



Clark is C.J.

Baker-Smith And Jaffe Clubs Meet In Ames Final Tonight

Tom C. Clark, Associate Justice of the Supreme Court of the United States will preside at the Ames Competition final at 8 p.m. tonight in the James Barr Ames Courtroom. The argument will match the Baker-Smith Equity Club and the Jaffe Club in the case of *Michael Ingersoll et al. v. Harold Rice, Guardian ad litem*.

The associate justices for the event are the Honorable Peter Woodbury, LL.B. '27, Associate Justice of the United States Court of Appeals for the First Circuit, and the Honorable Frederick W. Brune, LL.B. '20, Chief Justice of the Maryland Court of Appeals.

The Baker-Smith Equity Club is representing the Appellants Ingersolls, with Irwin Kimmelman, 3L of Newark, N.J., and Marvin A. Sachs, 3L of Bayonne, N.J., as oralists. John David Stoner, 3L of Bloomington, Ind. and Alan R. Trustman, 3L of Brookline will argue on behalf of the Jaffe Club, representing Appellee Rice.

This case originated in the Probate Court of Sussex County, upon the filing of a petition by Mr. and Mrs. Ingersoll praying the adoption of six-year-old Joanne Connolly, who had been living in their home since November 1952. Joanne's mother, after obtaining a divorce in June of that year, vainly attempted to care for the child in the absence of any support from its unemployed father; failing in that undertaking, she asked her step-brother and his wife to take Joanne into their home with a view to adoption. When the appellants initiated the present action, Joanne's mother consented to that adoption.

Religious Conflicts

The prayer for adoption was denied on the grounds that the mother's ante-nuptial agreement with the father, to raise any children of the marriage in the Roman Catholic religion, precluded her later consent to an adoption by the Ingersolls, who are non-Catholics. The Probate Court, in placing the decision on that ground, avoided a determination of the application and constitutionality of the Ames statute which requires that whenever practicable custody shall be given only to persons of the same religious faith as the child. The Court recognized that its decision might be unconstitutional under *Shelley v. Kraemer*, 334 U.S. 1 (1948), but stated "... if I refuse to give cognizance to this agreement, I would clearly be violating the Contract Clause and the Equal Protection Clause of the Constitution."

Joanne's mother was a Universalist who converted to Catholicism after her marriage. Until her removal to the Ingersolls, Joanne had received some religious training; Mr. Ingersoll is a Universalist, his wife an agnostic who believes in the ethical teaching of Jesus. They expressed their intention "to give Joanne as broad a philosophical background as possible and to encourage her to follow her own conscience in her choice of religion." The Reverend John O'Shea has expressed his assurances that Joanne will be adopted by "proper persons of her own faith, with equal or better material resources than the petitioners" if she were turned over to the Catholic Charities Society.

With certain stipulated exceptions, the Constitution, Statutes and case law of Massachusetts will be presumed to be those of Ames. The case at bar is distinguished from the recent *Goldman* case by virtue of the ante-nuptial agreement here entered into by the parents; the *Goldman* case, decided by the Supreme Judicial Court of Massachusetts, denied adoption to petitioners whose faith was not that of the child, and the Supreme Court of the United States recently denied certiorari.

Of counsel on the brief for the Baker-Smith Equity Club are Leslie M. Geller, Daniel A. Jenks, Jr., Kenneth J. Kircher, Bertrand M. Lanchner, Paul R. Puerner, and Edwin S. Shapiro. For the Jaffe Club, those of counsel on the brief are John B. Hook, William N. Jenkins, Curtis M. Karplus, Andreas F. Lowenfeld, Richard M. Sandler, and L. John Wood.

I-M Basketball 'A' League Won By Independents

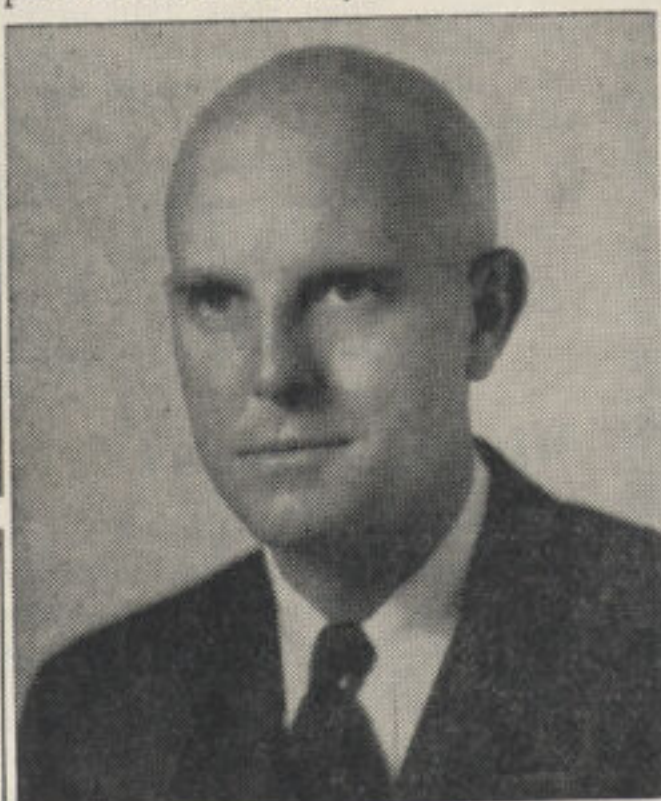
Dropping the Chancery Reds 74-60 in the playoff championships, the Independents on March 23 wound up with both the "A" League title and the regular season championship of the Law School Basketball League. The Independents, who narrowly edged the Chancery quintet 85-81 in overtime play in the regular last game and thus avoided throwing the season standings into a two-way tie, won handily in the playoff rematch.

In the championship game, the Independents were sparked by Fred C. Anson, 1G, with 21 points, and Ben H. Proctor, 3L, with 17. Everett H. Parker, 3L of Bath, Me., countered with 17 points for the Chancery Reds, who had gained a final berth by sneaking by the Spartan Crusaders 60-59.

In the "B" League, the Testators finished an unbeaten season, only to be upset by the Interpleaders in the playoff finals, 48-47. The only loss of the Interpleaders during the season was to the Testators. The favored Testators had crushed the Chancery Tigers 55-34 in the semi-finals, while the Interpleaders were edging out the Crusaders 46-44. Thomas E. Withycombe, 2L of Columbus, Ohio, racked up 17 points for the winners, Jerome B. Fleischman, 2L of Weehawken, N.Y., netting 11 points for the Testators.

Leach Urges University Adopt Program In National Defense

In a memorandum to deans of four Harvard schools and departments, Prof. W. Barton Leach has urged that Harvard University develop a substantial program on the undergraduate and graduate levels in national defense policy. Prof. Leach further urges that Harvard establish a scholarly journal to publish studies of national defense, that a research program begin as soon as possible, and that curriculum, teaching methods, and library facilities be developed well beyond the scale of his present seminar. Prof. Leach has conducted a defense policy seminar this year with faculty and students from several parts of the University.



W. Barton Leach

As Prof. Leach foresees the program, the new area of learning would not constitute a special graduate school like the Law School, but would combine courses in the College and in most of the graduate and professional schools of Harvard.

The seminar this year has been a joint enterprise of the Law School, the Gradu-

Grading Committee's Majority Report Advises Retention Of Present System

No change in the present grading system has been recommended in the majority report of the Advisory Committee on the Grading System, which was released today. While deploring the "self-generated" competitive pressures and scoring the irresponsibility of upper-classmen and some faculty members in fostering among first-year men a distorted impression of the importance of grades, the committee decided that there is no feasible alternative to the present system.

The committee, composed of two faculty members and six students, was appointed by the Dormitory Council, to act in an advisory capacity. It dealt with and disapproved alternatives to the present system during the course of the report. The report stated that the greater number of categories in a numerical system resulted in less arbitrary distinctions between grade levels than a more restricted letter system.

It was further felt that rankings were necessary for several administrative reasons, such as information for draft boards, transfers between law schools, placement, and scholastic and academic honors. An increased number of examinations was rejected because of the great burden on the faculty, inability to synthesize courses piece-meal, and the tendency of students to allow current work to suffer while reviewing for examinations.

More experimentation in types of questions and examinations was recommended by the committee. Stating that the present system emphasizes the ability to analyze problems in a strictly limited period of time, the report suggested greater use of papers and other types of questions in order to measure more accurately the other capabilities of students.

The committee consisted of Prof. Warren A. Seavey, Assistant Dean Louis A. Toepfer, Dennis G. Lyons, 3L of Passaic, N.J., Harry Heher, Jr., 3L of Trenton, N.J., Robert C. Boozer, 3L of Atlanta, Ga., Martin Bresler, 3L of New York City, Chas. H. W. Talbot, 3L of Walla Walla, Wash., and Chairman Michael J. McNulty, 2L of Niagara Falls, N.Y. Talbot wrote a minority report.

Value of Grades Exaggerated, Committee Chairman Believes

"Marks are the only symbols of success at law school," said Michael J. McNulty, "although they do not determine success in later practice."

McNulty, a second-year student from Niagara Falls, N.Y., was chairman of the Advisory Committee on the Grading System, which has just submitted a report urging no change in the status quo. The committee met five times in the last two months.

Deliberations were held in the office of Professor Warren A. Seavey, who with

Assistant Dean Louis A. Toepfer, represented the faculty on the committee. The current system gives maximum success to "speed analysts," McNulty said. They are people who write rapidly, and see a variety of issues in every exam question.

Another member of the committee was Dennis G. Lyons, 3L of Passaic, N.J. Mr. Lyons, who is president of the Law Review and first-ranking man in his class, is reputed to have an average of about 83. He maintained that even on the *Review*, productivity many times correlated with class ranking.

The median mark for first-year men last year was 66, McNulty revealed, while the middle men in the second and third-year classes had 67 averages. In last year's first-year class, 35 men received marks of 75 or over, while 108 had averages of 70-74. 277 were in the "C" bracket, 62-69.

Details Refused

McNulty refused a request by the *Record* to make public a further breakdown of last year's averages. He claimed they were "irrelevant" to the committee report, and that release of the figures might injure the feelings of students who had not done well.

By a 4-3 vote, the Committee decided that a poll of the student body should not be taken. This finding may be reversed by the Dormitory Council when it meets April 11 to consider the report.

A primary problem, McNulty feels, is the lack of faculty-student closeness at the law school. "There is not the personal contact here that there is at other schools," he said, "although some faculty members, especially the first-year teachers, could remove some of the intense pressure by reassurances given both inside and outside the classroom."

Cites Dilemma

Speaking of pressure, McNulty said that if there is no grading system, there would be no incentive for students to learn the law. If there is too much pressure, students will become more concerned with exam writing than with their course material, he added.

"Pressures are mostly on first-year men and come from upperclassmen and faculty members," McNulty stated. "Mental health is better than ever in the past," he asserted, concluding, "There are very few nervous breakdowns and those may be from other causes."

Quarter-Final Argument Set

The decision of the United States Supreme Court in the "Miracle" movie censorship case, *Joseph Burstyn, Inc. v. Wilson*, 343 U.S. 495 (1952), will be relied on by both sides when the Gardner Club meets the Griswold Equity Club in this year's last quarterfinal Ames argument at eight o'clock, April 11, in the James Barr Ames Courtroom of Austin Hall.

Robert S. Jones, 2L of Buffalo, N.Y., and H. Simmons Tate, Jr., 2L of Clemson, S.C., will represent the Gardner Club and the appellants, Lion Moving Picture Productions, Inc., Film Distribution Management, Inc., and the Oxford Theatre, Inc., in seeking a reversal by the Supreme Judicial Court of the Commonwealth of Ames of a finding by the Commonwealth Motion Picture Board that a certain motion picture, "The End and the Means," is unsuitable for exhibition within the meaning of the Ames Motion Picture Act. The Motion Picture Board took action against the film at the instigation of Arnold C. Comstock, Attorney General of Ames and respondent in the case, who will be represented in the argument by Daniel F. Featherstone, Jr., 2L of Deal, N.J., and Paul K. McDonald, 2L of Boston, both of the Griswold Equity Club.

Eugene A. Hudson, judge of the Massachusetts Superior Court, will serve as Chief Justice for the argument. Hon. Robert P. Booth, LL.B. '28, judge of the Municipal Court of Bedford, N.H., and Elliot L. Richardson, LL.B. '47 of the Boston firm of Ropes, Gray, Best, Coolidge & Rugg, will be the Associate Justices.

The pertinent provisions of the Ames Motion Picture Act provide that the Board may find a motion picture unacceptable for exhibition if the picture "(1) portrays nud-

(See QUARTER-FINALS on page three)

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Undue Process

In time of crisis we often react swiftly and take shortcuts. Last week the editors noted with some regret an event that seems to bear this out. The swift sentencing of Harvey Matusow in the District Court for the Western District of Texas seems to be lacking in certain of the ordinary elements of our system of justice.

Matusow was cited for contempt of court and was sentenced to three years imprisonment for scheming to obstruct justice by seeking to obtain a new trial for Clinton E. Jencks, Texas union leader convicted in 1954 for perjury in signing a non-Communist affidavit.

Matusow's testimony helped to convict Jencks. Matusow recently filed an affidavit in the Federal District Court in which he stated that he lied in 1954; and for this reason Jencks demanded a new trial.

According to the *New York Times* of March 17, 1955, p. 13, Matusow stated, "I was motivated to get justice for one I wrongly accused." The district judge, hearing the motion for new trial for Jencks, stated that "Matusow alone or with others nefariously . . . schemed to use this court as a forum for the purpose of calling public attention to a book, reportedly written by Matusow, entitled 'False Witness.'"

If Matusow's affidavit that he lied in the Jencks trial is the truth, then he is being wrongfully punished for attempting to bring an injustice to light even though it incidentally may have promoted the sale of Matusow's book.

On the other hand, if Matusow's affidavit is false, it is a perjury. If a perjury, the judge punished it as a contempt of court. We agree with Judge Learned Hand that "this power must not be used to punish perjury . . ." *U.S. v. Louis Appel*, 211 Fed. 495, 496(1913).

Furthermore, "in cases where the falsity of the testimony is denied, and is a matter merely of inference of opinion, the court, it seems, should not weigh the conflicting evidence in a contempt proceeding, but should leave the alleged contemner to be punished criminally, if guilty of perjury. In other words, the contemner is entitled to a jury trial if the facts are substantially disputed, and the court cannot take judicial knowledge that the testimony or allegation is false." 11 A.L.R. 342, 352, (1921).

We do not wish to be understood as defending Matusow's prior testimony, nor his subsequent and frequent recantations; nor do we defend Jencks or assert that his conviction should be upset. But we do view with alarm the fact that an American judge can, by summary action, send a man to jail for three years for attempting to retract prior testimony. This is beyond all bounds of due process of law. At this crucial time we must make more certain that the foundations of our government are not undermined by hasty action. We must be more, and not less, deliberate and careful in cases such as Harvey Matusow's. We, therefore, hope that the Fifth Circuit will allow Matusow's appeal and reverse this dubious judicial proceeding.

Record Notice

In this issue, the Record is printing the full text of both reports of the Advisory Committee on the Grading System. The marking system is an important issue to the student body, and the Record believes that in order for people to make a fair decision on the question, both points of view should be presented.

Text of Majority and Minority Reports on Grading System

Majority Report

This Committee was formed to study the present grading system and to propose a more equitable grading system, if one could be found.

No change feasible

No basic change in the present grading system seems feasible. The Committee believes that the present grading system is as fair as any system which has been suggested for the use of the Law School. We recognize that any grading system has elements of unfairness. Moreover, no grading system can reflect all the capabilities of the students; this is particularly true in the case of law students. Indeed, there are so many elements which comprise "the good lawyer" that, at least in a school of this size, it is substantially impossible for the faculty to give a reasonably accurate and complete estimate upon a student's talents. The faculty as well as prospective employers recognize this fact.

Our current examinations test primarily the ability to analyze and synthesize and within a limited time select from competing rules those which apply in a particular case. They are given once, at the end of the course. For only at the end of the course can all the subject matter be assimilated and synthesized. To give more frequent examinations than this, we believe, would bring more difficulties than advantages. Examinations given at periods other than at the end of a course would increase the work load of an already overburdened faculty which spends from four to six weeks correcting examinations. Furthermore, experience has shown that while students are reviewing for their examinations, they neglect current assignments with the result that classroom participation suffers.

In a school of this size, oral examinations are impracticable.

A written examination or a thesis where the work would extend over a very considerable period of time might be a preferable type of examination, since it does not depend so greatly upon rapid analysis. This is done in part in seminar courses. But such examinations are not practicable for the large mass of courses, because of the extra work for the faculty in grading and because there is no way to control the way these examinations are written.

Though there should be no basic change in the examination system, the Committee suggests that the faculty experiment with various types of examination questions and to some degree with the amount of time allotted for taking examinations. Among the possible experiments would be: a thesis or paper as a substitute for an examination, longer examinations of different type where feasible, such as Professor Fuller's 49-hour Jurisprudence Test. By using a variety of examination questions and types, the varying aptitudes of different students would be better measured.

Numerical Grades

The Committee believes that the grades must be given in numbers or at least computed in numbers when the bluebook is graded. Each question must be graded on some plan. Then the grades for each question must be assembled and totalled. The use of a numbers system facilitates this process of totalling. Using letters for each question, then some averaging process to arrive at the final grades is not as satisfactory as the numbers system. Hence, it would seem clear that the examination must produce some kind of numerical grade.

Number of Categories

The purpose of the grading system is to calculate as accurately as possible the varying abilities of students as indicated by examinations. For this purpose, about 45 different categories are used, i.e. from the lowest mark of 45 to the highest of 90. The assumption behind the large number of categories is that it is fairer to be very accurate in giving marks than to place students in large categories, such as A men or B men or C men. The greater the number of categories the greater is the discrimination between the varying abilities of students. In addition, this system has developed over a period of time. The faculty finds this system workable and feels that it can determine to a great degree the close discriminations between these various categories.

The Committee thinks that these numerical grades more closely approximate the relative value of the students than can a series of letter grades. In other words, since the men in a large class are shaded by imperceptible degrees, it seems unfair to create categories for A or B or C men without distinguishing between the upper and lower level of each category. This distinction could be done, of course, by multiplying letters or by adding a plus and

two pluses or a minus and two minuses to each letter. This result, however, accomplishes only what is done much more simply by mathematical grading.

Ranking Held Unavoidable

The Committee does not see how the ranking of men from top to bottom can be avoided, although for some it may be unnecessary for the first two years. Ranking is obviously important for scholastic prizes and honors, scholarships, and for those organizations the membership of which depends upon the rank of the student (such as the Law Review or the Board of Student Advisors). Ranking is also necessary for employers who wish to know where a student is placed in his class, so that they may compare Harvard Law graduates with those of Columbia, Yale and other law schools which follow different grading systems but also rank their students. In transferring to another law school, the student's rank here at Harvard is required. Draft Boards use relative rank as a basis for deferments. Thus, for many purposes ranking is necessary, though for some not until they seek employment.

Data Should Be Released

The reason for giving so much information to students on their numerical grades and rank is that students have requested as much information as possible. In fact, a student was first given his rank in class in 1936 when almost 9/10's of the students polled requested this information. (See Appendix) If students wish to know their relative position in their class, it seems desirable that this information be given to them. We think that sometimes it is unfortunate for a man to realize that grade-wise he is in a relatively low position with reference to his fellows. Sometimes, this information makes the man unhappy and discouraged. Sometimes, also, men who are not doing well in school respond to the knowledge of their rank by making greater efforts. Whether knowledge of the position in the class is more helpful or harmful to a majority of students is difficult to know. In fact, this committee itself is divided on the effect of knowledge of rank in class, particularly in the C group.

Relation to Placement

Marks and class standing have a definite influence on the placement of Law School graduates. This influence, however, is not nearly so great as students in the Law School generally believe.

The importance of marks in the placement process has been magnified by the rather limited perspective with which students view the entire placement picture. Students are exposed while in school to that part of the placement process in which marks have their greatest importance. They are greatly impressed by the notices on the bulletin boards and the interviews held at the Placement Office. The fact that some men seem to attract a number of offers while others seem to make little or no progress gives them much to talk and worry about. They notice that the law offices which recruit third year students in the fall place a premium on scholastic achievement. They do not realize that these firms represent only a single type of opportunity—the largest law offices located in the largest metropolitan areas. Actually, there are many law offices far less concerned with scholastic achievement, but these firms seldom take positive steps toward hiring until their need for assistance is so acute that they can consider only persons already graduated from school and immediately available for employment. Although most opportunities fall into this group, students believe that all employers have attitudes like those of the few firms which try to fill their needs in advance from the current third year class.

Another misunderstanding arises because students are not aware that many law firms which set such a high store on academic standing regularly make exceptions to these announced requirements. Generally, the qualifications these firms announce are those that fit their ideal candidate, and are intended to secure the most outstanding people available. Firms are usually willing to relax their standards in order to select the person who most nearly fits what they conceive to be their need.

Thus, these firms do not proceed with complete candor. They have pretty well nurtured the myth that they never hire below certain grade limits, although in fact they often accept persons with lower standing. These firms like to avoid any reference to the many men they have taken whose qualities may be excellent but whose marks were only average.

The misunderstanding about the relation of marks to placement is also fostered by the use of grades as a convenient scapegoat. Marks receive the blame for

many disappointments for which they are not responsible. Applicants for positions are turned away frequently not because they lack the ability to do the job, but because they do not seem to have the proper combination of background, personality, enthusiasm, and interests that the firm believes necessary.

When passing over people because of shortcomings of this sort, however, employers almost never say that they are relying on personal considerations. Instead, they usually cite law school marks as the reason for refusal. To cite grades is a convenient way to avoid a rather delicate and embarrassing alternative. Students, however, take excuses about marks at face value, with the result that once again marks acquire a false importance.

Grades are also a convenience for the student who seeks to shift the blame for not making progress with his placement. It is much more comforting to treat failure to secure a particular job "objectively" and to lay the blame on marks instead of on personal shortcomings.

Conclusions

This Committee concludes, then, that examinations cannot be avoided; that the present system is as workable as any that has been devised; that the students should be given all the information they desire about their grades and position in the class; that students tend to misunderstand the whole panorama of placement by overemphasizing the importance of marks; that employers often inflate their requirements when setting them forth publicly, though they make frequent exceptions from these requirements in actual hiring practice; that there are a number of personal characteristics other than marks necessary for success in legal practice; that students should not be unduly elated or discouraged by their proficiency or deficiency in Harvard Law School examinations; that success in placement, like success in practice, depends upon ability, energy, hard work and good luck, not alone on Law School marks.

Recommendations

The Committee recommends that the faculty and students further the belief among the students that rank in class and grades are not the sole determinative of what a particular man can do in practice. Upperclassmen as well as the faculty should ease the pressures on first year men as much as possible. It may be true that much of the intense pressure of this law school is self-generated, particularly in the first year. But the first year men are not so much responsible for these pressures as are upperclassmen and some members of the faculty. Upperclassmen's advice such as "Don't take Ames second semester!" leaves a strong impression with some first year students. Some students have received the impression from certain faculty members that poor grades bring some form of contempt from the faculty. Such impressions as these should be counteracted.

Appendix I History of Harvard Law School Grading Systems

The early history of the grading system is uncertain. In the 1880's some system of numbers was followed, since Louis Brandeis is reported to have received 97 and 100 in certain examinations. Around 1910, the student received one letter grade which was his average in his courses. The Secretary retained the letters received in each course. These were not given to the students, unless by special request after graduation. From about 1910 to 1935, the students were given letter grades in each course. But it is thought that the Secretary of the Law School retained in his office the numerical grades in each course. In 1946, the present system came into operation, under which the student is given his numerical grade, average, and exact rank in the class.

—MICHAEL J. McNULTY, Chairman

Minority Report

The Dormitory Council should conduct a poll among present second- and third-year students to measure their dissatisfaction, if any, with the present grading and ranking system.

My reasons for reaching this conclusion are easily stated:

1. No one knows whether there is widespread dissatisfaction in the student body. Until the existence and extent of unhappiness over our method of grading is known, it is impossible to take appropriate steps either to change the system, if a change is warranted, or to conduct a propaganda campaign (as the majority suggests) to reconcile the malcontents to the system.

2. The majority of the committee recommends that there be no poll on the

ground that they could find no suitable alternatives to, or changes in, the system now in use. Therefore, students could express no preferences as to various modifications of the grading system.

The committee acquired all its information on this point from Prof. Seavey. Not all the faculty share his view on the immutability of the present system: if we had asked other members of the faculty for opinions, we might have found that there was another system possible.

If the committee had been willing to look beyond the confines of this School, it would have found that other law schools of high reputation employ systems other than Harvard's 45-category system (45 to 90). The impossibility of any other system operating is disproven, I think, by the fact that other systems do work at other schools.

3. The advisability of a change here is another matter. Grades can be used for many purposes. If the School is interested only in knowing whether a student should get his LL.B. or not, then it needs only two grades, Pass and Fail. If it is necessary to distinguish among people with high marks in order to choose future members of the Review, the Board of Student Advisors, and the Legal Aid Bureau, then five grades are needed—Review, Board, Legal Aid, pass and fail.

The majority assume that (1) the distinction between a 66 grade and a 65 is meaningful; (2) the distinction being meaningful, it should be made. Unless there is some compelling reason to make the distinction, it should not be made, I think. At any rate, the majority's report does not indicate why the distinctions should be made, or, indeed, what purpose the present grading system is intended to serve.

Further examination of both these questions by the Dormitory Council would be useful.

4. If student opinion is strongly against the apparently useless distinctions in the "C" category of grades, the School might well re-evaluate its policy of making such



Chas. H. W. Talbot

distinctions. A poll to gauge student reaction to these distinctions would be useful.

5. I am not satisfied that the 45 different grades represent 45 meaningful categories of excellence. Further information as to how faculty members actually grade examinations might have thrown light on the inevitability of our present system. It is unfortunate that such information was not obtained.

It is also unfortunate that the committee did not release information it has showing the number of people in each grade category over the last several years.

As for the present ranking system, that too does not seem inevitable. Student wishes as to methods of ranking ought to be respected, for the ranking requested by draft boards and employers is quite gross. A system of ranking in quarters, or deciles, should satisfy interested out-of-school persons. The School itself apparently makes little or no use of rankings. Student opinion on this point might well govern.

As for the report's recommendations to the faculty, I concur. I would add that some faculty members give students in the second year the impression that only members of the Review are important. This impression accounts for a good deal of the latent dissatisfaction with grades, and with the School generally. In seeking to reconcile the mass of the students to the necessity for grades, the School should re-examine the policy of treating the editors of the Review as a privileged and superior class.

—CHAS. H. W. TALBOT

Horsky Discusses Public Trial . . . D.C. Opportunities

Speaking under the auspices of the Student Bar Association on March 24, Mr. Charles A. Horsky, LL.B. '34, member of the Washington, D.C. Bar, stressed the great variety of practice open to the Washington lawyer.

Mr. Horsky devoted the main part of his speech to that segment of Washington practice which is done for clients from outside the district, and which is concentrated there simply because of the presence of the various federal agencies and Congress.

Lawyers who are engaged in this practice are there "simply because the Federal government is there," were distinguished from those Washington lawyers who practice law in the interests of local clients before the District Courts.

The former tends to become highly specialized, with the individual lawyer concentrating his skill on practice before one particular agency.

In discussing the lawyer's role in representing his client's interest to Congress, Mr. Horsky felt this was not too different from the same function with the legislative bodies of the various states.

The Trial Practice Seminar will hold a model trial of a zoning case next week, Prof. Robert E. Keeton has announced. Students have been invited to attend the trial, which will take place Tuesday and Thursday, April 12 and 14, from 1:30 to 3:30 P.M. in the James Barr Ames Courtroom.

Witnesses from the Harvard School of Design and Massachusetts Institute of Technology will testify at the trial, in which members of the seminar will serve as counsel.

Law School G.O.P. Gains Young Republican Vote

In recent elections, members of the G.O.P. in the Law School gained a marked increase in their representation to the larger Harvard Young Republican Club that covers the Harvard graduate and undergraduate community.

Ed Clark, IL of Middleboro, was elected as a committee-member at large; Clark and Don Berlin, IL from West Orange, N.J., were elected as alternates to the Massachusetts Council of Young Republican Clubs; and Berlin was chosen as joint chairman of the Membership Committee.

Columbia Law Student Gives Inside Impression Of Juries

(The following article was written by Harry Richard Pollak, a first-year student at Columbia Law School. It has appeared in the Columbia Law School News.)

Perhaps some of us are among the people who have at some time commented with disdain, "Why, that is a question that would be left to a jury, and you can't even guess what they'll decide."

I was thus fully aware of what seemed to me a prevalent attitude within the legal profession, to the effect that jury decisions are not always logically reached. Late last November, I received a notice of jury duty.

The attorneys, in picking the jury, were in doubt as to whether to allow a law student to serve. Finally, after some questions as to what courses I had taken in my first semester, both of them agreed to let me serve, with an added admonishment by one counselor that questions of law should be left to the court.

The case involved an action on a conditional bill of sale. Plaintiffs sued for payments due on used machines sold and delivered to defendant. Defendant affirmatively contended that the machines were delivered in parts, and he had to go to the expense of assembling them.

Jury Takes Over

After several days of testimony the case was ready to go to the jury. The judge charged us as to which questions we were to consider in arriving at a verdict.

It had been my intention to simply be one of the members of this jury, voicing my opinions on the conclusions that I had reached as a result of the testimony and the evidence. I was even in doubt as to the weight that the other jurors would give my opinions, in view of the fact that I was considerably younger than they were. My doubts were dispelled, however, as soon as we got to the jury room. Juror Number 1, the forelady, when informed that she should preside over the meeting, turned to me and said, "You know more about this than the rest of us, why don't you take over?" This was the general sentiment of the group, and I therefore agreed. I drew up a list of the items that I felt must be considered in our verdict. I went around

the table on each of the items and expressed my own views after getting the other opinions. On a number of occasions I was conscious of the fact that my views were in opposition to all the other expressed opinions on the point. Each of these times my fellow jurors came around to my way of thinking. As our deliberations proceeded I noticed an ever growing "let's get this thing over with and go out to eat" movement. I was relieved that my suggestion to have lunch sent in was accepted. After lunch we concluded our discussions and I was then asked to write out our findings for submission of the verdict, whereby we found in favor of the defendant.

More Background Needed

My comments on this interesting experience would have to include a recommendation that the jury, here at least, should have been given more of the background of the case by counsel in the opening statement. A number of jurors were completely unaware throughout the trial of just what the attorneys were trying to prove. It is almost impossible to remember all the testimony in a case lasting close to a week, and unless one has a clear picture at the beginning, he is not likely to recall some important point brought out in testimony.

There is one other thing that my admittedly brief experience with the jury system has taught me. The unwritten rule keeping lawyers off juries is a good one, and should be extended to law students as well. The average person serving on a jury is almost totally unacquainted with courts and their procedure. Large portions of the proceedings seem to him to be almost in a foreign tongue. He therefore relies to an extraordinary degree upon a person who understands what is happening, and such a person cannot help but sway the entire panel. This results in one person deciding the questions that all twelve should decide. It is certainly contrary to the purpose of a jury.

COFFEE HOUR

Professor Bart Bok will speak Tuesday, April 12 at 1:30 p.m., in Harkness Commons on Radio Astronomy.

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QUARTER FINALS

(Continued from page one)

ity . . . or (2) will materially influence a substantial number of viewers to commit sexual acts criminal under Ames General Laws C. 272, or (3) portrays criminal behavior as acceptable, respectable, or desirable conduct. . . . The film in question involves an illicit love affair, a night club scene showing an apparently nude dancer, and an abortion.

While questioning the wisdom of the Board's decision re this particular film, appellants direct their main thrust at the constitutional validity of the statute. In attacking the constitutionality of any form of inspection or licensing of movies by governmental officials prior to their dissemination to the public, they contend that the dictum in the "Miracle" case, which intimated that a clearly drawn statute censoring obscene films may be constitutional, did not determine the value of censorship per se. And they claim that the Ames statute is open to the same criticism of vagueness and uncertainty which proved fatal to the New York statute in the "Miracle" case.

For the purposes of this case the Commonwealth of Ames has adopted the Constitution, statutes, judicial decisions, and geography of the Commonwealth of Massachusetts.

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The COOP

Bevins Explains Priorities System In Dorm Assignment

Dean Wesley E. Bevins has revealed some of the planning that precedes the annual assignment of rooms at the Law School. Seven rooms are set aside for proctors before any assignments are made, he began.

Then consideration is given to applications of people who claim disabilities. Those who have disabilities which make it fair to prefer them to other students are assigned rooms as close to Langdell and Harkness Commons.

Next, the dormitory officials pick out the applications of all the students in the first category and throw them into a wastebasket (because no one has a hat large enough). They pick a card at random. The student whose card is selected is assigned to a room in the group that he listed as his first preference. As long as there are rooms available in a student's first-choice category, he is given his first preference. If the student's first choice is a category that has been exhausted, he is given his second choice, and so on. If an applicant in a high priority lists only a few of the more popular choices, all of his choices may be assigned by the time his card is drawn. In that case he is put on the waiting list.

Within each category active members of the Dormitory Council get a preference.

Roommate System

Dean Bevins also explained the system by which people who have indicated that they wish to room together are assigned dormitory space. Only one of the two men's cards is placed in the lottery wastebasket, and when it is drawn, the roommates are assigned to a room.

This relative priority system is greatly complicated by a member of factors. One is the situation when A asks for B as his roommate but B does not choose A. In that case the Dormitory Office will not assign the two men to room together. Another complicating factor is the man who is living in the dormitory rooms for two

straight years: the Dormitory Office does not like to shift such men out of the room that they held in the previous year.

Over the summer the School will convert 10 of the two-door open doubles in Ames, Holmes, and Story Halls. This change will leave 10 open doubles with two doors and 17 open doubles at the corners on Story and Ames. The rooms which will be affected are Ames 104, 105, 205, 305, 407, Holmes 213 and 313, and Story 220, 320, and 420. The doubles will be converted to singles by the building of a cinder-brick wall down the center of the room.

The priority system:

1. Proctors
2. Disabilities
3. Third-year: Never lived in, Signed
4. Second-year: never lived in, signed
5. Third-year: never lived in, not signed
6. Third-year: lived in six months, signed
7. Second-year: never lived in, not signed
8. Third-year: lived in six months, not signed
9. Third-year: lived in from Oct. on, signed
11. Third-year: lived in one year, signed
12. Third-year: lived in one year, not signed
13. Third-year: lived in 1 1/2 years, signed
14. Second-year: lived in six months, not signed
15. Third-year: lived in 1 1/2 years, not signed
16. Second-year: lived in from Oct. 15 on, signed
17. Second-year: lived in from Nov. on, not signed
18. Third-year: Lived in two full years, signed
19. Second-year: lived in one full year, signed
20. Third-year: lived in two full years, not signed
21. Second-year: lived in one full year, not signed

LAW WIVES

The Harvard Law Wives will present the second act of George Kelly's comedy, *The Torchbearers*, tomorrow evening at 8:30 in Harkness Commons. Admission is free, and the public is invited. Law students will be interested to know that the play features Professor John M. Maguire. Mrs. Sidney Stutz will direct the performance.

Entertainment will also be provided by the Law Wives' choral group.

Alumni To Discuss Law And Politics

Four Law School alumni will participate in a discussion group on "Law and Government" on May 14 in Cincinnati at the annual meeting of the Associated Harvard Clubs. The keynote speaker will be Robert Cutler, LL.B. '22, who will speak on "Public Information on Secret Projects in a Democracy." Mr. Cutler is a Special Assistant to the President of the United States. The chairman will be Murray Seasongood, LL.B. '03.

Vice-Dean Livingston Hall, LL.B. '23, and Associate Dean Paul M. Herzog, '34, of the Graduate School of Public Administration will also speak.

The program will attempt to analyze the effects of secrecy on the democratic process. It will weigh the conflicting claims of free discussion of public issues and the military requirements for secrecy with regard to weapons that increasingly play a major role in policy decisions.

Insurance Offered On Lawyers' Lives

Eight-year term life insurance at a reduced premium is available to members of the Harvard Student Bar Association through the American Law Student Association, according to a recent announcement.

The insurance provides \$5000 coverage at a cost of \$25 per year. It has been designed to provide coverage for students and young attorneys during a period of particularly low income. This insurance is available only to members of a group affiliated with the American Law Student Association. Further details are available from the S.B.A.

Bull & Bear...

The Annual Meeting of the Bull & Bear Club will be held today at 1:40 in the Wheeler Room of Holmes Hall. Election of officers for the forthcoming year and awarding of prizes to winners of the Club's Investment Contest will comprise the order of business.

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Dining Hall Reports 70,000 Meals Served In Past Month

Seventy thousand meals were served last month in the Harkness Commons dining hall, according to steward Walter J. Dennis. On an average weekday the dining hall serves about 750 breakfasts, 1050 lunches and 1000 dinners, but these figures decrease on weekends. At the present time 320 law students and 376 graduate students are signed on to take all their meals at Harkness, and every evening almost 300 people visit the grill room, which is open until midnight.

Besides students holding part-time jobs, the operation of the building requires the services of 115 people, including four in the house service, 54 in the steward's department (including cooks, dishwashers, etc.), and 57 in the dining room. Except for cooks and a few others who are required to work odd hours, the staff is broken into two groups. Those in the first group work during breakfast and lunch,

eight hours a day five days a week, with different days off each week. Those in the second group take care of dinner, and occasionally fill in on the first group.

Harkness' special rooms are put to frequent use. The Mallory Smith Room at the south end of the building and the guest dining room at the north end are engaged almost every lunchtime by some law club or other extracurricular group, and the lower level is used three or four evenings every week. No charge is made for the use of any of these rooms.

The kitchen staff is in charge of a dietitian, Miss Mary V. Baggin. The person most familiar to patrons of the cafeteria is Miss Viola MacPherson, head of the dining room staff. Mr. Dennis, the steward, represents the Harvard University Dining Hall Department, which runs all the university's dining halls and supplies them from its own bakery department.

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