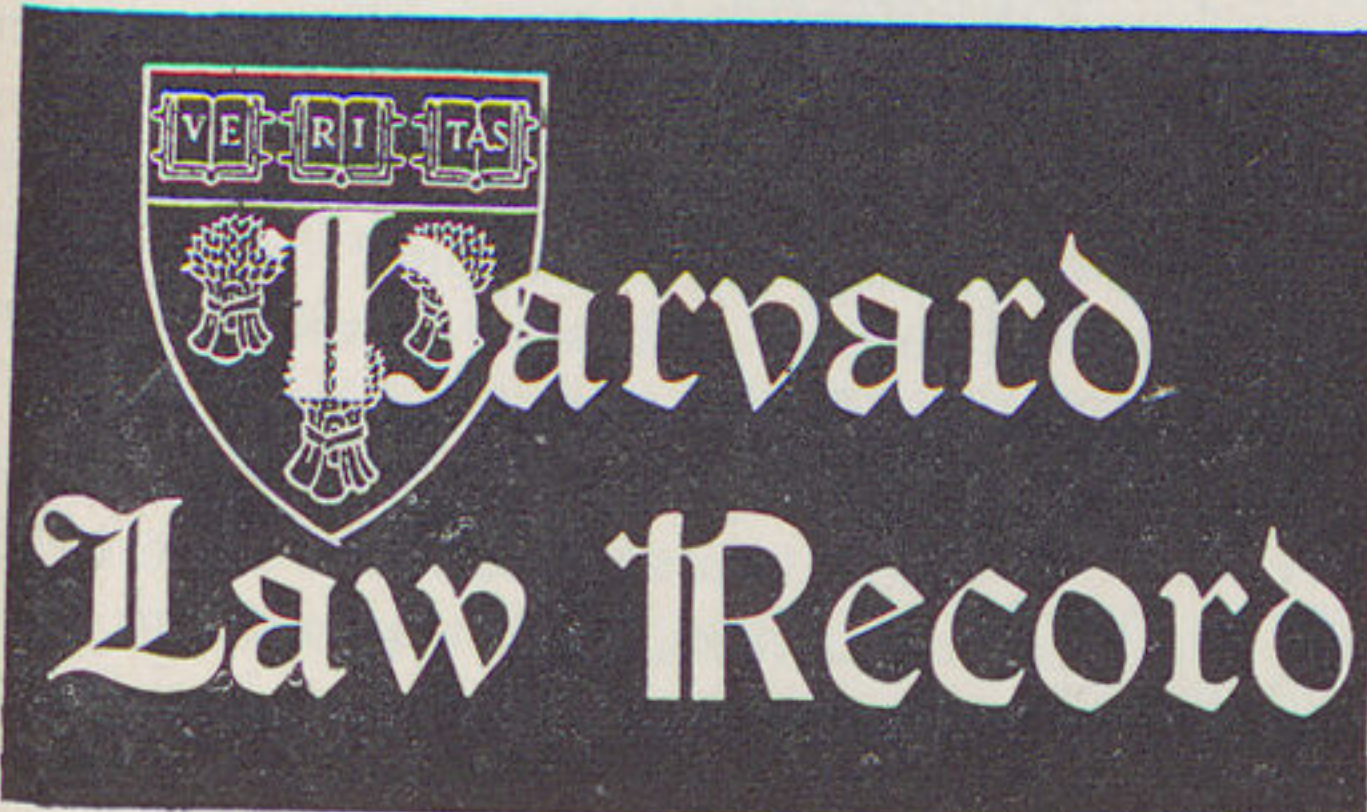


Writing Program Termed "A Great Success"



America's Oldest Law School Newspaper

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By Myer J. Sankary

Reading maketh a full man, conference a ready man, and writing an exact man.

— Francis Bacon.

Experienced in legal reading and rhetoric, a group of second-year volunteers have recently sought the benefits of the third quality of a learned man. The completion of the first year of operation of the second-year writing program has been praised by students and professors alike as "a great success."

By general consensus, two factors are believed to have contributed to the success of the program — excellent planning and supervision by the third-year student editors, and

(Continued on page 4)

Grades Shown to Affect Earnings

Graduates who had high averages at the Law School are making higher salaries than their C-average classmates, it is shown in final pre-reunion reports for the Classes of 1934 and 1939. Earlier incomplete returns had not indicated this divergence.

Based on returns of questionnaires by over half of the graduates in each class, the finding appears that the '34 "A" student makes an average total income of \$58,089 to an income of \$33,125 by his C brother. The '39 "A" man averages \$47,700 to the C man's

\$26,380 average.

Likewise the '34 B man leads his C-plus brother by a margin of \$40,434 to \$37,472 and the '39 B man leads his C-plus classmate by a margin of \$46,160 to \$39,380.

Only at the bottom end of the scale are there surprises. The '34 D man averages as little as \$22,625, but the E man averages \$30,000. And in '39 the D men, the lowest ones recorded, average \$31,250 to their C brethren's aforementioned \$26,380.

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Student Runner Goes Marathon Route

By Charles M. Hamann

Two Law School entrants in the 68th running of the Boston Marathon, Elliot C. Rothenberg and Robert H. Hall, both 3L, set off with the pack of 302 runners at noon Monday on the long road to Boston. Five hours later Rothenberg limped across the finish line. General fatigue had forced Hall to quit at the 18-mile point of the 26-mile-plus race.

A broken toenail was all that separated Rothenberg from a faster time. Seen running smoothly through the center of Wellesley, Rothenberg logged 20 miles in three hours but was slowed by his injury



Runners Rothenberg and Hall

(Continued on page 8)

Goodbye, Friends! Hello, Exams!

Exam time approaches and even the usually dauntless editors of the RECORD are ready to steal off to a quiet corner in order to peruse their books. If there is one omnipresent reality at the Law School, it is the year-end exams.

We have today some advantage over our predecessors. Whereas at one time one-third of the class which began never finished, now failure is rare. Also, we are presently told that marks are not the man. "As an index of measurement, examination marks are a pretty crude tool. They are earned not by intelligence or worth alone, but by ability, effort, circumstances, and luck in varying proportions." (Louis A. Toepfer, "Marks and the Man," *Harvard Law School Bulletin*, April 1958.) But future employers, even though they profess enlightenment, confess they have no better standard by which to judge prospective associates than their grades. We still worry, and with reason.

The present examination system, or a facsimile thereof, is more than half as old as the Law School itself, tracing its origins to 1871. Indeed, it is so old, so notorious, and so much at the core of the Law School year (though appended at the end) that one must wonder whether or not it has meant more to the Law School than the school has meant to it. Although it appears as an excrescence on the life of the school, no doubt it has had more than a casual influence on the Law School's growth and development. For instance, the current ratio of students to faculty is probably to a real extent a by-product of the year-end examination system. Examinations are a more efficient if not necessarily more accurate way of judging student performance than written papers, and one year-end examination takes less time to correct than a year-end examination and several hour-exams. Thus, the Law School can accommodate more students with fewer teachers.

But year-end examinations seem a cruel way of expanding in this way the circle of our acquaintance while decreasing it in others. Perhaps in future years the system will undergo some change.

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TONGUE 'N CHEEK

By Fenno

Having read all the obituaries and perused the ship arrivals and departures in the "Times" and having thoroughly examined all the items in the display cases in the library, I found myself reviewing for finals.

I whipped through the first two class hours' notes and came to the conclusion there was nothing much to worry about. I went back to my room and polished all my shoes.

After rearranging all the pictures on my four walls I managed to muddle through the notes for the third class of the year and to read the underlinings for that date.

In no time at all I was firmly ensconced in October. As a reward for such perseverance I went out to get myself an ice cream cone. I arrived back with four dollars worth of paperbacks, including three third-class mysteries, two spy stories and a thin little piece entitled "All You Need to Know about the Law."

After a short nap, I made a large chart detailing an hour-by-hour study program with an involved system of relaxation breaks. The chart took two hours to complete and by that time I was two hours behind on my study program.

I managed to get up to the middle of class number five before it was time for dinner.

My study group met after dinner. It wasn't until we had come to blows over an answer that we discovered two members were discussing a different question.

Two hours of such intense and learned discussion required some manner of decompression to avoid a kind of intellectual bends.

When I returned from the movies I finished class five's notes.

By that time it was clear to me that all the "scare" talk about reviewing and exams is just silly. After a day of real concentration it was nice to mark off five classes on my review chart. Only 445 left to go.

Legal Aid's Mrs. Cushman Retires

By Paul M. Branzburg

Praise has become increasingly vocal as the day in June approaches when permanent secretary Mrs. Esther Lanman Cushman will retire from the Legal Aid Bureau. Many Bureau members are convinced that the activities on the first floor of Gannett House will never be the same.

On February 13, 1963, the Harvard Legal Aid Bureau celebrated its Golden Anniversary at a banquet at the Harvard Club of Boston. All of those present at the meeting were well aware that much of the success of the Bureau since 1946 was due to the outstanding direction and guidance of Mrs. Cushman. In recognition of this invaluable service, she was elected a member of the Bureau by acclamation. The Hon. R. Amni Cutter, Associate Justice of the Supreme Judicial Court of Massachusetts, presented to Mrs. Cushman a membership certificate recording her election.

One has only to talk to members of the Legal Aid Bureau to sense the profound influence that she has had. "She has made for continuity over the years. The members keep changing, but Mrs. Cushman remains and preserves our traditions." Another student counsel observes that "she is a walking encyclopedia on Massachusetts procedural and substantive law." Others remark that Mrs. Cushman, "80% administrator and 20% secretary," has a "great talent in dealing with some of the difficult people who contact the Bureau."

Mrs. Cushman was born in Cambridge in the same house in which she still lives. Her father, a Professor at Harvard, taught Sanskrit. Living next door to William James, her girlhood companions included the children of the great thinker. After being graduated from the Cambridge School For Girls, she entered Radcliffe College and majored in philosophy. She was elected to Phi Beta Kappa and graduated magna cum laude in 1918.

Mrs. Cushman spent four years as secretary to the President of Bryn Mawr and then married. Her husband is a Certified Public Accountant. Mrs. Cushman later worked for the American Arbitration Association in Boston.

During the years when she was bringing up

her daughter Sally, Mrs. Cushman found intellectual satisfaction in playing bridge. During a World Bridge Tournament in the early 1940's, she and Donald Manzel, Professor of Astronomy at Harvard, won the championship of Massachusetts. (It is rumored that she once trounced Dean Griswold in bridge and that the two old friends have not since met over a bridge table.)

Mrs. Cushman has many fond memories about the Bureau. She recalls the man who wanted to sue the United States because the government had "robbed" his invention, i.e., the atomic bomb. She still chuckles over a day in May when several mothers had brought their children to the Bureau; the children made such a racket that the Law Review members, studying for exams, starting throwing books down the stairs.

Through the years, she has been continually impressed by the first-rate performance of the student counsels. She has also noted a definite "upward trend" in sophistication in the student body.

Mrs. Cushman has been saying that she is "going to be a Victorian Lady" after retirement. Actually, she will probably become active in several womens' clubs, although she fears that the excitement and variety of years at the Bureau may have "spoiled" her for the placid ways of womens' club life. She will, no doubt, continue to "go to the Symphony" and summer in her cottage on the Cape.

This Friday, there will be a banquet in Mrs. Cushman's honor at the Faculty Club. All members of the Legal Aid Bureau have been invited. It is there that they will try to express their appreciation for the wonderful work that Mrs. Cushman has done and their sense of loss with her coming retirement.

RECORD Chooses Officers

Shortly after 7 p.m. Tuesday evening the Presidency of the Harvard Law RECORD passed to Stewart D. Davis, 2L, by acclamation.

The new chief, a graduate of Williams College and a resident of Chester, N.Y., will be assisted in his duties by Secretary Caroline M. Simon (Cornell and Philadelphia, Pa.), and Business Manager Brian Christaldi (Amherst and Montclair, N.J.).

Writing Program

(Continued from page 1)

the interest and enthusiasm of the participants.

Evidence of the program's accomplishment will be seen in the publication of legal articles written by the students to be distributed next week.

Designed "to fill the gap in the Law School curriculum," the writing course was offered this spring semester to twenty-four second-year students chosen at random from 80 volunteer applicants. No special qualifications were required except an interest in improving writing skills. The third-year student supervisors drawn from the ranks of the Law Review staff, guided the writing in the style of law review articles. The eight-week program included preparation of three memoranda, editing, and writing of a major comment.

Due to the success of this year's program, the course will be offered again next spring, according to Professor Vorenberg, one of the faculty supervisors. "The response of the faculty to the program was very enthusiastic. Some of the papers were very good jobs," he declared. "The real test of the program is, of course, the extent to which the students have improved their skills in writing."

The response of the students interviewed was unanimous in their praise of the program. All were pleased with the way it was run, but some had suggestions for future changes. Some of them thought that the writing of the memoranda was most valuable, because "it made us do competent research and writing under pressure of time." One described the experience as "traumatic." On the other hand, other participants felt that less should be done on the memos and more time given to the longer comment.

All agreed, however, that the superb editing by the third year students and faculty members was one of the most valuable aspects of the program. One student pointed out that "anyone can write a paper in the second year if he wants to, but the writing program provides the only opportunity to have someone else read and criticize what I have written." The opportunity to edit the work of another student was also considered helpful.

Some of the students expressed the opinion that the program was valuable because it not only gave them a chance to work in depth in

an area in which they were interested, but also because it forced them to work in areas examined briefly in their courses where they would not ordinarily do extra work. Also the extensive research gave greater familiarity with legal materials.

Many also expressed a hope that the experience will be valuable in writing their third-year paper. Some admitted that the attraction of having their work published was a helpful motivation in making an extra effort to do a good job. One student said that the publication of his work gave him a feeling of accomplishment and confidence which his examination grades made him doubt.

The students revealed that although the program took additional time away from regular coursework, they felt, nevertheless, that the experience compensated for this loss. One student also managed to participate in the Ames quarterfinals.

Two minor drawbacks were noted by most of the participants interviewed. They felt that the work on the long comment should be completed by spring vacation. Otherwise, they said, "The work seems to drag on and loses the enthusiasm of the student." The other problem was caused by the ratio of editors to students. Since each editor had to supervise six students, not enough time could be given by them to research and criticism. A suggestion has been made to use this year's participants to help in editing next year.

The third year supervisors agreed that the work for them was enormous, but according to one, "the work is so important and valuable, it should be made a required part of the curriculum." The editors noticed definite improvement in the quality of some of the writing by comparing the first memos with the later work. "Perhaps the most important thing learned," said one of the editors, "was a method of self-analysis and a critical approach to legal writing."

Ways to accommodate more students in the future are being discussed by the faculty, but the plans for next year will continue the program much the same as this year. Prof. Vorenberg said that he hoped the writing program would eventually be available to all students who want to participate.

The *Harvard Legal Commentaries*, the program's publication, will be available free at the Langdell reception desk. Mail orders will be received.

Police Not Respected in Harlem

By Robert A. Grayson

"Poor people have come to regard the law as their enemy. The chief symbol of the law to the people of an urban ghetto is the police. If you look at the enforcement of the law in a place like Harlem, it is not hard to see why the law is regarded as an enemy."

This was the observation of William Stringfellow, LL.B. '56, who has spent the last seven years practicing law in Harlem and East Harlem.

"It is no wonder," continued Stringfellow, "that there is no respect for the law when at four o'clock today on 102nd Street a cop car will drive by and the driver will hold up the number of fingers indicating the winning number for the day in the policy racket."

An Occupation Army

In his address to the Legal Profession class last Thursday, the New York lawyer and author of the forthcoming book *My People Is The Enemy* cited manifestations of this distrust in the police. Witnesses that could exonerate someone accused of a crime refuse to testify because of the reluctance to involve themselves in someone else's trouble and fear of reprisal by the police. The result of the inability to obtain witnesses is seen in the great reluctance of those accused in pleading not guilty. "What's the use," those accused say, "it's my word against that of a white cop."

"The mentality that seems to govern the law enforcement in Harlem is the mentality of an occupation army. But no remedy can be achieved easily. The backlog of hostility against the cops is so great that most things done to help are taken as a mere gesture," explained Stringfellow.

Such an alienation between a segment of society and the law cannot go on indefinitely without consequences, he concluded. Those who feel oppressed by the law will take the law into their own hands. "I have nothing to lose" becomes their philosophy.

Mr. Stringfellow believes that the greatest handicap to those living in the ghettos is uninformed laws. Since very few people who know the problems can afford to run for office, these uninformed laws remain and continue to be passed. Rent control laws, endorsed by

most white liberals, is the best example. The present law allows an automatic increase in rent when tenancy is changed. This law has been in effect for many years, so with the high migration rate in a place like East Harlem, the rents are tremendously out of proportion. Families pay as much as \$150 for a tiny, rat-infested apartment.

The Hidden People

"Poverty, to these people, means your kid being bitten and devoured by a rat," continued the lawyer. "No one goes to see the life of the ghetto, especially those who can do something about it — we've actually hidden the people living there. The war on poverty from Washington seems to be another press release. There cannot be an attack on poverty without a basic social change," Stringfellow stated.

There is an acute shortage of lawyers who will cope with a situation found in the areas in which Stringfellow works. "A good number of the lawyers there now are charlatans. You can make a hell of a lot of money practicing with poor people if you make people mortgage their lives to pay for something they must have," he observed.

A Brooding Insurrection

People are taken advantage of because of their ignorance of the law and inability to hire counsel. As an example, Stringfellow cited cases where insurance adjusters buy out claims of people who have a valid action for negligence for practically nothing. Another common example is the people who have complaints against the landlords. When there is no heat and the landlord will not remedy the situation, the tenant takes a day off from work to go to court. Because of his ignorance of procedure, his case may not be called that day. If he has the persistence to come back, the remedy is often a \$50 fine to the landlord — and usually the condition remains.

"Lawyers cannot rest easy when these people are not represented adequately, if at all. The whole profession needs to act. A serious and real insurrection is brooding."

"Maybe there has to be war before peace," he regretfully observed.

Profs, Grads Seek Political Posts

Bay State Democrats hold their Presidential Primary this Tuesday, April 28, at which they will vote for delegates to the National Convention and write in their preference for Presidential nominee. The election is also for members of the state and ward committees. Therein lies the local interest, for Professors Mark DeWolfe Howe and James Vorenberg are in the fray as COD candidates for ward committees in Cambridge.

Thought by some to be a mysterious politi-

Grades-Income

(Continued from page 1)

The average total income for the members of the two classes is expectedly high, but the fact that the figure for both classes is almost exactly the same is unexpected. The class of '34's mean average total income is \$42,401; '39's is \$42,300. The median incomes for the two classes read \$34,750 for '34 and \$35,000 for '39.

The '34ers have 30.1% with a total income over \$50,000; the '39ers have 27.4% with an income in this high range.

As would be expected, the men in the bigger firms and those in the more populous areas are earning the higher salaries. In the Class of '34 average total income runs from \$22,740 earned by the lone attorney through \$33,000 (one-to-ten-man firm) and \$50,500 (ten-to-fifty-man firm) to \$56,000 (over 50 in the firm). The member of the class working for a private employer has an average total income of \$34,413; for government, \$19,763.

The '39er practicing alone has the high average of \$37,625. Average total incomes for those in firms run \$33,808 (one to ten), \$46,359 (ten to fifty) and \$66,750 (over 50). Those working for private employers average \$37,325, for government \$18,540.

The metropolitan men from '34 are well-heeled, averaging \$46,400. Their large-city classmates average \$34,735; small-city, \$26,717; and rural, \$24,125.

The '39ers are broken down into only three classes. The metropolitans have the highest income with a \$42,467 total income average; those from large cities follow at \$36,851; and the small-city residents trail at \$32,000.

cal cabal, COD is actually a group of about 2,000 liberals dedicated to reforming the State Democratic Party. Organized in 1960 the group gained impetus from a reaction to the fratricidal 1962 Convention at which Edward M. "Ted" Kennedy won the Senate nomination over Edward J. "Eddie" McCormack, who was then Attorney General. Prof. Howe was a campaign advisor to McCormack.

Chartered as the Commonwealth Organization of Democrats, the group resorted to the euphemistic COD in response to an injunction suit brought by the State Party. COD's aims are to stimulate a more effective implementation of policy and to draw the Party closer to the National Democratic Party.

The battle against the "old line" Democrats produced tangible results in 1962, when 10 out of 12 COD-endorsed candidates won seats in the legislature. In Tuesday's election COD is running 24 candidates for representation on the 80-member Democratic State Committee.

Many recent Law School graduates are active in COD. Michael S. Dukakis, LL.B. '60, is Vice Chairman of the state organization. COD membership at the Law School includes Professors Bator, Jaffe, Sachs, Sander, Turner, and Dawson, who is on the Cambridge COD Executive Committee.

Sharing the COD slate with Prof. Vorenberg in Ward 7 are Joseph A. DeGuglielmo LL.B. '30, Gerald Gillerman, LL.B. '52, Roy A. Hammer, LL.B. '60, and Peter W. Kilborn, LL.B. '60. In Ward 8 Prof. Howe is joined on the slate by Robert M. Gargill, LL.B. '59, and William P. Homans, Jr., LL.B. '48. John C. Vincent, Jr., LL.B. '61, and Thomas S. Chittenden, LL.B. '61, are COD candidates in two other Cambridge wards.

Republicans To Hear Tupper

Representative Stan Tupper of Maine will talk to the Law and Graduate Republican Club next Thursday at 1:30 p.m. in the Wheeler Room of Holmes Hall. Rep. Tupper, who has worked in Congress to give tax aid to college students, is New England campaign manager for Governor Rockefeller.

Rep. Mathias, Pro-Rights, Hits Stall-ins

By Mack Armstrong

Representative Charles Mathias of Maryland, speaking to the Law and Graduate Republican Club on Monday, said that the threats of "stall-ins" by certain Negroes on behalf of civil rights were "against our entire tradition of effecting legislation by intellectual and moral force rather than by mob action. They embarrass those of us who have worked hard to pass a constructive civil rights bill and add fuel to the primary campaigns of Governor Wallace."

Congressman Mathias, who is a member of the House Judiciary Committee, told the group that "the Republican Party should be very proud of what it did in preparing a civil rights bill for House action." Referring to an early draft of the proposed bill, Rep. Mathias commented that "there were grants of power in that draft which were incompatible with Republican principles, and Republican members by working to improve the legislation made it possible for the House to pass the best bill it could." He cited specifically the provision for the withholding of federal funds from states which discriminated as one clause which was improved by Republican efforts as the debate progressed in the House.

"The original draft," he said, "would have given the President undefined power to act against an entire state whenever he felt it necessary, but Republicans were able to define and restrict administrative power in this area. Instead of suspending all funds when a state was found to be discriminating, the clause was changed to provide for cutting off funds only to those specific activities of the state in which the discrimination was being practiced. In addition, a clause establishing judicial review of administrative decisions was inserted."

Rep. Mathias concluded by saying that "the balancing of civil liberties and civil rights is not an easy job as there are occasions when the two collide. To the greatest possible extent the House-passed bill preserves the integrity of both civil rights and civil liberties and had it not been for the Republicans, this would not have been possible."

When asked after his speech about the possibility of amending the bill in the Senate, Rep. Mathias said that some of the proposed amendments made some sense, but he expressed a fear that others, if passed, would weaken significantly the bill.

Rep. Mathias, who is seeking renomination against an opponent of the civil rights bill, had to leave Cambridge shortly after his talk to return to Maryland to campaign.

German-Polish Border Discussed

"Recognition by Germany that the Oder-Neisse line is the true border between Germany and Poland could be an important new opening of Germany's relations with her Eastern neighbors." This was the opinion of Dr. K. Skubiszewski, L.L.M. '58, Docent, Chair of International Law at the University of Posnan, Poland, speaking at a meeting of the International Law Club last Monday.

The present situation, Dr. Skubiszewski explained, is that the former German territory east of the Oder and Neisse Rivers now has a Polish population and is regarded by Poland as an integral and important part of her land; but West Germany disagrees.

"West German students of international law" he said, "regard the claim of my country to that land as legally very weak. They make three main arguments against it. They say, first, that the Allies could not give German territory to Poland under international law; second, that the agreement at the Postdam Conference gave Poland only the administration of the area—sovereignty remained in Germany until a final determination at a peace settlement; third, that the Polish takeover was in violation of the right of self determination."

On the first point Dr. Skubiszewski said, "I feel that the Allies could and did assume all the powers of the German government, including the power to cede territory. If they could legally have annexed this area, it cannot be contrary to international law for them to dispose of it without formal annexation. The declaration of assumption of supreme authority gave them the right to change German boundaries."

"On the second point," he said, "the circumstances surrounding the Berlin Conference

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Grueling Marathon Takes Measure of Student Harriers

(Continued from page 1)

to a limping run and walk over the last six miles of the course. The injury, which Rothenberg imagines was the product of the general wear and tear of the grueling run, occurred shortly after he had surmounted the Marathon course's most famous obstacle, Heartbreak Hill in Newton.

Hall explained his withdrawal as the result of complete exhaustion. He said that the pressure of studies had forced him to let up in his training over the last month and, probably as a result, he was no longer at peak condition.

Hall led Rothenberg in the early stages of the race, but began to run out of steam as he proceeded through Wellesley. Rothenberg passed him shortly before he withdrew.

Having run from the start in Hopkinton to Wellesley, Hall said that he decided to walk for a short period of time in order to conserve energy. Walking and running from there to the point of withdrawal, he said that his strategy had not worked out as planned and that he had been unable to start running consistently again once he had stopped to walk.

Somewhat ironically Hall, who hitchhiked to Boston after his withdrawal, got better treatment at the finish than the Spartan Rothenberg. Hall was treated at the finish to a bowl of traditional beef stew, but when Rothenberg arrived he discovered that the stew was all gone—in violation of a written promise to provide stew to all finishers con-



Rothenberg Breaks With the Pack

tained in literature sent to Marathon applicants. "In fact," Rothenberg said, "I had a hard time getting a drink of water."

Rothenberg also complained that the promised post-Marathon medical check-up was non-existent. He said, "They may have had medical examiners earlier for the first few finishers, but they had left by the time the last contingent arrived." He also noted the perfunctory nature of the pre-Marathon exam, which he termed "inadequate." It consisted of a weight measurement and a listening to the heartbeats of the prospective runners.

The race began under a leaden sky which was spitting intermittent rain and snow. Prior to the race, Rothenberg said, as he jogged to keep warm, "This is ridiculous." But later, mellowed by miles, he said, "I thought it was a very worthwhile experience, but right now I wouldn't do it again for a million dollars." Although disappointed not to finish, Hall noted, "It was a lot of fun just to be in it."

German-Polish Border

(Continued from page 7)

indicate that 'administration' was merely a diplomatic word to thinly veil what was really a complete cession of territory." He pointed to the later section of the protocol which called for the mass evacuation of the German population from the area. Later this was actually carried out according to a plan approved by the Allies. "Such action," he said, "seems hardly consonant with the idea that the Allies intended this land to remain under German sovereignty."

On the third point—that the taking violated the rule of self-determination and was therefore contrary to international law, Dr. Skubiszewski said: "Self determination did not become established as a rule of international law until after the War. The United Nations Charter which set forth this rule specifically excepted lands taken by the Allies."

"Formal recognition by all nations of this boundary is only a matter of time," he concluded. "Whatever the legal aspects, diplomacy has already settled the matter. Over twenty years of residence has made the area an integral part of Poland."

Michelman a Versatile Young Teacher

By Neal W. Johnston

Many members of the Harvard Law faculty have approached the law from the variety of vantage points Assistant Professor Frank I. Michelman can claim, but few, if any, have been quite so quick in covering as much territory.

Born in 1936, Michelman graduated from the Law School magna cum laude in 1960, serving in his last year as note editor of the Harvard Law Review. He then returned to New York, his home town, as an associate in the firm of Kaye, Scholer, Fierman, Hayes & Handler.

One year later, in 1961, he became a law clerk to Justice Brennan of the Supreme Court. A self-confessed victim of Potomac fever, Michelman stayed on in 1962, working in the Tax Division of the Department of Justice.

Last autumn he returned to Harvard, where he has taught a first-year Property section and a third-year course in State and Local Government Law.

Despite the breadth and direction of this rapidly acquired background, Michelman was slow in deciding on the law as a profession. "When I began my senior year at Yale," he explains, "I still expected to become a college history teacher."

He is still not altogether sure why he picked law over history. "I do remember," he adds, "that the rough decision was not history or law, but Harvard or Yale. It would have been comfortable to stay at Yale, but by the time I had been here for a week I knew I had made the right choice on all counts."

While at Yale, Michelman participated in the Scholars of the House program, wherein some fifteen seniors are excused from normal class duties, and instead write a thesis and take an oral examination in their field.

"My thesis was on Social Darwinism, examining the impact, logically and metaphorically, of Darwinian biology on social theory. I concentrated on Lester Frank Ward and Edward Bellamy." Michelman obtained his B.A. with a *summa*.

Though he much enjoyed his year in private practice, Michelman was quick to come to Washington when Justice Brennan, at the suggestion of Professor Freund, offered a



Professor Michelman

clerkship. "A good many of my colleagues," Michelman adds, "came to the Court from private practice, not directly from law school."

"My year on the Court was intensely rewarding. There is, first, the satisfying excitement of just being there. The Court does have a Mecca-like quality, especially to the recent graduate. Second, a clerk obtains valuable insight as to the way a good judge goes about his business, and the way a court in fact functions."

"Then, too, there are clear personal and intellectual rewards that come from such an alliance with an able judge and lawyer. And also, though it is more difficult to talk of this, the experience does provide credentials."

While each Justice must make his own decisions, each clerk must argue with his superior. "Of course," Michelman cautions, "the sense of participation a clerk might have and the actuality of it are two different things."

Michelman went to Washington expecting to return to New York after one year, but found his sense of excitement wasn't satisfied in a single season, and he went to work for Assistant Attorney General Louis F. Oberdorfer of the Tax Division. "I served as a combination administrative aid and high-level law clerk. It was a refreshing combination of duties." While in the Justice

(Continued on following page)

Prof. Michelman

(Continued from preceding page)

Department, Michelman argued his first appellate cases.

"The return to Harvard was very easy. My sense of continuity is unimpaired."

Hard pressed for research time by the demands of preparing two new courses, Michelman is pleased that he will teach the same subjects next year.

He is particularly interested in the area of state and local government law. "This topic has been covered in law schools for some time, but it remains quite topical, and it holds many novel elements. Many pragmatic questions are raised, for example, that would more normally be covered in a political science course."

Professor Michelman and his wife live in Cambridge. They have a three-year-old daughter and a son born last September.

Casner Club Congregates

Associate Dean A. James Casner modestly acknowledged the tribute paid him Saturday night at the Casner Club's 25th anniversary banquet. "It's a fine thing to have a dinner in one's honor," he said. "I know I deserve it, but there are so many things one does which go unrewarded."

Eighty members and alumni celebrated the event with a dinner-dance at the Harvard Club of Boston. Charter members in attendance were Merrill R. Bradford, LL.B. '39, of Bangor, Me., "the only tax lawyer in Bangor," and Jay W. Kaufmann, LL.B. '41, a New York stock broker. One old club member, Vester T. Hughes, Jr., LL.B. '52, came up from Texas for the occasion.

The Club presented Dean Casner with an engraved leather album containing greetings from alumni who were unable to attend.

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George Lodge Boosts His Father's Merits

George Lodge, son of Ambassador Henry Cabot Lodge, told the Law-Graduate Republican Club last week that he knows of no Republican "who can get as many votes against President Johnson as my father can."

He ascribed his father's emergence as a leading contender for the Republican nomination to his experience as Ambassador to the United Nations. "You may not think debates in the U.N. have much to do with domestic politics," Mr. Lodge added, "but when my father was seen engaging in some pretty good debates on important issues for eight years, he attracted the interest of a lot of people."

Mr. Lodge disavowed any personal participation in the Draft Lodge campaign although he admitted that "the people working in it are friendly and I do know something about it." He confessed that the progress of the campaign to date as reflected in the polls was "incredible."

"My father," Mr. Lodge stated, "has no great lust to be President, but he would regard it as an overriding duty if he is called on by his Party to run." However, he said he doubted whether the Ambassador would return from South Viet-Nam to campaign even if he should win the Oregon primary on May 15. "He has a very personal relationship with the new government over there which transcends the normal responsibilities of an ambassadorial office, and he feels a very high duty to lessen the number of Americans being killed there if he can," he stated. "Therefore, he is reluctant to resign as Ambassador at this time."

In his prepared speech, Mr. Lodge, who is now on the faculty at the Harvard Business

School, defined the central problem of the Republican Party to be an intellectual one. He said that "the Democratic Party still has a sense of purpose inherited from the days of Franklin Roosevelt which the Republican Party has yet to gain." He cited three areas, civil rights, unemployment and foreign aid, as critical ones in which Republicans could produce badly needed suggestions.

Referring to civil rights, Mr. Lodge asserted that "it is high time that Americans stop trying to approach the problem pragmatically and instead start to treat it ideologically. We have never really dealt with civil rights as the ideological monstrosity it is."

Turning his attention to the problem of unemployment, he said that planning on a nationwide scale is necessary if this problem is to be solved. "Americans must stop being suspicious of anything which smacks of doctrine or planned economy" he emphasized.

On the question of foreign aid, Mr. Lodge commented on "the intellectual paralysis we have in explaining this business of foreign aid to the people." He expressed optimism that people would be much more receptive to the program if their leaders were more effective in communicating to them the true purposes underlying the foreign aid program.

Next RECORD In September

The RECORD has now run twenty issues off the presses during the school year, and its editors, weary of body and mind and unable for financial reasons to publish 26 issues, have decided to call it quits for the present. The next issue will appear at the end of September.

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Recent Book

To Help the Lawyer Master his Language

Mellinkoff, David. *The Language of the Law*. Boston: Little, Brown & Co., 1963. 526 p. \$12.50.

By Thomas E. Woodhouse

The French consider it to be the genius of their language that it promotes clear, incisive thought. A national Academy attempts to keep the language tool well honed. Philosophy recognized the plenary power of language over thought long before Wittgenstein. Hohfeld carried the same philosophical assumptions into the domain of jurisprudence, in declaring that law will never be able to separate rights and obligations in its thinking if it cannot do so in its language.

The practicing attorney is made party in spite of himself to an institution of language existing within yet apart from his national

tongue. His arguments before courts must be framed in the language of the law, and very likely his pre-trial analysis is strait-jacketed in that language. An institution can facilitate the achievement of an end, or greatly hinder it. So it is with the language the lawyer must use.

The author is broadly concerned with the institution of legal language. His book delves into the language of the common law, which is largely English, but also French and Latin, American, terms of art, and argot. His exploration of the origin and history of thousands of legal terms is scholarly, though necessarily is presented summarily. His analysis of the use of that language is editorial. His message is practical. Lawyers no longer have time to waste on garbled law.

Mr. Mellinkoff is at ease as a scholar and a writer. Although his goal "is nothing more modest than the rationalization of the language of the law," he is not so pressed that he doesn't stop from time to time to play with the words he marshals. He reveals himself to be an *afficionado* of language.

Fortescue, C. J., is quoted for holding that "we have several set forms which are held as law, and so held and used for good reason, though we cannot at present remember that reason." Fortescue here is the author's fall guy. Mellinkoff concludes, "It is a lawyer's — not a robot's — job to know when a reason and a word are done for . . . Cleansed of words without reason, much of the language of the law need not be peculiar at all. And better for it."

For reading or reference, *The Language of the Law*, which inspired Prof. W. Barton Leach to declare, "This is one of the most amusing, interesting, and intellectually distinguished books I've ever read," is of great worth to every lover of law or language.

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Recent Publication

Fine Faculty Portraits Spice '64 Yearbook

By Thomas E. Woodhouse

The Law School Committee of Phillips Brooks House has swaddled its annual presentation to the Law School community in bright new undergarments this year—a vermillion frontispiece and inside cover emblazoned with the University crest and Coke's companion maxim, "Out of the ould fields must spring and growe the new Corne." The rest of the Yearbook belies the phrase. Little new springs out of the ould fields, except, happily, a bit less corne than in some of our predecessors' years.

In one respect this Yearbook is outstanding. The faculty portraits on pages 19 through 33, all taken by Beardsley Ruml, II, are excellent. Particularly felicitous among these are the pictures of Prof. Louis Loss on page 26, Prof. Arthur E. Sutherland on page 33, and that of Prof. A. James Casner sitting on his title on page 21. Also, Carolyn Vena's drawings, interspersed throughout the book, have merit.

Less fortunate is the substitution, on the candid photo pages, of

red ink cliches for last year's captions under the pictures. These picture summaries whisper to the reader of triteness to follow, a caution not altogether true but destructive of the reader's openness of mind.

The Yearbook's layout follows the tried and true format of previous decades. Apart from a printer's error, the missing title on the Voluntary Defenders' page, and an unexplained failure to number the many pages of student pictures to which reference is made by page number in the index, the composition is satisfactory.

That so bland a word as satisfactory is found best to fit the

entire production suggests the fallacy of attempting to review a yearbook. A good yearbook seldom has tone or character. It remains a colorless document until nostalgia paints it with its own pallet. The biographies of professors, reworked only slightly each year; the candid photos, the passing remarks; all have little relevance now, for their function is to stir alumni some later time.

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Georgia Group Hits Albany's Attitude

The Georgia Council on Human Relations has published a pamphlet entitled "Albany, Georgia: Police State?" which lends indirect support to charges of Elizabeth Holtzman, 2L, which were reported in the October 3, 1963 issue of the

RECORD. The Council is an interracial association whose alleged goal "is to secure the growth and well-being of the South by assuring a better life for all its citizens."

The pamphlet report alleged that the attitude of the white majority in Albany has "permitted police and city officials to abridge or violate the basic constitutional rights of citizens to freedom of expression, assembly, worship and suffrage."

The report charged that whites in Albany are living in a "segregated dream" that "Negroes are happy in their child-like singing

and dancing. Whites are loving, understanding and paternal." It said that "the principal illusion in Albany is that (Chief of Police Laurie Pritchett) is acting . . . to 'preserve law and order.' The truth is that many . . . arrests have been made when no threat to the public safety existed, when no disturbance was imminent, when no violence was present. The only thing the Chief preserved was the segregated status quo."

While Chief Pritchett has made an effort to counter non-violence with non-violence, "brutality by the Police is a fact," the report said.

SELECTED ESSAYS from the HARVARD LAW REVIEW

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Ripon Task Force Elucidates GOP Civil Rights Stand

"Republicans and Civil Rights: A Continuing Commitment", a paper written by a Ripon Society task force on civil rights, will be published on Monday by the Critical Issues Council, a group sponsored by the Republican Citizens Committee of the U. S.

Authored by J. Eugene Marans, 2L, Peter V. N. Lockwood, 1L, George H. Hettrick, 2L, and Lee Huebner, GSAS, the paper analyzes the major problems in the civil rights area, suggesting solutions in a progressive Republican direction.

It emphasizes both legal measures for short term gains and affirmative action by public and private groups on federal, state and local levels, according to Marans. It underlines the importance of state responsibility and local experience and proposes to build on proven institutions.

The paper's three-pronged thesis is that, first, Negroes are trapped in a vicious circle of deprivation and discrimination and solutions must be sought on many fronts simultaneously; second, solutions must be underlain by affirming the importance of the individual; and, third, a long view must be taken toward the eventual fulfillment of the American dream.

The paper supports most of the provisions in the pending Senate bill, but notes that some of the bill's proposals will not be enough to achieve a meaningful solution, Marans said.

The authors cite Dean Erwin N. Griswold, a Republican appointee to the U. S. Commission on Civil

Rights, on the status of the Negro regarding access to public accommodations, Marans added.

In the future, Marans reported, the moderate progressive Ripon Society, many of whose members are Law School Republicans, will

undertake more projects of this kind.

Acting chairman of the Critical Issues Council is Milton Eisenhower. Honorary chairman of the Citizens Committee is former President Dwight D. Eisenhower.



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Civil Liberties Group Plans Banquet

A panel discussion on civil disobedience will be featured at the Civil Liberties Research Service banquet on Tuesday, April 27.

Professor Louis L. Jaffe will be the moderator of a panel including Professor Charles Fried; John P. Roche, National Chairman of the ADA; and the Reverend Robert F. Drinan, Dean of Boston College Law School.

Chairman Elliott C. Lichtman, 3L, said that the Service has been notably active this year. Members have worked in the defense of Fred L. Wallace, 3L, who faces felony charges in Virginia. Others have assisted counsel of the Massachusetts Civil Liberties Union.

The more usual Service project, however, is the preparation of a memo on some particular case or on an issue of general importance in the civil rights or civil liberties areas, Lichtman explained.

He described one study involving the problem of de facto segrega-

tion in Boston. The focus was on "the extent to which the Constitution requires affirmative action by the School Board to redress this racial imbalance in the school system."

Other studies in Church-State relations centered on the issue of state assistance to parochial schools, whether through school materials or personnel. "A state is permitted to provide a certain amount of general aid which indirectly benefits parochial schools," Lichtman said, "and the problem is how much assistance is permissible before violating the Establishment Clause of the First Amendment."

A more specialized memorandum dealt with the problem of due process in a court martial proceeding. A soldier was tried by a Special Court Martial, at which no representative of the Judge Advocate General's Corps is required to be present. The problem given to the Service by the National ACLU was: "assuming a lack of due process in the court martial, what forum is available when the Court of Military Appeals has denied relief?" The Supreme Court does not have certiorari jurisdiction over that court.

Lichtman believes a study of the Peace Bond will prove useful as a summer project, to be prepared for the NAACP Legal Defense and Education Fund. The Peace Bond device was used last year in Georgia. Known civil rights activists were held until they could put up a bond ensuring their peaceable behavior. If, for example, they

subsequently participated in demonstrations, the Bond would be held to have been violated, Lichtman explained.

On to India

Four Law School students will travel in part over the route of caravans this summer in a trip from London to Bombay and back. But a Land Rover rather than camels will transport them. The four students, who will be accompanied by a 1963 graduate of Harvard College, are David A. Copus, Gregory E. Good, Burr C. Hollister, and Robert D. Paul, all 1L.

The group has received invitations to visit from the King of Morocco, the President of India, and other government officials.

Be a Law Wife

The Harvard Law Wives have urged that law students planning summer nuptials put first things first: submit the name of your future bride to them now, and she won't risk the horror of that "left out" feeling in the fall. Insure her an invitation to the annual buffet supper in September and other fall events with a note to Mrs. Jack Watson, 181 Parsons St., Brighton, Mass.

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