SCHOOL RECORD CORPORATION, 23 Everett Street, Cambridge 38, Massachusetts. Subscription price: \$2.00 per semester, \$4.00 per year mailed; student subscription, \$2.00 per year distributed at the Law School. Individual copies 15c each at the Law School, 25c each mailed. Business and editorial offices, 23 Everett Street, Cambridge 38, Massachusetts. Telephone UNIVERSITY 8-7600, extension 418.

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TONGUE 'N CHEEK

By Fenno

I emerged from the catacombs beneath Austin Hall last Saturday, and it was spring. I thought I'd better make sure someone wasn't just pulling the glare over my eyes. All around Langdell people were smiling at one another and convertibles that had been unnoticed for six months suddenly bloomed all over the lot. Everyone seemed to be holding two ice cream cones and wearing a madras jacket. I even spotted an old lady helping a first-year student across Massachusetts Avenue.

Now that I was sure it was really spring I thought I'd better prepare myself for a little outdoor studying. If there's one thing a library is not good for — it is getting a suntan. I gathered together all my books and went outside to sit in the sun. At first I tried the Langdell steps — there's something cool about studying in the shadow of Joseph Story. But between the mailbox clanging and Lesley girls parading I couldn't get much work done.

Next I tried the Austin steps but the sun kept dipping behind Gannett House. I dragged my gear over to Harkness and tried leaning against the World Tree but I kept sinking into the mud. Then I remembered that little wall outside of Langdell North and I tore over to it, only to find ten law students all in a row already there.

Can it be, I thought to myself, that in this rich and mighty law school there is no place to sit in the sun and contemplate how practice makes money? It was at that moment that the Fenno Tradition was born. I thought how nice it would be to honor the distinguished alumni of the Law School who have been selected as judges. For every Harvard judge I propose that the Trustees erect a bench emblazoned with a suitable plaque. Not only would such a program serve to remind the humble student of the glories that might lie in front of him, it would also give us all a place to sit down.

On Helping Negroes to Find Better Jobs

Opportunities for student participation in Boston civil rights movements were outlined at a Harvard Law and Democratic Club meeting on Tuesday, April 7.

Mr. Neil Krieger, Assistant to the Chairman of the Employment Committee of the Boston chapter of CORE spoke of his success in gaining jobs for Negroes in Boston banks. "The Negro comprises 10% of Boston's population; but no one expected that they would form 10% of the employees of Boston banks. The Negro comes from a culturally deprived background. For example, in Boston the average Negro quits school after the second year of high school, whereas the average white student finishes high school. But while we didn't expect 10%, we found that less than 1%, on the average, of bank employees were Negroes."

Run, Rapidly, Run

Among the more than 200 runners entered in the Patriot's Day Marathon between Hopkinton and Boston are two third-year Law School students, Elliot C. Rothenberg and Robert H. Hall.

"Track, especially long distance running, is a hobby of mine," says Rothenberg. He has been running to, around, and back from the Fresh Pond area this year in order to prepare himself for the 26-mile jaunt next Monday. A cross-country runner back in his high school days in Minnesota, Rothenberg says, "I am in good condition this year. I've had much more of a chance to run than in the previous two years."

Hall is entering to prove to himself that he can do it, because it is "an impossible thing to do." Back in November he was jogging three to four miles at a stretch along the Charles River bank, when he thought to himself of the feat of finishing the Marathon; since then he has gone as far as 20 miles in single run. Between his 11 o'clock and 4 o'clock classes he would drive out toward Concord and run out past Rt. 128 and back to his waiting vehicle.

Hampered in his training by his third-year paper and some blister trouble, Hall honestly admits that his chances of completing the run are "50-50."

He went on to say that by talking to responsible bank officials and pointing out this extreme imbalance, excellent results had been obtained in providing more opportunities for Negro employment and in making headway toward improvement of the present imbalance. Thus, in six months two banks have hired 75 new Negro employees.

He noted that a campaign like this could have an incidental benefit on Negro education. "One reason the average Negro doesn't finish high school is that he doesn't feel that a diploma gives him much of an advantage in the labor market. If a Negro boy sees other Negroes working in banks and knows that he has a chance of getting a job there, that will be an incentive to complete his high school education." To encourage this, banks have been urged to put Negroes in positions of contact with the public and to use Negroes in their advertising, he said.

Mr. Kreiger said that a similar project involving work with Boston labor unions was now being set up and he invited those who were interested in doing that kind of work to contact Edward A. Germain, 1L, the Law School coordinator.

The Great White Archway



Gleaming brightly in the Spring sunshine, Austin Hall's well-scrubbed face stares steadily South. The brave new look is the result of the use of a sand and water solution to remove the Romanesque structure's grimy complexion.

Law Reviewers

(Continued from page 1)

the profession as two aspects of the same question, and overwhelmingly agreed that its contribution is significant. They pointed to its important function of providing clear and penetrating analyses of problems in the law for which there is no equivalent treatment, and its frequent influence on the thinking of lawyers and judges. But seven or eight volunteered that their work itself contributes little to the success of the publication relative to the educational benefit they receive. To the question, "What value do you think your work has to the legal profession?" they commented, for example: "Some, but I am the chief beneficiary," "The contribution is less than the education," "The student notes could be eliminated without loss to profession or School, but with great loss to the writers' education."

Specific criticisms and suggestions for improvement were solicited through the questionnaire. Ten Law Review students complained of the great proportion of time spent on proofreading, and one mentioned that the hiring of a staff for this purpose has been discussed at the Review. Many were of the opinion that members are overworked; that a broader base among honor students would be desirable. Perhaps some of these also had in mind the time they spend on technical chores.

One answer urged the administration to recognize that the Law Review in its present form should not be extracurricular: that is, that either the work load should be lightened, or that the Review should be the main factor in its members' education. By attempting to do two full-time jobs at once, neither is done as well, he implied.

It was apparent from answers to other questions that most members resolve this dilemma in favor of the Law Review. Although 32 of the respondents said their class work suffers by reason of their Law Review activity, all but a few said unequivocally that they feel well-compensated for the lack. Thirty-six believe that they spend enough time on the Review to do the job well, but at the same time, 26 feel that they are too hurried to do it as well as they would like.

In listing the advantages Law Review members enjoy over other students, the ex-

periences of intensive legal research, writing and analytical thinking were most often cited. Better job opportunities and faculty contacts were also regarded as important. On the other hand, less complete class preparation ("We never really learn the tax code or the UCC.") was a disadvantage often repeated. A second-year student remarked, "No chance to master substantive law of later courses. No chance to leisurely pursue topics and thus pinpoint areas for career emphasis."

Almost all the Law Review students think their work will improve their performance as lawyers, though some commented that two or three years of professional experience would probably give other students equivalent training. The third-year students were asked to judge which of the two years has been of greater benefit to them. The responses were equally divided among "first year," "second year" and "no difference." Seniors who are not editors tended to think the second year on the Review was largely a repetition of the first and therefore less beneficial. One or two editors, who found more value in research and writing than in editing, concurred.

The survey disclosed that about 48 hours of Law Review work per week are expected of its staff. Actual hours spent varies greatly between second- and third-year students and between second-year people engaged in a case note and those not. After February many seniors do no further work on the Review.

"The Law Review, and our experience on it," a member remarked, "does make a significant contribution to our education, the life of the Law School and to the profession. But (1) Only about five or ten percent of the enormous time on the Review contributes to this useful role; the rest is all nonsense and the mere result of being caught up in tradition and technical work. (2) The need for the Review merely reflects deep inadequacies in the education of the Law School. No extracurricular activity should assume the most important tasks — and the most difficult ones — in the educational process."

Brewster To Speak on Alumni Day

Kingman Brewster, Jr., LL.B. '48, President of Yale University, and formerly of the Harvard Law School Faculty, will be the Law School's Speaker on Alumni Day, June 10.

Bureau, Board Participation Evaluated

Members of the Board of Student Advisers and the Legal Aid Bureau, like their brothers on Law Review, are proud of the work of their organization, according to the RECORD's survey of honorary societies. But the members of the Board and Bureau seem to have a much greater sense of their individual contribution.

Legal Aid members believe they are performing a real service to the community with their handling of cases for indigents. And some feel they are helping improve the image of the bar in general. "I have personally been told by clients that they had not realized that lawyers weren't all out for themselves and were pretty nice people," said one.

Board members believe their organization's greatest contribution is to the Law School itself, where "the educational system would not work without it."

The RECORD received responses from 11 of 16 Advisers and 25 of 35 Bureau members.

Second-year members of the Legal Aid Bureau, almost without exception, report that they spend about 10 hours a week at the job, with some variations depending on the case load. Third-year students are about evenly divided between five hours or 20 hours.

Only two of the 25 respondents said they did not have enough time to do their job adequately.

The primary advantage to the student is the first-hand experience with clients and the courts. This was expressed in a variety of ways. "Unlike the rest of the Law School, work here is connected with reality." "Advantage is more direct experience with the workings of the courts and greater appreciation of the gap between the case law and the realities of litigation, particularly the importance of the availability of evidence when analyzing legal rights." "General exposure to the practice of law, a particular kind of law characterized by the poignancy of the human problems which arise."

One man listed a "disadvantage (or maybe not): the disillusionment with 'even handed justice' in municipal and lower state courts."

But if the returns are an accurate reflection of the situation, second-year members are decidedly more involved in their work than third-year students. The second-year men spelled out the advantages listed above.

Third-year students merely said there were advantages of actual practice. They were also more likely to point to the prestige advantages and job placement value.

Moreover, of 12 second-year students, only one said he would not choose to work with the Bureau if his selection had not been automatic. Only five of 11 third-year respondents said they definitely would.

The major criticism of Bureau work was that it is too narrowly confined, with the majority of work in the domestic relations field. While most of the members who made suggestions for change were aware of the delicate relationships with the organized bar, there was still a strong undercurrent of feeling that the operations should be expanded. "There is a vast pool of potential clients," said a second-year man.

The responses from members of the Board of Student Advisers generally had a different tone. The advantages were of a scholarly type, aiding in analysis and writing. Only one mentioned that it gives an insight into legal teaching. No one mentioned anything about personal contacts.

There was less agreement on whether they would choose to work for the organization. Of seven second-year students, three said yes, another said yes for one year only, one said no, and two said they were not sure. The \$600 salary is an inducement to one of them, and the other said "it isn't the kind of work people choose when other things are around." Three out of four third-year students said no.

The most affirmative responses came to the question concerning contribution to the Law School. The big advantage, the Advisers felt, was the saving in faculty time and effort.

"Ames does not, and cannot by itself, meet the real need of teaching HLS students to write a clear and convincing legal paper," said one member. But he added that he is "convinced that it is one of the few institutions at HLS that tries to attack the problem."

There was no consensus of criticism or suggestions for improvement. One third-year member put it this way: "The Board as a whole, like the Law School, is too much tied to what it has done before. It is too content to repeat itself year after year. It is a holding operation."

University Restricts Platform-Sitters for Graduation

Only summas, magnas, LL.M's and S.J.D's, who will lead the Law School contingent in the graduation procession on June 11, will be seated on the platform this year. In past years the whole Law School delegation has had this privilege.

Class Marshal Elliot C. Rothenberg termed this distinction "unfortunate." He said that "it would seem that there is already enough emphasis on grades without bringing this factor into the graduation ceremony." The Class Marshal attempted to have the old system restored but was informed that the University has imposed this new policy on the Law School.

For those well-situated or unashamed the procession for the morning exercises will be organized at the Old Pump in the Yard. Diplomas will not be distributed, however, until later at the noon luncheon for Law School graduates and guests. An afternoon program will include speeches.

Admissions Procedure

(Continued from page 1)

In the past, the Law School has always processed applications in "a rolling way," Dean Toepfer said. This allows the School to admit some clearly qualified candidates throughout the year without waiting for a specific cut-off date. At the same time it can predict the standards that will be required for admission and refuse those clearly unqualified.

But admissions is becoming "an enormous enterprise." Mrs. Edith Oliver, the Assistant Director, is currently the only full-time worker. Dean Toepfer has his duties as Vice Dean and the Faculty Admissions Committee is forced to schedule meetings around its teaching responsibilities.

"This used to be a busy job when we had 1700 applications a year. We will probably have to make some changes for next year," Dean Toepfer said.

But he stressed that the application requirements would not be affected. The only changes would be in internal procedures.

Exactly what changes will be made has not been decided. "We haven't had time to stop and think about it," Dean Toepfer said.

All persons but those marching in the procession must have tickets to attend the graduation ceremonies, and all must have them for the luncheon. Those desiring tickets should apply to the Langdell receptionist for them before May 11.

Caps and gowns may be rented at the Coop. Unusually-sized persons should rent theirs early.

Saltonstall Speaks

(Continued from page 1)

Democrats always propose programs which either involve new bureaucracy or new powers for agencies already existing in Washington."

President Johnson's point of view on the importance of economy in government is a new one for Democrats, Saltonstall added. "I am skeptical as to how economy-minded the Democrats will be after November," he remarked.

Although he hopes to lead a delegation to the National Convention that will be officially uncommitted to any candidate, he indicated that he would support Ambassador Lodge if he becomes a candidate. He attributed the widespread interest in Lodge "to the confidence people have in his ability to implement broad foreign policy goals." When asked to comment on Lodge's campaign in 1960, Saltonstall said he had heard no criticism of Lodge's efforts until about a month ago.

Turning his attention to Massachusetts politics, the Senator called for a good, objective campaign by Republicans this year against Governor Peabody and Senator Kennedy. He said he thinks Republicans can win in the state this year if they go in with the "will to win." He referred to the recent election of Charles W. Long, 2L, to the legislature as an indication of what can be accomplished when Republicans come up with good candidates and effective organizational teamwork.

In discussing the nuclear test ban treaty, the senator who was in Moscow for the signing as one of the official representatives of the Senate, said, "I do not know whether or not the Russians were sincere but they were certainly enthusiastic" at the time the treaty was signed.

Ames Sans Goldberg, Yet Artfully Argued

By Robert L. Clarke

After being harrassed all day by bad weather and closed airports in his attempt to get to Boston, Supreme Court Associate Justice Arthur J. Goldberg arrived too late for the arguments but just in time to vote on the briefs and join his brothers on the bench in awarding a close Ames final decision to the Griswold Equity Club. The finale to the year's oral bouts was held in a packed Ames Courtroom on Tuesday, April 7.

Griswold Club oralists, Joseph A. Wheelock, Jr. and James D. Lorenz, representing a group of department stores, argued that their clients had not engaged in unfair labor practices when one firm closed a branch store for economic reasons without consulting the union, and that when the union struck the alleged violator, the lockout imposed by the other stores in the bargaining unit was justified. The National Labor Relations Board, represented by Marshall Club oralists Arthur J. Lombard and J. Laurent Scharff, contended that such actions violated portions of Section 8(a) of the National Labor Relations Act.

The evening began with the announcement by Dean Griswold that Mr. Justice Goldberg was frantically trying to make his way to Boston from Portland, Me., after his plane could not land at Logan International Airport. Sitting as Chief Justice in Goldberg's place was Law School alumnus Judge Bailey Aldrich, LL.B. '32, Chief Judge of the First Circuit Court of Appeals, who had graciously consented to serve less than three hours before the argument.

Joining Judge Aldrich on the bench were Justice Mathew O. Tobriner, LL.B. '27, of the California Supreme Court and Judge Harry Blackman from the Eighth Circuit Court of Appeals. Justice Tobriner, whose son, Michael C. Tobriner, 2L, attends the Law School, had obviously done his homework and kept the oralists busy with frequent questions.

The NLRB was seeking to reverse a Court of Appeals decision denying enforcement of a Board decision and order. Counsel Lombard insisted that the expertise of the Board made it a much better judge of the situation than the Court of Appeals, but his colleague, Mr. Scharff, went on to add, "Of course we would never dispute Professor Jaffe," when



Judges Tobriner, Aldrich and Blackman

questioned about a law review article favorable to the respondents.

In a less dramatic but very effective presentation, Counsels Wheelock and Lorenz drove home their contention that a partial termination of facilities for economic reasons is not a mandatory subject for collective bargaining, noting that unions probably would not be able to suggest satisfactory solutions which could aid company economists in averting losses. The lockout and hiring of replacements were defended as necessary to protect the bargaining unit.

In brief remarks following the announcement of the judges' decision, Mr. Justice Goldberg declined to comment on the merits of the case since a similar one is pending before the Court, but he did outline the basic problem which it presents. "It is a question of economic liberty," he said. "It will be increasingly involved in collective bargaining, because parties want to know their rights."

Hinting at what his personal feelings might be, he praised General Lucius Clay who as president of the Continental Can Company, discussed his economic problems with the unions before shutting down plants. "The plants were shut down anyway because the union's ideas were not good, but the union had an opportunity to have their say."

Justice Goldberg lauded the quality of the

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Ames Finals

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briefs which he insisted he had read completely, and said they were "within the top 5% of all the briefs which the Court receives." He called for more imagination in briefs and urged the application of legal theories to practical situations.

Joining the Griswold oralists on the briefs were Ann D. Cronkhite, John H. Betz, Harrison C. Dunning, Robert C. Embry, Jr. and Paul B. Galvani. The Marshall Club writers were Thomas B. Arnold, John R. Bailey, James R. Hopkins, Jack L. Lawing, Alan H. MacPherson, and Jerrold I. W. Mitchell.

Legal Aid Elects

Joseph L. Delafield III, 2L, has been elected president of the Law School Legal Aid Bureau, it was announced this week.

Other second-year students selected to be officers are Donald G. Kempf, Jr., vice president, Barry S. Augenbraun, secretary, and Paul Asofsky, treasurer.

Elected as senior director was Richard A. Eastman. Junior directors are J. Paul McGrath and Sarah W. Dunlap.

WALLACE CASE REMANDED

The criminal action against Fred L. Wallace, 3L, proceeded another step toward trial last week. On Friday federal judge John D. Butzner granted a motion brought by the state of Virginia to remand the case to a state court. Proceeding under U.S.C., Title 42, sections 1442 and 1443, Wallace's counsel earlier had removed his case to the federal district court on the ground that he could not receive a fair trial in Prince Edward County, where the incident took place. The case involves a charge of felonious assault.

Judge Butzner stayed the effect of his order so that Wallace would have a chance to appeal his ruling to the Court of Appeals for the Fourth Circuit. The issues on appeal, if taken, will be firstly whether or not a right of appeal exists and secondly, if this preliminary question is answered affirmatively, whether the judge's findings conform with the evidence.

Riesman Berates Bar

"The Bar has done little to defend the legal order against demagogic attack. . . . It is scandalous that the Bar hasn't come to the defense of the Supreme Court, for example," said David Riesman, LL.B. '34, Professor of Economics at Harvard College and author of *The Lonely Crowd* at a Coffee Hour in Harkness Commons last week.

Prof. Riesman saw this development as a result of the "lean years" of the 1930's, which involved many skilled and prominent attorneys in government administration or corporate and labor legal work and permitted the "petty influence peddlers" to obtain control of the bar organizations. He said, however, that he has seen developing a period of "renewed public leadership by intellectual and skilled attorneys."

Prof. Riesman, himself a member of the Law Review while at Harvard and a professor at Buffalo Law School, explained his decision to leave the legal profession by saying, "I didn't have the kind of 'print addiction' that would enable me to continue in the law. The atmosphere of law schools seemed to me not to be conducive to the kind of exploration of ideas in which I was interested."

Mathias Will Address GOP

Congressman Charles McC. Mathias, Maryland Republican, will speak on the topic of civil rights to the Law and Graduate Republican Club at 1:30 p.m. Monday in the Wheeler Room.

Cong. Mathias is a member of the House Judiciary Committee and the District of Columbia Committee. Along with the ranking Republican member of the Judiciary Committee, William M. McCulloch of Ohio, he was instrumental in rallying Republican support to a strong civil right's bill.

Civil Libertarians Elect

The Civil Liberties Research Service has elected new officers: Howard M. Kirshbaum, 2L, Chairman; Barry M. Smoler, 2L, Vice Chairman; and Ira E. Yellin, 2L, Secretary-Treasurer.

ACCION Helps the Urban Poor in S.A.

by Paul M. Branzburg

"When his pants fall down, he looks to the President of the Republic to pull them up!" This was a phrase once used by Venezuelan thinkers to characterize the attitude of their urban poor. Living in choking poverty, suffering from crime and disease, the slum dweller felt that it was impossible to escape his environment and that non-governmental efforts at self-improvement were quixotic.

Slowly, but significantly, the situation is now beginning to change. "In less than three years since it was founded, a small but dedicated group called ACCION (Americans for Community Cooperation in Other Nations) has shown that Venezuelan slum dwellers can be helped to help themselves. . . . Already communities in Brazil, Nicaragua, Bolivia and the Philippines are asking for ACCION." (*Time*, April 3, 1964)

Two second year students at the Law School, Bruce E. Babbitt of Flagstaff, Ariz., and Peter LeSourd of Seattle, Wash., are deeply committed members of the ACCION team.

Babbitt spent three months in Venezuela last summer revising the ACCION training program. LeSourd is the Regional Coordinator of New England. Drawing a small salary from ACCION, he spends about thirty hours per week in recruitment and publicity work.

One has only to talk briefly with either of them to realize that the full-time staff in Venezuela is not composed of extravagantly idealistic beardies and weirdies or little old ladies in tennis sneakers, but is rather a group of trained, informed, hard-nosed leaders fully aware of the realities of the Venezuelan polity.

ACCION is a private organization. About 70% of its current \$420,000 budget comes from private Venezuelan contributors such as the Mendoza Foundation, plantation owners, and corporations. The rest of the money comes largely from Shell Oil, Creole, Alliance For Progress, and the Venezuelan Government.

The organization has 30 Americans and 70 Venezuelans working in over twenty-five slums in Caracas, Maracaibo and other cities. Generally, ACCION members work in pairs

— one American and one Venezuelan. After an intensive training program, the pair will enter a slum with the tremendous task of getting the slum dwellers to help themselves.

One technique is to start an athletic competition and then channel the newly created group spirit into increasingly complex projects: first a recreation facility, then a new sewage or water system, then a community center, and so on. Before long, the residents of a slum will have radically altered the face of their community.

The ACCION team sparks and nurtures the growth of a community feeling of pride and confidence in the possibility of self-improvement. They train local leaders to carry on the work they have started, and when they are sure that the people no longer need them for organization and encouragement, they move on to a new area. Normally, a team will stay in one spot for several years.

ACCION is quick to admit that its methods are not universally applicable. They can operate only in a nation which has private sources of considerable wealth from which contributions will flow. The ACCION technique works only in countries which have progressed well beyond a primitive economy. The organization also confines its work in Venezuela to slum dwellers because the very fact that these people migrated from the interior within the last thirty years marks them as a group who want to improve their lot. Living close together in the crowded slums, they are comparatively easy to organize.

The main thing that ACCION has to offer is leadership. The people who stream into the cities are quite unfamiliar with techniques of organizing to analyze and solve community problems. Such methods are strange and revolutionary to them. Their ancestors spent generations taking orders on sugar or coffee plantations, and they have no conception of the power of organization. Moreover, many of the slum-dwellers are strangers living among strangers, and so it often takes an outsider to turn them into a community with a sense of unity and identity.

ACCION was founded in 1960 by Joseph H. Blatchford, a law student at Berkeley.

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ACCION in Action

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Rounding up \$40,000 from private American and Venezuelan sources, the only recognition Blatchford and his group received when they arrived in Venezuela was a denunciation in a Communist newspaper and the skepticism of some business leaders. The results of the first year's work, however, was so impressive that contributions began to flow in more easily.

Babbitt and LeSourd are confident of the long-range effectiveness of ACCION. Their organization seeks to create private indigenous institutions, financed by Venezuelans, which will be permanent and flexible. These local groups will constantly seek to erase the old notions of the slum-dweller that self-improvement is impossible.

By getting the wealthy sector of the population behind such projects, ACCION is creating feelings of social concern among the group which can do the most financially to help their nation. The fact that ACCION-created organizations for community action are private make them less subject to political exploitation and less dependant on a particular political party or personality.

Summer Interns Wanted

The Executive Office for Administration and Finance of Massachusetts has set up an intern program for this summer, to run from July 6 to August 28. Any Massachusetts resident currently enrolled in any institution of higher learning may apply. Applications are due May 1.

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Candidates for ACCION need not have a particular technical skill, but the ability to organize and lead others is indispensable. The applicant must be mature and practical. If he is the type who thinks he is going to remake the world, he is doomed to failure. Twenty-five per cent of the ACCION group are female, and twenty per cent are married.

ACCION has offices tenanted by LeSound at 1384 Massachusetts Avenue in Harvard Square. It is there that applications for positions in ACCION are screened. LeSound is also busy soliciting contributions from individuals and corporations.

Last RECORD Next Week

The next issue of the RECORD will be the last of the year. After that, readers will have to revert to the *New York Times*.

Sir Patrick Dean to Address ILC

Sir Patrick Dean, British Ambassador to the United Nations, will speak on the current Cyprus situation Monday at 8 p.m. in Harkness meeting room. The International Law Club is sponsoring the program.

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Free Press and Defendants' Rights in Mass.

By Stewart D. Davis

Massachusetts lawyers, newsmen, and legislators have pushed the Commonwealth to the forefront in the touchy national debate on press coverage and defendants' rights.

Approaching the delicate task of balancing freedom of the press on one side and the right to an unprejudiced trial on the other, Massachusetts media-men and lawyers last year gathered together as a Bar-Press Committee and drafted a Guide to bar-press relations.

And on Beacon Hill, a bill proposing heavy restrictions on what newspapers may publish, and a "Board of Good Newspaper Practice" for enforcement, is before a legislative committee.

The promulgation of the Guide was made in the calm days last June, but its significance has been made apparent on a national scale through the Oswald episode and the more recent Ruby trial, and has been discussed locally at the most recent Law School Forum on "Criminal Justice and Excess Publicity."

ABA "Concerned"

More recently, CBS President Frank Stanton said the coverage of the Ruby trial bordered on "anarchy" and said the Brookings Institute had agreed to consider the possibility of offering a series of recommendations to guide news media in their handling of judicial proceedings. ABA President Walter E. Craig later told Dr. Stanton, "Your comments . . . on news coverage of judicial proceedings and your suggestion of a thorough study of the problems involved provide an orderly, sensible approach to a matter of grave concern to the American bar."

The already-drafted Massachusetts Guide, in the form of a recommendation and not of a mandatory code, has been adopted by some 55 Massachusetts newspapers, by radio and TV stations, and by both the Boston and Massachusetts Bars, according to Joseph M. Harvey of

the Boston *Globe*, one of the Committee members.

The "mutual and voluntary" document begins its balancing act in the preamble, recognizing on the one hand the value of a free press and the spread of information, and on the other hand the presumption of innocence of accused persons and the need for discretion "when public disclosures would jeopardize the ends of justice, public security and other rights of individuals."

To the press the Guide serves as a reminder that the accused "may be tried in a court of law" and that therefore stories of crime "should contain only a factual statement of the arrest and attending circumstances."

What not to print

Specifically to be avoided, the Guide suggests, are the publication of criminal records or discreditable acts of the accused, of confessions, of interviews with subpoenaed witnesses, of stricken testimony, of editorial comment "tending to influence judge or jury," of names of juveniles, or of any "leaks."

The Guide would allow the Bar (presumably lawyers and law enforcement officials) to release "a factual statement of the arrest and circumstances and incidents thereof," and reminds the Bar that the news media "have a right to expect the cooperation of the authorities in facilitating adequate coverage of the law enforcement process."

To be avoided by Bar members

are: statements or conclusions as to the innocence or guilt of the accused; out-of-court statements by either side stating what it expects to prove, whom it proposes to call as witnesses, or public criticism of either judge or jury; issuance of statements relative to the conduct of the accused, statements, "confessions", or admissions made by the accused.

Legislation Proposed

Apparently not satisfied with the effectiveness of such a voluntary code as the Guide, Martin H. Walsh, State Representative from Gardner, last year introduced a bill proposing a "Code of Ethics for Newspapers" to the Massachusetts House.

While part of the bill deals with conflicts of interest, it is clear from the preamble that it speaks to the problem of the accused and excessive publicity when it says: "The wide dissemination by the newspapers of pictures, statements and accusations which often times would be inadmissible in a court of law tends to weaken the right of every citizen to a fair and impartial trial by jury."

The bill would forbid publication of the name or picture of a person suspected, accused, or under investigation for a crime before arraignment, issuance of a complaint, or a report of the investigating body; and would forbid identifying witnesses and speculating or commenting on evidence in pending matters.

(Continued on following page)

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Bar-Press

(Continued from preceding page)

The bill would have a Board of Good Newspaper Practice which would issue seals of good newspaper practice to conforming media.

Mr. Walsh's bill was shunted to the Judicial Council where, according to the *Globe's* Mr. Hardy, it was found to be against both the state and United States constitutions.

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Now lacking a section which would have papers post a \$50,000 surety bond before commenting adversely on or criticizing public officials, Mr. Walsh's bill is again before the Legal Affairs Committee. And Rep. Andre R. Sigourney of Nahant has put Walsh's *original* bill before that same committee.

Messrs. Walsh and Sigourney are also sponsoring a similar bill which would set up an assistant attorney general with power to initiate contempt proceedings against news media for violating the rights of persons awaiting trial (i.e., like the Guide, by printing the accused's criminal record, or confession, or police statements and accusations not a part of the court

record, or editorials bearing upon such cases.)

This bill has been scored by the New England Chapter of the National Journalism Society, Sigma Delta Chi, "because of its infringement on the rights of a free people and because it will hold the Commonwealth up to world ridicule and scorn."

The resolution's sponsor, William L. Plante, Jr., editor of the *Newburyport Daily News*, termed the bill "punitive legislation that is obviously unconstitutional."

Both Mr. Harvey of the *Globe* and David Farrell, of the *Boston Herald*, are against these bills. Farrell called them "ludicrous" and "too restrictive" and said that if they are pushed the newspapers will fight them.

A recent editorial in the *Globe* said of one of these bills: "Aside from the very serious question of constitutionality raised here, the sheer unworkability and inherent dangers in such a police-state bureau should doom the bill to an early demise."

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Recent Book

Packard Views Super-Duper Snoopers

The Naked Society, by Vance Packard, David McKay Co., Inc. 1964, \$5.95.

By Walter V. McLaughlin, Jr.

Vance Packard's *The Naked Society* repeats much that has become commonplace in our daily lives, but shows it in a new, and somewhat sensational light simply by bringing a mass of material together in one volume. All of us have experienced intrusions into our lives by busybodies in government and in business and even by our neighbors. But perhaps we have never appreciated just how widespread this attack on privacy is today.

For the lawyer, or student of law, the book poses special problems. Such a person cannot merely join Mr. Packard in an emotional condemnation of such intrusions, and deride those who "instead of accepting the amendments [the Bill of Rights] as mandates . . . have increasingly talked of balancing them against the need of security, need to combat crime, etc." The lawyer's task, as it has always been, is just that: to balance the competing needs and desires of society, though he should certainly accept the right of privacy as one of his ideals.

Even Mr. Packard has to admit time and again that many of the intrusions may be justified, in certain circumstances. He would have Congress ban the use of all wiretap evidence, for instance, but make an exception for "cases involving espionage, sabotage or treason."

Index Available

Interested subscribers can obtain a copy of the Harvard Law RECORD index for one dollar. The index will include reference to all topics and persons in volumes 37 and 38 for the year 1963-64.

Or again in the keeping of records for income tax returns, he finds himself forced to compromise. He is outraged that a businessman must reveal his ailments to explain why on a business trip he ate a meal in a city rather than taking a free meal on a plane. Yet he recognizes the possibility of expense account abuse and the necessity for investigation.

Each area of intrusion presents its own individual problem. On the one hand is the steady principle of privacy; on the other a kaleidoscope of other values, some vital, some spurious at best, but all to be considered.

Having made some sort of evaluation the lawyer is then faced with the practical problem of what he can enforce. A just but unenforceable law is almost worse than no law at all.

Sometimes the answer can be suggested by analogies to the old laws. Mr. Packard mentions the Blacky Test where a grade school child is given a game to play. The game is actually a test of, among other things, the child's Oral Eroticism, Anal Sadism, Oedipal Intensity, and Masturbation Guilt. As Mr. Packard suggests the law could demand, on analogy to present requirements about medical treatment, that a parent's permission be

obtained before giving any psychological test.

Standard remedies, such as a licensing system, can also meet some of the problems, Mr. Packard points out. If we are to allow polygraph tests to be given as a condition of employment — Mr. Packard says they are presently required by many companies — we can at least require that polygraph operators come up to some high standard of proficiency. No man should be branded a liar or worse because an incompetent operator misreads the tapes. The imposition of regulations or perhaps a code of ethical conduct might eliminate many of the abuses practiced by private investigators.

One of the most important areas

(Continued on following page)

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Privacy

(Continued from preceding page)

of violation, however, is the easy access which scores of snoopers have to supposedly confidential files. Some of them "can deliver copies of telegraph messages or unlisted telephone numbers, Treasury Department tax records or applications for city jobs." Many of these files are not only secret by private regulation, but also by public law. Mr. Packard claims, for example, that the secrecy of the

Bureau of Criminal Identification file maintained by the New York City police can be pierced by a judiciously-placed phone call.

Even in official hands such information, in its cumulative mass, can have bad effects. The book expresses fear of "a gigantic bureaucracy achieving an all-seeing eye as a result of its far-flung network of intelligence-gathering agencies."

The fight against abuse of such information has been a continuing one, finding such strange allies as the *Washington Post* and Senator Barry Goldwater on the same side, denouncing its use.

Yet in this area the law seems to find itself singularly ineffectual. There will always be "contacts,"

"channels," or "friends" on the inside. What is really needed is some sort of change in attitude by the general public, a reawakening of the regard for another's privacy.

It is in this latter area that books such as Mr. Packard's may really prove their worth. Where a "noble experiment" in the creation of morals by law might fail, perhaps they can awaken the sleeping conscience of Americans.

It is interesting to note, however, that the book itself is a compilation of material on individuals and organizations gathered by the interviewing Mr. Packard decries and filled out with statistics from the public records Mr. Packard would protect.

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**THE
COOP**

Police Chiefs

(Continued from page 16)

"persons interested in gaining specific information as to the procedures used within a given department are cautioned not to accept as valid all data in the Review article. There are factual errors in the article and readers wishing specific information should communicate directly with individual [police] departments."

Although admitting that Philadelphia was the only city with a working citizens' board at the time the study was made, the *Chief* was especially critical of the Note's "improper and dangerous" generalization which supported citizens' review boards on the basis of the single case of Philadelphia.

The article noted critically that "with the data they had available, the authors could have stated that during the year 1962, the Chicago Police Department (operating a departmental system), with slightly less than twice the number of departmental personnel as the Philadelphia Police Department, recorded more than thirteen times the

number of complaints from citizens against department personnel. No reasonable person would attribute this difference to any inherent defects in the Chicago police officer as compared with the Philadelphia officer. Such a marked difference may come, in part, from the confidence the Chicago citizen places in the police department's ability to clean its own house."

Beral commented that the criticism would have been fairer if it had made more explicit that the Note was generalizing from the only available source. "Since Philadelphia is the only example, either we had to draw no lessons from the particular experience of Philadelphia or we were forced to use this example for conclusions on the workability of the advisory boards."

The summer project of the preceding year on aid to indigents in federal courts also created contro-

versy. Author Beral thought that this year's "project was good because both sides felt they had a story to tell." He commented that while most police officers consider that police are best-qualified to judge other policemen and that review of complaints is an internal question, "by and large, the top level of police seemed aware of the problem and most seemed to be trying to do something about it."

Quite a few requests for reprints of the Note have been received by the Law Review from individuals, city attorneys and civil rights groups. Several organizations, including the IACP, have received permission to reprint all or parts of the study. The Fraternal Order of Police, the California Sheriff's Association and *The Bridge*, publication of the inmates of the Connecticut State Prison, are all planning to print parts of the note.

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Police Critical of Review Note

By Theodore S. Curtis, Jr.

A recent Harvard Law Review Note "... not only does not parallel the police philosophy relative to review boards, it is at the same time erroneous in several respects. It is, at best, an unpalatable article from the police viewpoint," according to *The Police Chief*, official publication of the International Association of Chiefs of Police, Inc.

Police associations and civil liberties groups have taken much interest in "The Administration of Complaints By Civilians Against The Police," 77 Harv. L. Rev. 499, a twenty page examination of police department review systems for processing civilian complaints, citizen participation in such systems and separate civilian police advisory boards.

The note describes several different systems for processing citizens' complaints. Many procedures are informal. Some call for internal handling of complaints by boards of review within the police department, much like a military court martial. The newest type and most novel is exemplified by the Philadelphia board of civilians who review the severest complaints against policemen and make judgments.

The Note underscored in its conclusion several advantages of the citizens' advisory board. It suggested that citizens would be more likely to file complaints if they knew their objections would be processed by other civilians rather than by police who, some citizens

fear, might make reprisals. It also pointed out that review by civilians would provide "... strong safeguards against dishonesty and the disingenuous exoneration of officers by lower-echelon officials."

The Note also presented, however, arguments for internal systems, such as police expertise and the greater possibility of quick correction of problems, as well as the overall morale boosting effect which the policing of its own deficiencies would have on a department.

Written by Harold Beral, 3L, and Marcus Sisk, 3L, under the supervision of Editor Jerome I. Chapman, 3L, the Note was the result of six months' work which commenced last summer. The study was financed by a grant from the William F. Milton Fund of the Law School.

Ironically, the authors worked very closely with the IACP in preparing and mailing questionnaires and in arranging an interview itinerary. Draft copies of the Note

were sent to the IACP, which had no suggestions for corrections or improvements, until after the article was printed.

The *Police Chief* described the Review Note as "biased", reflecting "... an orientation which appears closely allied to the views of those who favor external or civilian review systems." The IACP publication cautioned its readers that

(Continued on page 15)

Law Wives Slate Gala Gathering

All Law Wives are invited to attend the final event of the year, a gala Spring Luncheon, at the Statler Hilton on April 25th, beginning at 1:30 p.m. Tickets which must be purchased in advance are \$1.50 for members who have paid dues and \$3.50 for all others.

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