
NIEMAN REPORTS

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EDWIN CHEN censures special interest groups for their oversize contributions to judicial elections.

BURTON BERNARD AND IRVING DILLIARD consider the Sacco-Vanzetti case of six decades ago.

CHARLES WHIPPLE unveils facts hidden by officials in the Sacco-Vanzetti aftermath.

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PEGGY SIMPSON on an upside-down plane that hoisted a stamp to fame.

NANCY WEBB on a reporter — over a half century ago — who handled the triple role of wife, mother, career.

Of Adversities and Comforts

To one strolling down Fleet Street during a sunny noon hour several weeks ago, the London scene at first appeared much as it had been five years earlier.

Red double-decker buses rumbled by; shiny black cabs darted in and out of traffic. Outside pubs, people stood in friendly crushes to sip their pints. At the Cheshire Cheese, where Samuel Johnson, the eighteenth century lexicographer, often had gathered with colleagues, chatter at the luncheon tables rose in a blend of languages — German, Japanese, Italian, staccato French, and American southern drawl.

Even so, the pulse of the Street felt different.

At second glance, the reason for the change was obvious: The exodus of British newspapers from their legendary site on Fleet Street was nearly complete. In January 1986, Rupert Murdoch's News International was the first to leave. By January 1988, most of the country's national newspapers will have left their traditional home, or will be in the midst of moving. Only Robert Maxwell's Mirror Group newspapers, and the *Guardian* — as well as Reuters — will remain in the area. Larger and more efficient locations on the edge of London are now more suitable for publishing's new technology.

Meanwhile, if one peers into the cavernous lobbies of the abandoned buildings and sees beyond the scattered hand-lettered signs stuck up on the plate glass windows, one may glimpse a lone security guard.

Until the new tenants — the lawyers, bankers, contractors, and ac-

countants — take up occupancy and put their own stamp on the surroundings, the area will have pockets of neglect, and wads of dirty paper will blow about deserted thresholds.

For those who rue change and seek permanence, at the moment, Fleet Street offers scant comfort.

And yet, the Street's centuries-old identity with the press has at its core a bond so solid as to be indestructible.



Hidden from the casual passerby, at the end of a short lane adjacent to Reuters, stands a small church. Its white steeple rises in tiers like a wedding cake. Known as St. Bride's, it is the eighth church to be erected on that site. The first was built in the sixth century. Over the years, wars, fires, and other disasters have destroyed each house of worship.

Nonetheless, the strong connection between the Church of England's Parish of St. Bride and the world of print had its genesis in the fifteenth century, when the church welcomed the pioneers of print. England's first printing press with moveable type was brought alongside St. Bride's because of the clergy who lived nearby. They were the most literate group

of the time, and the best customers of the printing trade. Other printers settled in the vicinity, and thus began the unique connection between commerce and religion that still continues, after more than five centuries.

The sixth St. Bride's church was consumed in the Great Fire of 1666. Christopher Wren was commissioned to design a new building. The reopening service was held on December 19, 1675, and Wren's church stood until the great air raid on Sunday, December 29, 1940, during World War II. By Monday morning all that remained was the steeple and outer walls.

Contributions from the world over came from members of the press — newspaper publishers, editors, reporters, correspondents, and from manufacturers of raw material — the pulp industry, ink firms, and so on.

In the meantime, as rubble from the bombing was cleared away and preparations began for reconstruction, it was discovered that the site for centuries had been resting on Roman ruins. Part of a second century city wall and the remains of a pavement were uncovered. Archaeologists then were able to add nearly one thousand years to St. Bride's known history.



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Fatal Vision: The Lawsuit

Daniel J. Kornstein

*Joe McGinniss is embroiled in a court case that may
"...destroy the [writing] profession."*

NIEMAN REPORTS had gone to press when the settlement of \$325,000 to Jeffrey MacDonald by Joe McGinniss was announced. The suit brought by the convicted triple killer against Mr. McGinniss, the author of *Fatal Vision*, was originally for \$15,000,000.

* * *

A lawyer is supposed to believe in his client's case, so I start with that warning of bias before recounting some of the crucial issues in a fascinating case arising out of the 1983 book *Fatal Vision* by Joe McGinniss. But awareness of bias is the first step in offsetting its effects. Even if what follows is somewhat discounted for a lawyer's understandable prejudice in his client's favor, it is a chilling cautionary tale for all journalists and

writers of non-fiction.

I represent the author Joe McGinniss, who had previously written *The Selling of the President 1968* and *Going to Extremes*, among other things. He was sued in 1984 for some \$15 million in damages by Jeffrey MacDonald, the subject of *Fatal Vision*, on various legal theories, some of which were quite novel and threatening to freedom of expression. The case came to trial in July 1987 and, after seven weeks, ended in a hung jury. Unless the case is dismissed or settled, it will have to be retried.

some time later, signed a second release in connection with a television movie based on the book.

In August 1979, the criminal jury convicted MacDonald of the triple murder. That conviction has been upheld by appellate courts, including the United States Supreme Court. For the murders, he was sentenced to prison for three consecutive life terms.

McGinniss spent four years researching and writing *Fatal Vision*. He attended the criminal trial, studied the evidence, reviewed

...The criminal jury convicted MacDonald of the triple murder. That conviction has been upheld by appellate courts, including the United States Supreme Court.

Daniel J. Kornstein is a practicing attorney and partner in a New York law firm — Kornstein Veisz & Wexler. He graduated from Yale Law School in 1973



where he was an editor of the Yale Law Journal. He is the author of two books: *The Music of the Laws* (1982) and *Thinking Under Fire* (1987). He was the lawyer for Vanessa Redgrave in her case against the Boston Symphony which resulted in a victory for Redgrave. The case was tried in the Boston Federal Court of Appeals.

In July 1979, McGinniss agreed to write a book about MacDonald, who was then on trial for the horrible 1970 murders of his pregnant 26-year-old wife and two young daughters. The agreement gave McGinniss full discretion to come to whatever conclusions he felt were justified about MacDonald's guilt or innocence, and required MacDonald to cooperate with McGinniss by giving him access to personal information. At the request of McGinniss' publisher, MacDonald signed a release, and

transcripts from prior hearings, and did several of his own interviews. The result was a book that agreed with the jury's unanimous conclusion of guilt.

MacDonald, who did not see *Fatal Vision* before it was published, disliked the book. Apparently expecting McGinniss to vindicate him, MacDonald tried to interfere with McGinniss' promotional efforts for the book and in August 1984 filed two lawsuits. One suit, filed in California state court, was for libel; it was never pursued. The other suit,

McGinniss spent four years researching and writing his book. He attended the criminal trial, studied the evidence, reviewed transcripts, and conducted interviews. The result was a book that agreed with the jury's unanimous conclusion of guilt.

brought in federal court in Los Angeles, named McGinniss as the sole defendant and is the controversial lawsuit that recently went to trial.

MacDonald's federal complaint is an artful and clever pleading. It studiously avoids using the words libel or defamation. Instead, it alleges (in addition to straightforward contract claims that McGinniss owed MacDonald more of the book's proceeds) that McGinniss defrauded MacDonald, intentionally inflicted emotional distress upon MacDonald, and breached an implied covenant of good faith and fair dealing.

These last three claims formed the heart of MacDonald's suit, and had a common theme. MacDonald's theory was that the book *Fatal Vision* was false in several respects and that it damaged his reputation. MacDonald also claimed that McGinniss had deceived him into believing that the book would proclaim his innocence and that, acting on that belief, MacDonald gave McGinniss much personal information that he would not otherwise have received.

In essence, MacDonald argued that McGinniss, despite his complete discretion under the contract and despite the releases, had a legal duty to disclose as soon as possible to MacDonald that he was writing an unfavorable book.

INSURANCE

The first serious problem of free expression in the case concerned the

mundane subject of legal fees. McGinniss' publisher, like most publishers, had insurance coverage for itself and its authors for libel, invasion of privacy, and allied torts. But the publisher's insurance company disclaimed coverage on the ground that MacDonald's federal suit, as pleaded, was not for libel or invasion of privacy. Faced with the prospect of ruinous legal fees to defend himself, McGinniss sued the insurance company.

He won. A federal judge in New York disposed of the insurance case without a trial. Using a summary procedure, the federal judge rejected the insurer's disclaimer. He saw through the labels used in MacDonald's pleading and held that, "The facts [of the fraud and related tort claims] are based upon, and at times indistinguishable from, an allegation of libel." As a result, the court concluded that the insurer had to indemnify McGinniss for legal expenses on a current basis and for any eventual judgment.

The insurance case was crucial not only to McGinniss but to all writers. Without insurance, an author like McGinniss would be chilled in his writing, lest he have to contemplate using his own limited resources to fight off an artfully pleaded claim. And, as the judge wisely noted, "libel and related tort actions often result in protracted and expensive litigation. Without contemporaneous payment of defense costs, the insurance 'would not truly protect the insureds from

financial harm caused by suits against them.'"

At least now McGinniss had the wherewithal to fight the case. What would happen to other authors with other insurers was another matter. And the expense of suing the insurance company to determine the scope of coverage fell on McGinniss' shoulders alone.

THE "ELUSIVE" FIRST AMENDMENT ISSUES

As the decision on the insurance issue recognized, MacDonald's suit bristled with all sorts of First Amendment issues. The transparent libel issues were obvious. In March 1986 a federal magistrate presiding over a pretrial discovery conference described MacDonald's suit as "a hidden libel case which [MacDonald] contracted out of" with the releases. But regardless of whether the suit was seen as a libel action, there were still First Amendment issues, whatever the theory. After all, whether MacDonald's claim was viewed as libel, fraud, infliction of emotional distress, or breach of covenant of good faith, it still arose out of the writing of a book and indisputably involved issues of free expression.

Not to the trial judge. As far as the trial judge was concerned, there were no First Amendment issues in the case. This first became clear when we moved for summary judgment to try to have the case dismissed without a trial. We had argued, among other things, that several First Amendment defenses required dismissal. It is common for libel defendants to try to dispose of cases before trial on summary judgment, and such a tactic is often successful.

The trial judge denied summary judgment. At the oral argument, the trial judge disagreed with the magistrate and the New York federal judge in the insurance case, saying, "I don't construe this as being a libel case." Nor did the trial judge perceive any First Amendment issues even if the case was viewed as something besides a libel suit. When, in a further

effort to avoid an unnecessary trial, we asked the trial judge to certify the decision for immediate appeal, the judge denied that request as well.

Thus was the path paved for a trial that should never have occurred of a case that should never have been brought. The very fact that the case went to trial at all is itself one of the most pernicious things about this lawsuit.

During the trial itself, the judge continued not to see the First Amendment issues. In our trial brief, we repeated our First Amendment arguments for dismissal. When MacDonald finished his evidence, we again moved to dismiss on First Amendment ground, but the motion was denied. At the close of all the evidence, we moved for a directed verdict, but that too was denied. We proposed jury instructions based on First Amendment defenses and burdens of proof, but the judge rejected all of them. We suggested that the jury be asked on the jury verdict form a First Amendment question,

...we were allowed to put on evidence that this book was substantially true and that McGinniss, in his research and dealings with MacDonald, had acted in conformity with the highest traditions of the writing profession.

but the judge rejected that too.

Nonetheless, some First Amendment evidence did come into the record. At least we were allowed to put on evidence that the book was substantially true and that

McGinniss, in his research and dealings with MacDonald, had acted in conformity with the highest traditions of the writing profession.

But even here, the judge limited us to calling no more than two expert witnesses (authors William F. Buckley, Jr. and Joseph Wambaugh) on custom and usage in the literary world. Without guidance from the judge on the First Amendment issues, the jury became so confused that it could not reach a verdict.

ARE RELEASES MEANINGLESS?

One issue in the *Fatal Vision* case has the potential for undercutting the continued effectiveness of a widely used device by writers: the release from subject to author. The evidence at trial, including MacDonald's own testimony, showed that the initial agreement between MacDonald and McGinniss gave the writer total discretion and freedom to make any conclusions he thought warranted. Without more, then, McGinniss had the contractual right to compose the book as he saw fit. But there was more.

In addition to the basic contract, MacDonald gave McGinniss two written releases. In the first release, requested by the publisher, MacDonald agreed that, "I will not make or assert against you [i.e., McGinniss], the publisher or its licensees or anyone else involved in the production or distribution of the book any claim or demand whatsoever based on the ground that anything contained in the book defames me, *provided that the essential integrity of my life story is maintained.*"

"I hereby release, discharge and acquit you from any and all claims, demands or causes of action that I may hereafter have against you — whether for libel, violation of right of privacy, or anything else — by reason of anything contained in the book" (emphasis added).

Much unnecessary confusion surrounded the italicized clause about maintaining the essential integrity of

MacDonald's life story. MacDonald added that clause, but only to the first paragraph relating to defamation claims, not to the second paragraph relating to claims for "anything else." Inasmuch as MacDonald and the trial judge saw no defamation claims in the case, the essential integrity proviso was quite irrelevant; it in no way modified the second paragraph, which was the operative clause. This much was clear on the face of the document.

Yet the court and the press misunderstood the meaning of the release. Despite the clear language of the release, the case was often misdescribed as turning on whether McGinniss had maintained the essential integrity of a convicted triple-murderer's life story. Such erroneous descriptions made it seem as if McGinniss had undertaken that additional burden as part of his general contract with his subject, when in fact the entire purpose of the release (as is true of any such release) was to give the author *additional* protection from the possibility of harassing lawsuits.

The essential integrity clause might conceivably limit the breadth of that portion of the release to which it applied, but it never imposed a further obligation on how the writer was to write the book. To view the release any other way is to misread its terms and to misconceive the very meaning of a release.

A second release, signed in December 1981, appears to give the writer further protection. In the second release, MacDonald agreed that McGinniss, in his "sole discretion," could decide what to put in the book or a television movie, including the right to edit, splice, rearrange or even "fictionalize" the story. This second release explicitly referred to the author's use of tape recorded interviews. This document signed by MacDonald said that he gave these rights "without claims, demands or causes of action, whether for libel, defamation, violation of right of privacy, or infringement of any

literary or other property right or otherwise, insofar as I am concerned." Thus we had a second document, in plain English, in which the subject released the author.

Given these two broad releases, one might reasonably ask: Why was the case not dismissed on the basis of the releases alone? There is no good answer, for the releases should indeed have warranted dismissal of the lawsuit. That is, after all, what releases are for.

"I had made myself a promise not to question you on the book. I've told you, and I mean it, that I had decided to go with you on the book without any controls to protect me as I could have gotten with a lesser writer because of my feelings about you as a person." Could MacDonald have stated it more clearly?

Nor is this all. MacDonald did not object when McGinniss had written to him earlier, "I have been operating with complete freedom and in-

their value has greatly diminished. Authors, publishers, and movie producers can no longer rely on such releases. If the broad releases MacDonald signed do not bar a lawsuit from the outset, then no release — no matter how it is worded and what its genesis — will supply the protection intended. If authors, publishers, and movie producers cannot count on releases to protect them, they will have to reconsider their willingness to go ahead with certain projects. In the end, our cultural life may be poorer.

A PERNICIOUS DOCTRINE

The *Fatal Vision* case creates a grave new threat to freedom of expression. At trial, it became evident that MacDonald's claim — while indeed alleging that *Fatal Vision* contained false statements of fact — reached even further, attempting to set a new precedent whereby a reporter or author would be legally obligated to disclose his state of mind and attitude toward his subject during the process of writing and research.

Under the guise of such allegations as fraud, breach of an implied covenant of good faith and fair dealing, and intentional infliction of emotional distress, MacDonald claimed that McGinniss's expression of sympathy for MacDonald in the months immediately following MacDonald's 1979 conviction constituted, in effect, a waiver of his right to later publish facts, conclusions, and opinions to which MacDonald took exception. According to MacDonald, McGinniss should have disclosed to him that McGinniss thought he was guilty and stopped working on the book.

Litigation based on such a premise jeopardizes established journalistic freedoms. It undercuts the autonomy not only of non-fiction book authors but of all journalists.

The MacDonald claim suggests that newspapers and magazine reporters, as well as authors, can and

In the second release, MacDonald agreed that McGinniss, in his "sole discretion," could decide what to put in the book, or a television movie, including the right to edit, splice, rearrange or even "fictionalize" the story.

MacDonald tried to cloud the issue. He claimed not to have received anything in return for the releases, notwithstanding the agreement to pay him a share of the proceeds of the book and the movie, the understood necessity for the releases from the start, and his own signed acknowledgement that consideration was received. MacDonald also claimed that the second release was the product of fraud, even though the language was clear and simple, he (a Princeton-educated physician) had an opportunity to study it for six weeks, to consult a lawyer, and suggested no changes.

Moreover, after the releases were signed, there was a series of letters between the subject and the author confirming the language of the releases. Those letters show that MacDonald understood, right up to publication, that he had no control over the content of the book and that McGinniss could draw his own conclusions. In August 1982, for example, MacDonald wrote to McGinniss:

dependence." Like the dog in the Sherlock Holmes tale *Silver Blaze* who failed to bark in the night, MacDonald's failure to object is a curious incident that confirms his true understanding of the releases. Indeed, in February 1983, MacDonald wrote to McGinniss: "It is not my right as per our agreement to tell you what to write or have other power." Later that month, the convicted murderer wrote again: "It was one thing not to have control over the book, contents, you. I granted you that and have lived with it."

How many times does a subject have to reaffirm an author's freedom for it to bind him? How many releases does he have to sign? How many letters does he have to write?

Yet, the net result was that the judge allowed the jury to decide the validity, meaning, and effect of the releases. Documents crafted to avoid litigation failed in their purpose. They were to become hostages to the uncertainties of the jury system.

If releases are treated this way,

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Tipping The Scales

Edwin Chen

Complex judicial issues are reduced to 30-second TV airings producing emotion — not substance.

"I venture to predict that these innovations (judicial elections) will sooner or later be attended with fatal consequences: and that it will be found out at some future period that by thus lessening the independence of the judiciary they have attacked not only the judicial power, but the democratic republic itself." — Alexis de Tocqueville in Democracy in America.

* * *

Chalk it up to naïveté. Rose Elizabeth Bird had been chief justice of California for less than a year when she made the mistake of dropping in on a lavish San Francisco cocktail party attended by many of the state's prominent politicians and lobbyists.

To have gone to such a function had not struck Bird as unusual. Before her controversial appointment to the Supreme Court in 1977, she had been an active cabinet member in the administration of Governor Jerry Brown.

But the epiphany came swiftly.

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And it offered Bird a glimpse of an ominous future that would, a decade later, threaten to erode our democratic process of government, even as the country blithely went about celebrating the bicentennial of the Constitution.

A prominent lobbyist, caught up in the evening's spirit of good fellowship, sidled up to Bird. "Well, honey, what are you running for?" he asked jovially.

That man, Bird was to recall years later, had done her an immense favor. "As soon as he said that to me, I realized that you can't have special interest politics come to the court," she said, with characteristic righteous indignation.

Yet that is precisely what happened in little-noticed judicial elections throughout the country — elections heralding an era that was largely overlooked by the national news media, most likely because those elections were so overshadowed by the titanic struggle in California for the soul of the Supreme Court.

In 1986, Bird and two distinctly liberal colleagues on the court were up for retention by the voters. The mean-spirited election campaign was dominated by well-financed special interest groups on both sides. And it may well have been a preview of what judicial elections in this country will be all about in the years ahead — an emerging trend that represents one of the gravest threats to our democratic process in recent history.

In all, more than \$10 million were raised and spent by supporters and

opponents of Bird, Joseph Grodin, and Cruz Reynoso.

Among the biggest spenders were many of California's civil litigators who wanted to preserve a court majority whose views on important civil matters were sympathetic to theirs. Another group that spent freely was the law-and-order lobby, which regarded Bird as an unyielding opponent of capital punishment. Too, the oil, insurance, and agriculture industries also donated lavishly to the "No On Bird" campaign because they viewed the Bird court as being anti-business.

Most of that money — \$10 million — was spent on television spots, thus reducing some of the most important complex issues of the day to 30 seconds. Such ads were "devoid of substance," in the words of John Culver, a veteran court watcher and chairman of the department of political science at California Polytechnic State University. "Money," he said, "was coming in from special interests for things like the 30-second TV spots with the focus on emotions rather than substance."

One such ad that appeared was a 30-second spot featuring the relatives of a child who had been the victim of a stomach-turning murder. The relatives implied that the perpetrator had been set free by the Bird court after a jury returned a death verdict. In fact, the convicted murderer already had been retried and resentenced to death. "But try explaining all of that effectively in 30 seconds," lamented Grodin. "The manner in which the opponents of the court waged their campaign in

California has polluted the intellectual and political atmosphere in which that fragile consensus exists."

In the waning days of that campaign, when every poll showed that Bird was on the precipice of a defeat of historic proportions, the embattled judge abandoned all pretenses of being above the fray of politics. She offered Grodin and Reynoso, her two liberal court colleagues, \$30,000 each out of her own campaign chest.

In the end, it was all to no avail. Bird, Grodin, and Reynoso were ousted by huge margins. And, with their replacements, the state's highest court, once widely regarded as a forward-thinking, national champion of the common man and woman, took an abrupt turn to the right. For also on the ballot that November was Republican Governor George Deukmejian, who won reelection to a second four-year term by a landslide over Los Angeles Mayor Tom Bradley. Deukmejian quickly appointed three conservatives to replace Bird, Grodin, and Reynoso.

Deukmejian had openly campaigned against Bird, with whom he had had many bitter clashes over the years, especially over capital punishment, going back to his days as California's law-and-order attorney general. But he had not been one to take chances. At one point during the long campaign, Deukmejian also distributed to the press a list of cases decided by the Bird court that he said had had a "negative impact upon the private sector's job-producing capabilities."

Among the more memorable moments in the high-stakes campaign took place at a state Republican convention more than a year before the election in Sacramento. There, anti-Bird forces used stage props to draw attention to themselves. One group used a three-foot-tall turkey, stuffed and mounted, called Rosie. Another group distributed Get Out of Jail Free cards, like those in the Monopoly board game — marked "courtesy of" Rose Bird.

The ugly, undisguised politicization of California's 1986 judicial elections was unprecedented, and in its aftermath, legal scholars, jurists, and court watchers throughout California and around the country debated gravely over the future of the judiciary.

Can an institution, created to check the excesses of the majority, remain effective and independent when it becomes vulnerable to the majority's displeasure? Troubling as the developments had been, most agreed that what happened in California in 1986 was an aberration. It was, said Malcolm Lucas, "analogous to a 100-year flood — a very unusual circumstance which I do not anticipate happening again." Lucas was appointed to succeed Rose Bird as California's chief justice by his former law partner, George Deukmejian.

Yet a close look at the politics and the financing of judicial campaigns around the country suggests that Lucas's confidence is woefully ill placed, and that the 1986 campaign in California truly was a harbinger of judicial elections throughout the country.

the outcome of these races: lawyers who do business in those courts. It is as if our umpires were allowed to accept money from both teams in a high-stakes baseball game.

For judges, said one legal scholar, "the greatest of all conflicts is raising money and then trying to remain impartial." To have judges out hustling for campaign donations is "clearly an inherent conflict of interest," said Jeffrey Shaman of the American Judicature Society.

Yet that is precisely what has happened throughout the country at the grassroots level — and with almost no informed public discussion of this serious erosion of judicial independence. Here is what has taken place within the last two years:

In Ohio, the race for the office of chief justice cost \$2.7 million. A press aide for one of the candidates was quoted as blaming the system. "You've got to shake down a lot of people to get that money," he said.

Incumbent Frank Celebrezze was heavily supported by big labor, although he was hurt by reports that more than \$10,000 of the \$350,000 he received from the labor unions had come from union officials with

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Today, more than half the state judges in the United States face some form of election to either win or retain a seat on the bench, thus necessitating their raising campaign funds.

Compounding the problem is that, increasingly, such openings on the bench are being contested. And that all but guarantees a free-spending campaign, financed on both sides by those most able to contribute and with the most at stake in

alleged ties to the mob. Business interests supported Thomas Moyer. Among his biggest supporters was the medical profession, whose assorted political action committees donated more than \$50,000. Six years earlier, the total campaign spending for the office of chief justice in Ohio was less than \$100,000.

After Moyer was elected, he decided to re-hear 30 cases that Celebrezze had rushed through during his final weeks in office. After *The Plain*

Dealer in Cleveland disclosed that Moyer had received huge contributions from lawyers in five of those cases, Moyer disqualified himself.

Also in 1986, campaign spending for one supreme court seat in Kentucky rose by more than 350 percent from 1978, the last time that seat was open. Shortly after he was elected to the court, Joseph Lambert held five fund-raisers to retire his \$40,500 debt. One event was held at the law office of Peter Perlman, a past president of the Association of Trial Lawyers of America.

Rapid increases in campaign spending for judicial offices are being reported throughout the country. In Montana, the two candidates for chief justice in 1986 spent nearly \$250,000, up 320 percent since 1980. In Louisiana, which does not compile judicial election data, judicial campaign spending has doubled in the last 10 years, according to Common Cause.

In North Carolina, whose chief justice also was voted out of office as a result of a pressure group campaign, and on the same day as Rose Bird, officials were sufficiently disturbed by the spending of judicial candidates that they decided to include, for the first time, judicial races in the state's annual election reports.

In Alabama, three incumbents on the supreme court spent over \$600,000 in 1983. In New York a year earlier, three candidates for the Manhattan Surrogate spent over \$800,000. In Rochester, New York, one spent over \$800,000 alone.

In Pennsylvania, seven candidates for one seat on the state supreme court spent \$630,000 in 1983. That same year, then Associate Justice Robert Nix had as one of his chief fund-raisers a senior partner in a law firm that had an important case pending before the supreme court. Some of the fund-raising strategy sessions Nix had with that lawyer were held in the court chambers.

In Michigan, where a campaign for the supreme court in 1976 had cost

almost \$100,000, many candidates for the state's trial courts are spending that much today. The two recent victorious supreme court candidates spent \$430,000 and \$200,000 respectively. Two others had spent nearly \$100,000 each.

Such politically charged judicial elections have become "serious problems," acknowledged Justice Byron R. White of the United States Supreme Court. "If the people are to have the brand of justice to which they are entitled, judges must have sufficient protection against political or other pressures that threaten to distort their judgment," Justice White said during an address at the annual meeting of the American Bar Association in San Francisco last summer. "... what does the public think of judges who must raise money and campaign as other candidates for political office? What obligations have been incurred or promises made?"

and William Kilgarlin may be unique in many aspects, but they nevertheless highlight the dangers of a too cozy relationship between judges and lawyers who make a living appearing in the courts. Thus the cases are instructive.

In 1984, a prominent San Antonio attorney, Patrick Maloney Sr., gave \$20,000 to the campaign of C.L. Ray. Ray is the member of the Supreme Court who is charged with managing the transfer of cases among the 14 lower appellate courts around the state, in order to equalize the work load.

In 1985, Maloney wrote Ray at least five letters requesting the transfer of two specific cases in which he, Maloney, represented litigants. Ray acceded to Maloney's entreaties, submitting a proposed order to the full Supreme Court that would have transferred two cases, including one that was not eligible for transfer.

Justice Byron R. White of the United States Supreme Court: "If the people are to have the brand of justice to which they are entitled, judges must have sufficient protection against political or other pressures that threaten to distort their judgement."

Nowhere are the pitfalls of a judiciary so dependent on campaign contributions more evident than in Texas. There, one state Supreme Court justice has been reprimanded and another admonished by the Texas Commission on Judicial Conduct, for having improperly solicited campaign contributions. Governor William Clements has called on both to resign.

The controversies involving Texas Supreme Court justices C.L. Ray

"The appearance of partiality in this case was especially significant in the light of the substantial contributions which Justice Ray had received from Mr. Maloney," concluded the Commission on Judicial Conduct. The panel also found Ray had acted improperly on five occasions by accepting free rides on private jets paid for by lawyers who had cases pending before the Supreme Court. Ray had reported none of the trips as either campaign

expenditures or campaign contributions.

The gravest finding against Ray was that he had improperly solicited campaign funds. After allegations of impropriety against Ray and Kilgarlin surfaced, the Judicial Affairs Committee of the Texas House of Representatives in 1986 held hearings and issued subpoenas to compel Ray, Kilgarlin, and others to testify.

But the two judges filed a lawsuit to prevent enforcement of the subpoenas. They also filed a defamation suit against a former Supreme Court staff attorney, who had testified against them in the hearings. At the same time, Ray and Kilgarlin wrote letters requesting donations to help finance their suit against the House committee and the court's former staff lawyer. The requests were distributed at the judges' personal expense, although the letters had been written on their official court stationery. Lawyers throughout the state received the solicitations, including many who had cases pending before the Supreme Court.

Ray, the commission on Judicial Conduct concluded in June, did "engage in willful and persistent conduct which was clearly inconsistent with the proper performance of his duties and which cause discredit upon the judiciary and the administration of justice." Ray was publicly reprimanded. His campaign eventually spent more than \$1 million, and his list of campaign contributions formed a book 195 pages long.

Kilgarlin was admonished — a slightly lesser sanction. In both instances, it was a first. The commission never before had either admonished or reprimanded a member of the Texas Supreme Court.

Kilgarlin, in addition to the solicitation offense, also was found by the commission to have improperly allowed two members of his staff to have taken an all-expenses-paid trip from San Antonio to Las Vegas in 1985. The lawyer who provided the junket was none other than Pat Maloney Sr., whose San Antonio

firm had two cases pending before the Supreme Court at the time.

Three years earlier, Maloney, along with a wealthy business client, had given \$350,000 to candidates who were seeking three contested seats on the Texas Supreme Court. Two of their candidates won, and they went on to become a growing bloc of justices on the high court whose judicial philosophies were highly sympathetic to plaintiffs in civil tort cases. The day after the election, two of the supreme court judges were back on the telephone — one made 120 fund-raising calls in that week, the other made 75 calls.

Texas also attracted the attention of judicial reformers because of the highly publicized case involving Pennzoil and Texaco, in which Pennzoil's attempt to buy Getty Oil was foiled at the 11th hour by Texaco, which did buy Getty. Pennzoil then sued Texaco for breach of contract, alleging that Getty already had reached an agreement in principle to be bought by Pennzoil.

were not running for re-election.

Together, the recent judicial campaigns in states such as Ohio, Pennsylvania, Texas, and California have led some judicial reformers to call for changes in the way the nation's judges are selected and retained.

Rose Bird, now writing a book on her court experience, has called for giving judicial candidates more access to television. "I'm not saying that's why we lost. But we need to do something about the cost of TV. That's the fundamental way people communicate now in the political process." And television, of course, costs plenty of money.

The American Judicature Society is considering developing a nationwide educational campaign on the importance of an independent judiciary. One of the most mentioned alternatives is the merit selection plan, a system in which judges are appointed, usually by a governor, from a list of candidates who are recommended by some blue-ribbon commission. Roughly half the states now have some form of merit selec-

The American Judicature Society is considering developing a nationwide educational campaign on the importance of an independent judiciary.

In the two years since a Texas court awarded Pennzoil \$7.53 billion, legal fees in the case have exceeded \$55 million. But far more shocking was the money given by lawyers on both sides to the Supreme Court of Texas, which by all reason seemed destined to consider the case.

In a brazen display of one-upmanship, firms and political action committees affiliated with the warring parties went on to give some \$400,000 to members of the court, including giving to justices who

tion, at least for initial appointment to the bench.

Also gaining favor is the imposition of a limit on the combination of spending and contributions. Michigan, for instance, allows committees to solicit on behalf of judges who are not permitted to solicit directly. But the committees may not solicit more than \$100 from any individual lawyer (although the committees may accept whatever amount a lawyer is moved to give).

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Reflections About the Nicola Sacco and Bartolomeo Vanzetti Case

Burton C. Bernard and Irving Dilliard

Two immigrants — condemned to death — are standard-bearers for a cause célèbre that has an aura of immortality.

Is the Sacco-Vanzetti case which ended on August 23, 1927, one "that will not die?"

On April 15, 1920, two men armed with pistols killed a paymaster and his guard on a public street in broad daylight in South Braintree, Massachusetts. The criminals, members of a group of four or five, took \$15,776 and got away. The money was never traced or recovered.

Nicola (Nick) Sacco, age 28, married and father of a seven year-old son, lived in nearby Stoughton and worked as an edge trimmer in a shoe factory.

Burton Bernard is a Harvard Law School graduate who practices in the St. Louis (Missouri) metropolitan area with principal offices in Granite City, Illinois. Irving Dilliard, Nieman Fellow '39, retired in 1960 from the St. Louis Post-Dispatch. He is renowned for his knowledge and writings on the United States Constitution.



B. Bernard



I. Dilliard

Bartolomeo (Bart) Vanzetti, age 31, lived in Plymouth, had prior work experience as pastry cook, candy maker, restaurant employee, and construction worker, and was a peddler of fish.

They had lived in the United States since 1908 and were part of a small East Boston anarchist group which, in addition to engaging in social and fraternal activities, published and distributed one traditional kind of anarchist literature which advocated radical changes in American society.

Although Sacco and Vanzetti had no criminal record, the police arrested them on May 5 on suspicion that they might have been involved in the April 15 robbery and murders.

After their arrest, and until their execution on August 23, 1927, they asserted their innocence of the Braintree crime most vehemently.

Sacco and Vanzetti were indicted on September 11, 1920, and on July 14, 1921, after six weeks of trial, a twelve man jury in the Superior Court of Norfolk County at Dedham found them guilty. The prosecution presented questionable identification testimony. Pinkerton reports, discovered in 1926 and 1927, increased doubt that the two identifications were accurate. The prosecution also presented ballistics evidence linking Sacco to the crime. This evidence has long been the subject of controversy. The prosecution ex-

ploited the facts, admitted by the defendants, that they distributed anarchist literature and, in 1927, had been draft dodgers. Defendants' testimony and that of supporting witnesses that

Sacco worked in a shoe factory; Vanzetti peddled fish. Neither had a criminal record before their arrest for a crime they vehemently denied. They were tried, convicted and sentenced to death. Even 60 years later, pro-and-con arguments continue — the literature about these two Italian immigrants proliferates.

they were elsewhere at the time of the crime was not believed.

The trial took place during an extraordinary period in American

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A Reporter Illuminates Shady Evidence in Sacco-Vanzetti Testimony

Charles L. Whipple

They did not "die unmarked, unknown a failure." That is their triumph.

A characteristic of the 1920 trial of Nicola Sacco and Bartolomeo Vanzetti and subsequent proceedings up to and even after their execution on August 23 of 1927, sixty years ago, has been the amount of important evidence that was kept secret from the defense — or else distorted — or kept from ever being published.

This article, besides discussing the role of the media in Boston (which was not nearly as disheartening as one might expect for those days of anti-radical hysteria), will discuss evidence including an episode that had to do with a prime area at the trial and in later years. And I might add that I am not particularly proud of the telling of this episode, since I have

Charles L. Whipple started as an office boy at The Boston Globe in 1936; he became a reporter on that paper in 1937. He has served as editor of both the editorial and op-ed pages. In 1975 he was named Globe Ombudsman, and stayed in that post until his retirement in 1979. He and his wife then went to Beijing where he helped start an English language newspaper — The China Daily. They remained in that country for three years.



waited until now to make it public.

For one example, there is the question of fingerprints taken by the prosecution off the abandoned Buick used in the payroll robbery and double murder in South Braintree. They were supposed to identify the bandits, but when Sacco and Vanzetti were arrested they were filed away, kept from the defense, and that was the last heard of them. (See "The Missing Fingerprints," *The Nation*, December 22, 1962. I am indebted to Fred J. Cook both for this knowledge and for his review of Herbert B. Ehrmann's book *The Case That Will not Die*, also in *The Nation*, May 12, 1969.)

One prosecution witness who knew all about the fingerprints was Capt. William H. Proctor, the top ballistic expert of the Massachusetts State Police, and he kept insisting that Dist. Atty. Frederick G. Katzmann was trying the wrong men. Proctor was later

removed from the investigation and replaced by Bridgewater Chief of Police Michael E. Stewart, who was untrained, had no police force under him except for a part-time assistant, and whose chief claim to fame came from rounding up "Reds" in raids ordered by U.S. Atty. Gen. A. Mitchell Palmer; one of Palmer's young assistants was J. Edgar Hoover.

There came a time, however, when Capt. Proctor was needed again. Katzmann was trying to show that the final and fatal shot into the body of Alexander Berardelli, one of the two murdered payroll guards, had come from Sacco's .32 caliber Colt revolver. The bullet, taken with three other and different bullets, was labeled "Bullet No. 3."

As Cook tells it (and the story is given in even greater detail in Ehrmann's book), Capt. Proctor told Katzmann "that he would not testify to this, and so a phony question was framed that allowed Proctor to testify that the bullet was 'consistent' with having come from Sacco's gun — a reply that deceived both judge and jury, although all it meant was that the bullet in question had come from a .32 caliber Colt of which there were thousands in existence."

(In a murder trial I once covered for *The Boston Globe*, the key evidence was three strands of red hair taken from the defendant's car, in which the murder victim had

been a passenger and had had red hair. The State Police expert testified the three strands of hair were "consistent" with the hair of the victim. The defense counsel, who had spent the entire night studying a medical tome on the anatomy of human hair, took the state expert through a long series of questions about hair and then asked, "Wouldn't you say, sir, that the three strands of hair in evidence here were also consistent with the hair of hundreds and even thousands of hair from other red-headed women in this state?" The expert had to admit this was so, and soon thereafter the jury acquitted the defendant. But that was not the result in the Sacco-Vanzetti case, where passions held sway instead of logic).

Herbert Ehrmann wrote a long and devastating section in *The Case That Will Not Die* about the four bullets. He said that affidavits showing Proctor, if asked the direct question whether Bullet No. 3 was fired from Sacco's Colt automatic, said "He would be obliged to reply in the negative." It was this fact, more than any other, that stung Felix Frankfurter with a sense of outrage and drove him to further investigation. What he discovered resulted in the publication, in January 1927, of his article in the *Atlantic Monthly*, "The Case of Sacco and Vanzetti."

Ehrmann states that "Captain Proctor's real opinion was that he had found nothing to indicate that the mortal bullet had passed through Sacco's pistol." Fred Cook comes to this conclusion: "Ehrmann believes there was a deliberate substitution of bullets by the prosecution . . . He shows that the exhibits were so carelessly handled that a substitution could have been made at almost any time."

I knew Herbert Ehrmann as a friend, and have the greatest respect for his memory, but what follows may show that he was wrong — and that what happened was not a substitution of bullets, but one of weapons. I was 13 years old when

Sacco and Vanzetti were executed. I was 23 when, as a cub reporter on *The Boston Globe*, I was sent out on a three-month assignment to cover the night shift at Boston Police Headquarters.

and then he walked away.

(The point of the switching of weapons would be to have it appear — by markings in the barrel and on the bullet — that the bullet passed through that barrel. Ehrmann stated

. . . as a cub reporter on *The Boston Globe*, I was sent out on a three-month assignment to cover the night shift at Boston Police Headquarters. This beat was supposed to teach a beginner the rudiments of a news story. And it did.

This beat was supposed to teach a beginner the rudiments of a news story. And it did. Night shift newsmen had to turn in reports on major fires and major crimes. Other than that, those in the press room played poker and drank. I found this boring, and took to walking the corridors of the Berkeley Street headquarters building. The time was somewhere in the second half of 1937.

One evening, as I was walking past the office of the Boston police ballistic squad, the door opened and a man came out and almost bumped into me. We began to talk. I gave him my name and said I was a *Globe* reporter, and he said he was Sgt. Edward J. Seibolt and that he was part of a father-and-son ballistics team. I asked if he had done any work on the Sacco-Vanzetti case, and he said he had.

Then he declared, "You know, we switched the murder weapon in that case!"

I was amazed, but tried to keep my cool.

"Why in the hell did you do that?" I asked him.

"Well, we suspected the other side of switching the weapons, so we just switched them back," he said.

"Can I print that?" I asked him.

"If you do, I'll call you a liar," he replied with a perfectly straight face,

in his book: "The claim . . . ultimately made by the prosecution that Sacco's gun had fired one of the bullets . . . was not originally part of the government's case against Sacco. In fact, it was the last important claim to be entered by the Commonwealth. It was put forward in the middle of the Dedham trial.")

Since then I have searched through a number of books on the Sacco-Vanzetti case, not only Ehrmann's but others including Osmond K. Fraenkel's *The Sacco-Vanzetti Case*, and nowhere did I find mention of Seibolt's name. But I did find, with the help of the *Globe*'s Charles Radin, a copy of a news story by Amasa Howe praising Seibolt as "one of the outstanding ballistics experts in this country" who had a way of taking part in cases unofficially.

Seibolt, Howe wrote, had been summoned by Lynn police to give advice in a case in which two men named Molway and Berrett went on trial for murder. Howe said that "it was Seibolt who walked out of his laboratory one day and said to reporters, 'Don't quote me, because I'm not officially in this case, but if those guys murdered that man . . . then I'll toss my job.'" After this, Seibolt was dismissed from the case. Molway and Berrett went to

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trial, but were saved from the electric chair "just in time" when two brothers named Millen and their associate, Abe Faber, confessed to the crime. Seibolt died in 1961.

There was a confession also in the Sacco-Vanzetti case, from Celestino F. Madeiros, saying the Morelli gang of Providence, Rhode Island, and not Sacco and Vanzetti, had committed the robbery and murders. But as Ehrmann put it, this "evidence was whipsawed to death." And when Gov. Alvan T. Fuller, whose business was, and should have remained, selling Cadillacs on Commonwealth Avenue in Boston, named Harvard President Abbott Lawrence Lowell to head a committee to re-examine the evidence, Lowell held back a vital fact.

destroyed."

The next day Lowell's case collapsed when a witness, Albert Bosco, reappeared with the bound file of another Italian newspaper — *La Notizia* — showing that the dinner had indeed been held on April 15, and that there had been two banquets for Williams, the second one being on May 15. It was this material that Lowell expunged from the hearing record, and he warned the Italians not to print anything about the incident.

La Notizia, under its editor Aldino Felicani, probably provided the best, although partisan, coverage of the whole case, and for many years that paper crusaded against the frame-up. Felicani organized and was the treasurer of the Sacco-Defense Committee. Later, I met him — after he

There was a confession also in the Sacco-Vanzetti case, from Celestino F. Madeiros, saying the Morelli gang of Providence, Rhode Island . . . had committed the robbery and murders.

Lowell suppressed, until 15 months after Sacco and Vanzetti were dead, any public statement about what he had called Sacco's "most serious alibi" for his whereabouts on the day of the crime — that so-called "alibi" had been true after all!

To place Sacco in Boston on April 15, 1920, the day after the South Braintree holdup, the defense relied on the testimony of Sacco's friends. They had seen him that day at a testimonial dinner given by the Italian community for John D. Williams, editor of the *Boston Transcript*.

Lowell checked files of the *Transcript* and an Italian newspaper and announced that the dinner for Williams had been held on May 15, when Sacco and Vanzetti were in prison. Lowell said proudly that "a most serious alibi has been

acquired and operated the Excelsior Press — and I can vouch for Ehrmann's statement that "he was respected and loved by all who knew him." Felicani died in 1967.

Also interested in the work of the defense committee was a leading anarchist, Carlo Tresca, whose wife, Elizabeth Gurley Flynn, was active in the Industrial Workers of the World, known as the I.W.W. or "Wobblies." I would guess it was Tresca, whom I also met, who gave newspaper cartoonists their penchant for drawing anarchists — he wore a round, wide-brimmed black hat and a long black cloak that came down to his ankles, and he was bearded. From under the cloak, cartoonists would draw an arm emerging with a bomb.

One of the most active supporters

of the two defendants was Gardner ("Pat") Jackson, who had left journalism to devote full time to the Sacco-Vanzetti case. Henry U. Harris, who was said to have quit his wealthy family's investment firm to work for the *Globe*, was so infuriated by the 1927 execution that he wrote for *La Notizia* what he entitled "Lynching Song," calling for the hanging of Judge Webster Thayer. "Hemp! Hemp!" read one of the lines, followed by "Webster Thayer is still on the bench. Hemp! Hemp!"

Harris was the only newsman I ever knew who turned over a long list of all his investments to his editor upon being made an editorial writer, so there would be no conflict of interest.

Most of the reporters who covered the Sacco-Vanzetti case made public statements saying Judge Thayer was prejudiced and determined to secure convictions. They included Frank P. Sibley, the *Globe's* ace reporter, who had covered the Yankee Division in France during World War I. Sibley once told the judge to his face, when asked at the reporters' luncheon table if the trial wasn't being fairly conducted, ". . . Of course we have talked it over, and I think I can say we have never seen anything like it."

Another reporter, the noted humorist Robert Benchley, signed an affidavit about Judge Thayer's prejudice, his reference to the defendants as "those bastards," and also saying "no Bolsheviki could intimidate Web Thayer." And because of A. Lawrence Lowell's role in the case, Benchley later gave to his alma mater — Harvard University — the name of "Hangman's House."

A law professor at Dartmouth, James P. Richardson, told the Governor's Advisory Committee on July 12, 1927, that Judge Thayer had said to him, after denying motions for a new trial, "Did you see what I did with those anarchistic bastards the other day. I guess that will hold them for a while." Thayer also called



If it had not been for these thing, I might have
live out my life talking at street corners to scorn-
ing men.
I might have die, unmarked, unknown a failure. Now we
are not a failure. This is our career and our triumph. Never in
our full life could we hope to ^{do} such work for tolerance, for
joostice, for man's understanding of man as now we do
by accident. Our words - our lives - our pains nothing! The tak-
ing lives - lives of a good shoemaker and a poor fish peddler - all!
That last moment belongs to us - that agony is our triumph.

From Ben Shahn: Voices and Visions. Published in 1981 by the Santa Fe East Gallery, New Mexico.

them "sons of bitches."

Less than two months later, Sacco and Vanzetti were dead. Yet, in a way, Vanzetti had the last word in his deeply moving "Last Speech to the Court," which he read from his own writing. It is reprinted here with misspellings intact.

"I have talk a great deal of myself," he began, "but I even forgot to name Sacco." He went on to praise Sacco in some 34 lines of magnificent poetry. Then came these closing words:

If it had not been for these thing
I might have live out my life
talking at street corners to scorn-
ing men.

I might have die, unmarked,
unknown a failure.

Now we are not a failure.

This is our career and our
triumph. Never

in our full life could we hope to
do such work

for tolerance, for joostice, for

man's understanding
of man as now we do by acci-
dent.

Our words — our lives — our
pains nothing!

The taking lives — lives of a
good shoemaker and
a poor fish peddler — all!

That last moment belongs to
us —

That agony is our triumph. □

Louis M. Lyons Award

In absentia, jailed South African editor – Zwelakhe Sisulu – receives award.

Zwelakhe Sisulu, Nieman Fellow '85, founder and editor of the *New Nation*, was presented, *in absentia*, with the 1987 Louis M. Lyons Award for Conscience and Integrity in Journalism. Sisulu has been jailed in Johannesburg without trial since December 1986. His newspaper, sponsored by the South African Catholic Bishop's Conference, presents an alternative voice to that country's harsh government decrees against blacks.

Sisulu had requested Fernando Lima, Washington correspondent for AIM, the Mozambique News Agency, to accept the award for him. Opening remarks were given by Howard Simons, curator

of the Nieman Foundation. He was followed by Albert May, who was then Washington correspondent with *The News & Observer* of Raleigh, North Carolina, and Fernando Lima. Both May and Lima were Nieman Fellows '87, the class which chose Zwelakhe Sisulu for the award.

The ceremony was held this past September at Lippmann House, the Nieman Foundation headquarters at Harvard University.



We welcome you all to this reception for the new Nieman Class. As has become our custom, we use this opportunity to honor the memory, the conscience, the courage and the integrity of Louis Lyons whose imprint is indelible on the Nieman program.

sitting class of Nieman Fellows.

Over the last four years two of the classes have chosen editors from South Africa. And with cause. That hapless land is where freedom of the press is being suffocated slowly but certainly. Where more than 100 press laws ensnare editors and reporters in a web of improbable daily challenge. Where we American journalists – in this year of the Constitution – ought to be even more protective of and more grateful for the First Amendment, and the courts that honor it.

But courageous editors and reporters continue to move the edges of press repression in South Africa – many of them Nieman Fellows. One, of course, is Zwelakhe Sisulu who was here three years ago and went back to found a black weekly called the *New Nation*. It, along with the *Weekly Mail*, another alternative newspaper, this year won the Pringle Prize, characterized by one editor there as the South African approximation of the Pulitzer Prize, and awarded



Zwelakhe Sisulu seated on the steps of Lippmann House during his Nieman Fellowship at Harvard University.

Photo by Pam Spaulding, NF '85

That hapless land is where freedom of the press is being suffocated slowly but certainly. Where more than 100 press laws ensnare editors and reporters in a web of improbable daily challenge.

As you may or may not know, the Louis Lyons Award for Conscience and Integrity in Journalism is awarded annually; the recipient selected by the

for notable contributions to press freedoms.

Zwelakhe Sisulu has been in prison for 10 months now. Uncharged. I

spoke to Zodwa, his wife, yesterday. She saw Zwelakhe Monday and she says he is well. His studies keep him occupied. He asks for more books. They have no idea when he will be released. She said: "Being in prison hasn't changed him."

Before I ask Al May, who was chairman of last year's Nieman committee which selected Zwelakhe to receive the Lyons Award, to present the award, I want you to know that another courageous South African editor will be joining us as a Visiting Nieman Fellow in October. He is Tony Heard who, as the editor of the *Cape Times* for years, ran one of the best dailies in South Africa. He gained some notoriety a year or so ago when he published an interview with Oliver Tambo of the African National Congress and against the express laws of his country. A month ago Tony was fired. Imprisonment. Sacking. This is the stuff of repression. Defiance is the stuff of conscience and integrity.

Albert May:

It is no accident that Zwelakhe Sisulu is the third South African journalist to win the Louis M. Lyons Award for Conscience and Integrity in Journalism. South Africa has become a place where the craft of journalism is practiced only precariously.

Zwelakhe Sisulu is imprisoned without trial — right now — because he would not be silent.

It is an accident of timing that we are bestowing this award on the two hundredth anniversary of the signing of the United States Constitution. But coincidence underscores the issue. Two hundred years ago this country's press had yet to achieve the freedom we now, too frequently, take for granted. After all, they wrote the Constitution in secret and the First Amendment came only later. My forbears sacrificed, struggled, and profited. The result, I think, has been one of our most exportable ideas — freedom of the press.

There is not much press freedom around this world. There is not much Africa. South Africa claims a

democratic Western tradition and makes a mockery of it by putting editors in jail.

Zwelakhe is an activist and a leader in a struggle. His weapons are ideas and the printed word against an opponent who answers with force. It is in honor of that journalistic tradition and Zwelakhe Sisulu's courage that we present this award. I hope he is the last South African to earn it from behind prison bars.

receive the Louis Lyons Award for Conscience and Integrity on his behalf. I assume it as an homage to all journalists in Southern Africa, that, hand in hand with our South African brothers and sisters, we try to promote the goals of freedom, equality, and peace in that troubled zone of the African continent. It is an homage to the journalists maimed by the low intensity conflict tactics spread out in our region by Pretoria trying to evade

South Africa claims a democratic Western tradition and makes a mockery of it by putting editors in jail.

Fernando Lima:

When we decided to give this award to Zwelakhe last spring we all had in mind this moment, but we tried to avoid it. We thought that by the fall, we would have Zwelakhe back in Cambridge to be honored by his colleagues and friends.

The fears have been unfortunately confirmed today. Our friend is not with us. For the *apartheid* regime in South Africa, it is too subversive that freedom and dignity could travel around. Subversive messengers should be kept with short wings in the dark of the *apartheid* jails. In keeping journalists silenced and jailed, oppressive political regimes do not show strength, but weakness.

At this point, I have some misgivings. It's sad that Zwelakhe cannot be here sharing with us this particular moment where we intend to pay tribute to his courage and dignity as editor of the *New Nation*, one of the leading voices in South Africa's alternative press — the press that is building the base for journalism in the post-*apartheid* South Africa.

On the other hand, I feel immensely proud to be asked by Zwelakhe to

its own internal conflict.

In the beginning of this year when Zwelakhe got the word in his cell that he was one of the nominees for the Nieman award, he insisted several times that a journalist in Southern Africa should be the candidate, in his view, "as a tribute to the efforts that are being made in our region to liberate South Africa."

This just illustrates his character and conscience of the struggle that we are all part. Zwelakhe Sisulu is not jailed just because he is a journalist. His courage and commitment in defense of the basic rights of South African people transformed him into a leading banner in his country. And because he is a banner, he is also a target.

The Pretoria regime has been particularly repressive in striking out against those opposed to *apartheid* policies. Freedom banners are too dangerous for the state apparatus. Thousands of grass root leaders have been sent to jail since the more strict enforcement of the state of emergency last year. Rule through law, quite often praised abroad, created a hun-

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Anthony Heard Named Visiting Nieman Fellow

Anthony Heard, who was fired from his job two months ago as editor of the *Cape Times* in South Africa, will be a Visiting Nieman Fellow at Harvard University from late October to late February.

At the time Heard was dismissed he had been the longest serving editor of a major South African newspaper. Two years ago, against South African law, Heard published an interview with Oliver Tambo, head of the African National Congress. Heard then was arrested and released. His act, in contravention of a South African law prohibiting quoting banned persons, earned him the 1985 Golden Pen of Freedom Award. A year later he won the Pringle Medal of the Southern African Society of Journalists, described by some as the Pulitzer Prize of South Africa.

Heard comes from a family of distinguished writers. His father, the late George Heard, was a well-known journalist on the Johannesburg *Rand Daily Mail* in World War II. He is

descended on his mother's side from the English essayist William Hazlitt. His mother, Vida, is a well-known journalist in England, where she lives, and author of cookbooks. His brother, Raymond, is a former reporter and editor for the *London Observer*, *The Montreal Star*, and Global TV in Toronto. And his two daughters hold degrees in journalism from Rhodes University in South Africa.

Heard was 50 years old on November 20. He is a native of South Africa and received a bachelor's degree from the University of Cape Town. He joined the *Cape Times* in 1955 and, over the next 32 years, rose from reporter to the editor of that newspaper.

He describes himself as an experienced surfer and "also a tolerably good rock lobster catcher, and jogger and mountain trail hiker."

At Harvard, he will attend courses of his choice and participate in Nieman seminars. □

LETTERS

A Reply From No. 10 Downing Street

I'm sorry I missed Bernard Nossiter's [NF '63] letter in your Spring 1987 edition taking issue with my talk to Nieman Fellows in 1986 [NR, Winter 1986].

Time has, however, lent his missive a certain charm. "The Troubled Thatcher Government" has, for example, since won a record third term. Some trouble!

That aside, Mr. Nossiter has made my case more spectacularly than I could ever have hoped in writing: "after more than thirty years on dailies I know of no better opening stance [than "assuming that government is guilty until proved innocent"]. A more meticulous journalist would at all times be concerned more with the facts than with assumptions.

But then facts can scarcely be sacred to Mr. Nossiter in view of his ill-informed assertions about my operations, British political correspondents and the Official Secrets Act.

His knowledge of contemporary Britain is similarly defective. And an American should perhaps be careful about criticising Britain for "Clockwork Orange violence" when, on the last figures I saw, the USA's homicide rate was 8 times that in England and Wales.

Some say that Mr. Nossiter's trouble is blind prejudice.

Bernard Ingham

Mr. Ingham is press secretary to Prime Minister Margaret Thatcher

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Sacco & Vanzetti

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history. The police, the prosecutors, the witnesses, the trial judge, and the jurors doubtless discharged their responsibilities with awareness of the recent past. Two years after the Russian Revolution, the "Red Scare" in this country reached its peak in 1919 when unidentified individuals, on or shortly before May 1, mailed 36 bombs to important personages and, on June 2, exploded bombs in eight cities. One of the bombs damaged the Attorney General's home in Washington. Attorney General Palmer set in motion plans to deport alien radicals. On November 7, his first "raid" took place in 12 cities and, on the first and second of January 1920, the big "raid" took place in dozens of cities.

The Department of Justice, assisted by local police authorities, conducted the Palmer Raids in which approximately 6,000 persons — men and women, aliens and citizens — were arrested and detained varying lengths of time, with scant regard for legal procedures, and with unmistakable violation of constitutional rights. On February 21, 1920, the Attorney General's report, *Red Radicalism*, was published, and in late May 1920, twelve distinguished men of the law signed a document titled *Report Upon The Illegal Practices of the United States Department of Justice*. The nature of the raids in 14 Massachusetts cities and towns, including Boston and two other communities about ten miles from South Braintree, is described in *Colyer et al. v. Skeffington, Commissioner of Immigration*, 265 F. 17, 28-49, decided in the United States District Court in Boston on June 23, 1920. As the year ended, and as trial preparation of the case against Sacco and Vanzetti continued, Zechariah Chafee's book, *Freedom of Speech*, was published.

Shortly after the guilty verdicts were returned by the jury, trial counsel for the defendants filed their first of a series of motions for a new trial. In March 1923, a distinguished member of the Boston bar, William G. Thompson, entered the case for the defense. The trial judge made more adverse rulings. In November 1925, a convicted murderer under sentence of death confessed that he participated in the Braintree crime. He maintained that Sacco and Vanzetti did not. Thompson enlisted another attorney, Herbert B. Ehrmann, who developed substantial evidence that directly implicated a gang of professional criminals, some of whom, prior to April 1920, had been convicted of stealing from the employer of the paymaster and the guard. Other newly discovered evidence also cast light on the trial. Nevertheless, the defendants could not obtain a new trial. Counsel filed multiple appeals. Appellate procedure prevailing at the time in Massachusetts unduly limited the scope of review by the upper court. Review in the federal courts at the time was unavailable. For Sacco and Vanzetti, all was to no avail in the state and federal judicial systems.

The trial judge sentenced them to death on April 9, 1927. Their petition for clemency was denied by Governor Alvan T. Fuller on August 3, 1927, when his Advisory Committee, including the Presidents of Harvard and MIT, reported, after hearings, that it found no basis for the Governor's intervention.

Before their execution, and since, respected voices throughout the world have said that Sacco and Vanzetti were innocent of the Braintree crime, and that both trial court proceedings and appellate review denied them justice under law.

Many books, poems, plays, and other literature have been written about the case during the last six decades. In August 1977, the Governor of Massachusetts issued a magisterial proclamation declaring Sacco and Vanzetti unjustly executed and their families unjustly disgraced. Numerous studies, including one published in 1985 and one in 1986, have examined the issues of guilt and fairness of the proceedings.

The Transcript of the Record of the case, consisting of six volumes containing more than 6,000 pages, is held by more than 275 libraries in this country and abroad. Many law libraries, including those at St. Louis and Washington Universities, Lovejoy Library at Southern Illinois University at Edwardsville, and libraries of the Supreme Court and the Department of Justice in Washington have the Transcript.

A little-known and penetrating essay by United States Supreme Court Justice William O. Douglas prefaces the second edition of the Transcript which Paul P. Appel of Mt. Vernon, New York, published in 1969. Justice Douglas observed that "The case is a remarkable reference point for the evolution of procedural safeguards as a result of the application of the guarantees of the Bill of Rights to state criminal trials through operation of the Fourteenth Amendment." Appel's edition is still available.

Prior to August 3, 1927, when Governor Fuller denied clemency, many persons petitioned the Governor to take a closer look at the case because of their deep concern that the proceedings did not meet legal standards.

Charles Nagel, a prominent St. Louisan, and a former member of President William Howard Taft's cabinet, wrote for the May 1927 issue of the *Harvard Law Review* — published about 15 miles from South Braintree — a powerful review of a book about the case by then Professor Felix Frankfurter, an author Nagel described as "no tyro in

the arena of individual freedom and common justice."

The case lives on. Every year we must renew our loyalty to the rule of law. We understand the difficulty in maintaining a criminal justice system which is effective and fair and reaches results which are right. Striving to improve that system safeguards the rule of law. Lingering doubts about the case of Nick Sacco and Bart Vanzetti inspire those who believe that the quest will not die.

Since 1979 urns containing some of the ashes of these two men, whose fates have profoundly affected the law, society, and literature, have been in the Boston Public Library. That library has a rare book room with many shelved volumes and papers about the Sacco-Vanzetti case. Visitors there may pause — and ponder about two immigrants from Italy who caused thoughtful American citizens to question governmental proceedings, including the trial and the verdict. After six decades the doubts persist. □



On September 4 and 5 of this year, a two-day study congress on the sixtieth anniversary of the Sacco-Vanzetti case was held in Villafalletto, Italy — the town where Bartolomeo Vanzetti was born. The congress met in a building located on the Corso Sacco and Vanzetti. Conferees included faculty from a number of colleges and universities; films of Sacco and Vanzetti and of the case proceedings were shown.

Of Adversities and Comforts

continued from page 2

Entering the present-day church is like never having left the outdoors, so extravagant is the amount of daylight that floods through the high, clear windows. The center aisle is flanked by two long rows of choir stalls. Their dark polished wood is brightened by colorful memorial plaques and coats of arms fastened to the back of each seat.

In Memoriam

Ernest Benn, Baronet, C.B.E.
Publisher and Individualist
1873 — 1954

The Gift of the Press Club
London

The Gift of the Institute of Journalists
The Gift of the National Association
of Journalists

1873 In Memoriam 1958
John Anthony Bouman, F.J.I.
Journalist for

The Associated Press of America in
London

The Hague, Paris, Berlin
1932 In Memoriam 1958
Patricia (Paddy) Mary Watson
Journalist

Died in an aircraft accident in the line
of duty at Anzio, Italy
22 October 1958

The Gift of the Fleet Street
Column Club

The Society of
Women Writers and Journalists
Founded 1894

— And, below each country's seal:

The Dominion of Ghana
The Dominion of South Africa
New Zealand
Australia
Canada

Next, visitors may descend the stairway at the rear that leads to the crypt underneath. They can wander in the dimly lit interior and walk alongside the few feet of Roman city wall, where the stones are cool to the touch, even on the hottest day. Another corner holds a medieval chapel. One must stoop to enter the closet-size shadowy room, where the street sounds are barely audible.

To recognize journalism's bond with an ancient church in the City of London is to acknowledge a special tie in perpetuity.

To be close to history — the record of change — is probably the nearest one can approach to permanence. Thus, to stand in a place familiar to Chaucer, Shakespeare, Samuel Pepys, John Milton, and Thomas Becket is to sense the continuum of time — our unwavering, common absolute. □

—T.B.K.L.



Tipping the Scales

continued from page 11

Some say that judicial elections should be publicly financed. But that is not likely to happen in the absence of a sustained, massive public education campaign.

Still another is the notion of somehow shielding judicial candidates from the identity of all donors, perhaps through the creation of blind trusts. The Florida state bar in 1972 put forth a proposal that no one could contribute directly to a judicial candidate; rather, donors would give through a judicial trust fund, and that money then would be distributed, pro rata, to all the candidates. The proposal died in the legislature.

One beguilingly simple solution — or so it might seem — is that judges simply disqualify themselves from cases in which any party is represented by a lawyer who had made a campaign contribution to that judge. But, in reality, that is not so straightforward a proposition, as some judges, such as Arkansas Supreme Court Justice David Newbern, has discovered.

With growing signs that judicial reformers at last are making their concerns known, there are equally strong indications of the opposition they will encounter from certain special interest groups...

When Newbern in 1984 ran for a seat on the Arkansas high court, he took a leave of absence from his job as a law professor at the University of Arkansas in Fayetteville. "There were 13 generations of my former

law students out there and the wide support I got seemed unbelievable,"

Newbern recalled. The result: money. Lots of it.

He outspent his opponent by a two-to-one margin, hiring a "super PR firm" that was headed by a man who had bit parts in *Dallas*. Now Newbern says he bends over backward to avoid the appearance of impropriety. But he also worries about overdoing it. "I have this problem

everyday," he said recently.

With growing signs that judicial reformers at last are making their concerns known, there are equally strong indications of the opposition they will encounter, particularly from

certain special interest groups that are not about to lessen their grip on the third branch of our government.

In Texas, for instance, when the chief justice of the Supreme Court appointed a "Committee of 100" to explore the adoption of the merit selection plan, the state's powerful

Gerald Uelmen, dean of the Santa Clara University Law School (California) referring to the phrase by the late Jesse Unruh that "money is the mother milk of politics," predicted "we are going to see more and more supreme court justices among the sucklings."

plaintiffs bar appointed a "Committee of 200" to fight the attempt.

This is what Joseph Grodin had to say after he was voted out of office by a margin of 57 percent to 43 percent: "It was a novel experience and one for which nothing in my background had particularly prepared me. We had fund-raising events, fund-raising letters, and, worst of all, fund-raising phone calls," he recalled.

"At first I resisted personally asking anyone for money, but our canons of ethics in California expressly permit a judge who is opposed in an election to do that, and I was finally persuaded that I had to do it if I were to raise the amounts needed for an effective campaign," Grodin said.

Most of his campaign contributions had come from lawyers and other groups that, as he noted, "had some interest, not to say stake, in the judicial process." Even worse, Grodin was required by law to sign periodic public reports that list each contribution and its source. "All of this was not only personally distasteful but unseemly as well, and unavoidable as it was, almost certainly, in the long

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Fatal Vision

continued from page 7

will be sued for writing truthful but unflattering articles should they ever

said Wambaugh, "there's a custom and practice to keep the subject talk-

[Testimonies of two authors] William F. Buckley, Jr.: "A writer is an artist and he wants to encourage the subject of which he is making a portrait to reveal himself." Joseph Wambaugh: "...an author "should never disclose...views because it may shut off further communication."

have acted in a fashion that indicated a sympathetic attitude toward the person being interviewed. Yet most if not all authors and journalists adopt an apparently sympathetic attitude toward their subject, lest he or she be unwilling to talk further.

As William F. Buckley, Jr., author and editor, testified at trial, "A writer is an artist and he wants to encourage the subject of which he is making a portrait to reveal himself." For that reason, stated Buckley, "it would be awfully stupid" for a writer to disclose to the subject what the writer's conclusions or opinions are going to be. "The last thing you would do," added Buckley, "is interrupt any tendency to spontaneity by arresting a flow of conversation by any suggestion that you found something he was saying contradictory or incriminating."

Buckley's expert testimony was echoed by Joseph Wambaugh, who has written several books of fiction and non-fiction. Wambaugh testified that an author "should never disclose [his] views because it may shut off further communication." In addition,

ing and not to inform the subject about all of the adverse testimony one has received because that could obviously shut off the flow of information."

Question — "In dealing with a sub-

from the other side."

Question — "And in your relationship — or an author's relationship with a subject, is there a custom or practice about whether an author should disclose everything he is thinking to his subject?"

Answer — "An author would be a fool to do that because once again we can harken back to the example of the Onion Field killers. If I had disclosed what I felt, I wouldn't have gotten the information. So the answer is no."

MacDonald's claim represents an attempt by a disgruntled subject to sue a writer and proceed through trial on grounds that render irrelevant the truth or falsity of what was published. This dangerous new doctrine reverses the trend of history and turns upside down the landmark 1964 case of *New York Times v. Sullivan* and its progeny.

At least since the 1735 trial of John Peter Zenger, American legal history has moved toward protecting writers from such legal assaults as MacDonald's. The Zenger case began to establish the proposition that truth is an absolute defense to a charge of libel. Before then, writers could be and were prosecuted for seditious

...since the 1735 trial of John Peter Zenger, American legal history has moved toward protecting writers from such legal assaults as MacDonald's. ...*The Fatal Vision* case is an effort to turn back the constitutional clock more than two centuries, before truth received legal protection.

ject, is there a custom or practice as to whether or not the author should be judgmental?"

Answer — "The author should never be judgmental talking to anyone because that obviously inhibits the free flow of conversation

libel even if what they published was true.

Over two hundred years later, in *New York Times v. Sullivan*, the Supreme Court recognized constitutional libel defenses even where a published statement is false. In the

teeth of this historical trend, MacDonald's theory recognizes no similar defenses even where the published statement is true!

In this sense, the *Fatal Vision* case is an effort to turn back the constitutional clock more than two centuries, before the time when truth received legal protection. This is a radical incursion into territory, until now, clearly protected by the First Amendment.

The trial brought out some of the dangers of this pernicious new doctrine. In his trial testimony, Buckley said MacDonald's theory, if accepted by the court, "would destroy the [writing] profession." Buckley also testified that the new theory which suggests that an author must please his subject regardless of the truth, "would take away all that is interesting about freedom of speech."

Wambaugh testified that the specter of a generation of lawsuits such as MacDonald's will end "non-fiction writing as we know it." Other authors and journalists, including J. Anthony Lukas, Bob Greene, Victor Navasky, Tom Wolfe, Jimmy Breslin, and John Sack, were also prepared to testify on McGinniss's behalf but were precluded from doing so by the trial judge on the ground that such testimony would have been cumulative.

The gravity and scope of this new threat to freedom of expression are real. It is extraordinarily sobering to

know that this pernicious new theory survived even to the stage of jury verdict. We have filed a post-trial motion to dismiss the case. If it is not granted, we are headed for a retrial of a case that took seven long weeks last summer. The danger to all authors and journalists is sufficiently clear and present.

If a convicted triple murderer like MacDonald can bring his case this far, other subjects, who will make much more sympathetic plaintiffs, are sure to take notice. Make no mistake about for whom the bell tolls. One of the jurors — who admitted she had not read a book since high school — was reported to have said afterwards that she would have awarded MacDonald "millions and millions of dollars to set an example for all authors." □



believes it is not going to happen again is being very naive," he said. "We are in for contested elections in the appellate courts for the foreseeable future."

One of California's most astute legal scholars, Gerald Uelman, now dean of the Santa Clara University Law School, agreed with Kaus. Referring to the colorful phrase by the late Jesse Unruh that "money is the mother milk of politics," Uelman predicted: "We are going to see more and more Supreme Court justices among the sucklings."

One person who is not quite ready to chuck the California judicial retention system is none other than Rose Bird. "The voters should have a right for confirmation, which is the way the system works in California," said Bird, who was ousted by a 66 percent to 34 percent margin. "And I think it's probably healthy. The problem is when it becomes politicized... It's very hard. It's not easy to be unpopular in a system that basically rewards popularity and nothing else. It doesn't reward political courage. It doesn't reward ideas. The system basically rewards those who have the most money."

Grodin, now a law professor, concluded: "We need to demonstrate, to reconfirm, the value to society as a whole in having a branch of government not subject to lobbying or political pressure — the value to society of insisting upon judicial integrity, upon the right and duty of judges to decide cases on principled grounds, even when the decision meets with boos rather than cheers." □

Tipping the Scales

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run, erosive of public confidence."

One judge who had clearly seen it coming was Otto Kaus, one of California's most respected appellate jurists. In 1985, he resigned from the state's highest court rather than to endure what he knew would be a divisive and costly campaign. To have stayed on the job while trying to

ignore the political attacks was a bit like trying to ignore an alligator in your bathtub, Kaus said.

Kaus is among those who think California should consider abandoning its system of judicial retention elections. "Anyone who thinks that the Rose Bird phenomenon is what caused the upheaval in 1986 and



Louis M. Lyons Award

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Zwelakhe is in prison with thousands of his countrymen, some of them journalists too, just because they believe and pray for freedom and dignity.

dred laws and regulations restricting the activities of newspapers, journalists, and the media in general.

Repression, yes, but with some civilized manners. And because banners are also dangerous and subversive abroad, *apartheid's* restrictions were also extended to foreign media, erasing from the screens the daily images of brutality, violence, and harassment that are just the more graphic side of *apartheid's* meaning.

Zwelakhe is in prison with thousands of his countrymen, some of them journalists too, just because they believe and pray for freedom and dignity. The *New Nation* did not stop to reach the streets, since December, as some had predicted. Tireless professionals throughout the country maintain alive publications to inform the people and provide alternative to the "official truth."

In the bordering countries, hundreds of dedicated professionals facing their own difficulties, struggling against frustrations and misconceptions, join the efforts of their brothers to provide evidence of South Africa's engagement through surrogate armies, in the destruction of infrastructures, the murder of innocent people, the killing of the hope and dreams of a better life in peace and dignity.

Honoring Zwelakhe's principles

and courage, honoring this award is to commit ourselves with fairness, accuracy, and truth to the struggles for

liberty and human dignity in South Africa, in Southern Africa, everywhere in our planet where they are endangered.

When the options are oppression or freedom, repression or liberty, we do not play "both sides." We need to choose.

Today, tomorrow, for dignity, for the triumph of truth and justice and better journalism, I accept this award for Zwelakhe Sisulu. □



Previous Louis M. Lyons Award Recipients:

1981 — Joe Alex Morris Jr., *Los Angeles Times*, killed while covering the Iranian Revolution.

1982 — Joseph Thloloe, South African journalist, jailed for owning a banned book.

1983 — Tom Renner, *Newsday* reporter, for his coverage of organized crime.

1984 — Maria Olivia Mönckeberg, a Chilean journalist for *Analisis*, for her reporting in the face of official harassment.

1985 — Allister Sparks, for his courageous coverage from South Africa.

1986 — Violeta Chamorro, publisher of *La Prensa*, for her newspaper's efforts to keep a free press alive in Nicaragua.

THE BOOKSHELF

Hunting — Birds, Animals, or Humans

CHENNAULT: A Definitive Biography of the Legendary Leader of the Flying Tigers and the U.S. 14th Air Force in China.

Jack Samson. Doubleday & Company, Inc., 1987. \$19.95

by William J. Lederer

In 1940-41 I was the executive officer of the USS *Tutuila*, a gunboat moored in the Yangtze River at Chungking, China. I mention this because the *Tutuila* with its twenty-three men, two line officers, and a doctor was the only speck of genuine USA within 1500 miles. The gunboat, therefore, attracted many visitors if only for coffee, an opportunity to speak English again, hear the latest United States news that we received on our radio, tell us what was happening in other parts of China, or perhaps just to enjoy the sanity that we tried to maintain in an environment of frightful bombings, food shortages, uncomfortable climate, and the intrigue — lies, corruption, discord, suspicion — that flooded from Chiang K'ai-shek's efforts to stay in power.

The visitors came from all over, from Sinkiang, Honan, Hunan, Kunming, Kwantung, Europe, and the United States. There were missionaries, mercenaries, politicians, professional spies, businessmen, military people, and journalists. The journalists often were hotshots who had been flown over for perhaps a week, and knew neither Chinese nor anything about China. They were briefed, boozed, partied, and whored

by members of the China Information Service — who sometimes even wrote and filed their copy for them — copy that occasionally made Madame look like Joan of Arc, the Generalissimo like a Christian god-king, and Claire Lee Chennault like St. George.

Some of these so-called journalists were big names, and it alarmed me to hear the enemas of information that had been shoved into them. Of course, the real professionals like Theodore White, Tillman Durdin [NF '49], Jack Belden, Harrison Forman, and several others, also were amazed by the propaganda that their colleagues lapped up.

I kept a journal of the gossip and news that poured into the *Tutuila's* wardroom. A considerable amount concerned Chennault. Some thought he was a fake hero developed by the Nationalists to influence the United States to fight Japan. Some thought he was a bold, great, aviator, and a genius of an innovative tactician. Many said that he was almost pathologically ambitious, cunning, and ruthless, and believed himself to be the military messiah who would save the world from Japan and communism; and that he would stop at nothing to get his own way. They all agreed that he was charming, persuasive, and somewhat devious. He probably was all these things, and if so, they should have been included in the "definitive biography."

Nevertheless, two incidents had occurred that had biased me negatively. One of Chennault's pilots had tried to sell my men cheap whiskey for \$100 a bottle. I ran him out of the men's club and I gave him

hell. He said, pointing his middle finger upward, "Look, Lord Nelson, I'm in this shitty country to make a bankroll and have fun, not to be a missionary or save the gooks."

At another time, a Chennault pilot had sold drugs, along with syringes and needles, to three of my men. I learned of this after it was too late.

However, one day I finally met the famous man. The embassy informed me that Colonel Claire Chennault, Major James McHugh USMC (the naval attaché), and Laughlin Currie (President Roosevelt's representative) would come to the *Tutuila* to borrow our motorboat.

Currie arrived first, by sampan from the other side of Chungking. Shortly thereafter, Chennault arrived with a Chinese interpreter, and McHugh came by foot from the embassy. I watched Chennault walking along the beach. He was telling a story, apparently a hunting story. Smoking, coughing, laughing, he pointed at an imaginary something, raised an imaginary gun, followed the imaginary something as it flew in an arc, pantomimed the actions of shooting, bang! bang!, and then holding his arms high, displayed whatever it was he had just killed. (Years later, Frank Dorn told me that "Chennault's mania was that he always had to be hunting, hunting either birds, animals, or human beings.")

While walking along the beach, Chennault's physical movements were intense, with a rapid overuse of muscles that suggested a hyperkinetic person. While still holding up the imaginary game, he saw Currie standing on the *Tutuila's* quarterdeck. Chennault instantly changed. He straightened his back, raised his chest, and carried his head high. His movements transformed by hyperkinesia to feline grace. His laughter

disappeared and, in its place was a look of certitude, indeed arrogance.

Immediately after shaking hands with Currie, Chennault dominated the scene; and Laughlin Currie, the representative of the President of the United States, by his movements and looks, appeared to take second place in the pecking order. Chennault hurriedly herded the party into the motorboat which quickly shoved off. I noted in my journal that Chennault was a natural chameleon and a great actor, who probably could play several manipulative roles.

About ten days later, a Chinese friend of mine, a bureaucrat under T.V. Soong as well as a close colleague of Chennault, came aboard, desperately begging medicine for his wife. I got the medicine and then asked him if his government really had believed that Chennault could organize and train the Chinese Air Force when he was hired. He took the medicine from my hand, smiled, and said, "His primary task was far more important than that."

"What was it?"

"Only Madame and Soong can tell you. Bill, I appreciate the medicine. Maybe I can help you some day," he said as he departed.

These were the only direct experiences I had had with Chennault, his fliers, or a member of the Chinese government who had worked with him. However, journalists and others repeated to me information that Chennault himself had told them. Some of it, in my opinion, was not true. For example, Chiang K'ai-shek was *not* the great Christian leader of China who was valiantly fighting the Japanese for freedom and democracy. The fact was, he was more concerned with defeating Mao than the Japanese; and he did not even have popular support. He was an inefficient, corrupt tyrant. He had no knowledge of the suffering, starvation, and unnecessary deaths of millions (yes, millions) of Chinese peasants — and most of these tragedies were largely provoked by the neglect of the Chinese

government of which Chiang was the internationally acknowledged head.

Chennault had said (I believe to Joe Alsop) that he could defeat the Japanese if he had 150 planes, American pilots, ammunition, and equipment. For me this was poppycock. But never mind what I believed. Chennault's talk had gotten around. He skillfully had woven a network of powerful officials and journalists around himself; and people in high places were beginning to believe Chennault's persuasive talk and correspondence.

I mention the above items because it is such type of information and flavors that are lacking in *Chennault*. But let me get back to the material that is in Jack Samson's [NF'60] book. There are, in my opinion, many careless mistakes. For example, Samson has Chennault speak of the hundreds of thousands killed in Chungking by the Japanese bombings in 1939. "Hundreds of thousands" suggests 200,000 or 300,000. At that time the population of Chungking was about 350,000. The mayor of Chungking told me that perhaps as many as 2,500 Chinese were killed in the first big bombings. Soon after that, adequate air raid shelters were hurriedly, desperately, chiseled and blasted into the rocky plateau of Chungking. The vast shelters formed a marvelous underground city. Also, the Chinese had an efficient air raid alarm system that gave a minimum of an hour's warning before the Japanese planes arrived. By that time almost all people were either in shelters or had crossed the Yangtze to areas of safety.

In Samson's book he tells us that it was Chennault who had created the air raid warning net throughout China. We know he developed one for his own airfields, but for the rest of China the Chinese had done this on their own.

In another place Samson tells us of Chennault's meeting with Colonel David Barrett — "He spoke beautiful, fluent Mandarin Chinese —

perhaps the best Chennault had ever heard...."

This appears to be an impossible observation for Chennault to have made. At that time Chennault's Chinese was limited and bad. Wherever he went he needed an interpreter. Also, Chennault had poor hearing. How could he have personally identified Dave Barrett's Chinese as fluent Mandarin? He could not have.

When one reads a series of such mistakes or exaggerations, one begins to doubt other things in the book — perhaps even the number of planes shot down by Chennault's mercenary pilots during the early days.

One gets the idea from the Samson book that in the Joseph Stilwell-Chennault controversy Chennault was correct and Stilwell was wrong. However history (it now is almost a half century later and professional historians have dug up much information that had been obscured by propaganda or governmental secrecy) shows that Stilwell had the long-range, over-all perspective and sound military judgment (and experience) that Chennault lacked. Stilwell was correct and Chennault wrong; and Chennault's vigorous, backdoor, almost sleazy manipulating to get Stilwell relieved was obscene. Chennault was ignorant of the scope and all-over-the-world problems of World War II. Also, he did not realize that there was a genuine revolution taking place in China, and that revolution was not provoked by Russia.

If Stilwell's policies had been used, the results would have given the United States quicker victory, and many long-range political benefits, as well as commercial advantages in the Far East. Teddy White's book *In Search of History* gives more information on this. Teddy, who was a good friend and admirer of Chennault, finally came to the same conclusion that I reached on the Stilwell-Chennault controversy. Stilwell was right and Chennault was wrong. *Chennault* does not con-

tain enough information on this to allow an unbiased reader to draw her/his own reasonable conclusion.

Jack Samson has put much work and effort into his book. His research near the end, concerning the period after the defeat of Japan, — the part about Chennault's airline and the CIA — is excellent. However, as a "definitive biographer," in my opinion, Samson simply did not know enough and could not break from the cage of hero worship of the man who later, in Taiwan, employed him as his company's press agent. Samson has not yet developed a touch for writing biography. The first chapter looks like a college freshman's effort in creative writing! Much of the rest is like a slick paste-up job culled largely from Chennault's journals and writings. By the end of the book the reader knows little about the complex, emotional, compulsive, I-always-must-win, frenetic ability of Chennault, the human being. Instead, he is a two-dimensional heroic figure about whom Samson *tells* us, but seldom *shows* us.

The reader does not become intimate with or understand the living, human, Chennault or his family or his sexual affairs in China or his psychological pattern or his childhood, his likes and dislikes, his fears or his many early failures, frustrations, and unrealized dreams that conditioned his later behavior. All we know about him from the book is that this "legendary" character was retired from the Army Air Force as a captain at the age of 47, was ailing and partially deaf, and not appreciated by the Army Air Force because of his innovativeness and his outspokenness.

Then, leaving his wife and eight children behind, he went to China and was hired as a mercenary by Chiang K'ai-shek to reorganize the Chinese Air Force (which he did not succeed in doing). We are told that he was a magnificent and bold aviator and organizer who almost single-handedly saved China from

the Japanese aggressions.

However, we can deduce (from our other readings and experiences) that he also was a great conniver, a sophisticated personal politician, and a Barnum-like showman. Chennault was a facile propagandist who successfully maneuvered the power-people in Washington to send American aid to him and to China. He was an effective activist, and a genius for being in the right place at the right time for things important to him. We know he sucked on the financial and political teats of the Generalissimo and Madame and never let go of his cornucopia, and largely because of this, he ended up a very wealthy man with an abundance of honors, fame, and prestige.

As a "definitive biography," *Chennault* reminds me of Bernard DeVoto's description of the Platte River: "A mile wide and one foot deep."

The book certainly is not, as stated on the jacket, "A Definitive Biography." It is more an autobiography by Claire Lee Chennault, with assists from Jack Samson, Joe Alsop, and Edgar Mowrer; along with editorial help from Henry Luce and Whittaker Chambers.

I have read several of Jack Samson's other books: *Line Down! The Special World of Game Fishing*, *The Bear Book*, and *Modern*

Falconry. These, the hunting and fishing works, are wonderful books that are written with skill and wisdom.

In this area Samson is a champion. But in a book concerning biography and Chinese history, he is not in his natural element. *Chennault* may sell a million copies (and as a fellow author, I hope it does), but it is not championship stuff.

For those who want to know more on this general subject, I suggest *In Search of History* by Theodore H. White, *Stilwell and the American Experience in China* by Barbara W. Tuchman, and *The Soong Dynasty* by Sterling Seagrave. □

William J. Lederer, Nieman Fellow '51, coined a title that is sometimes used to describe Americans overseas — The Ugly American. It is the title of the book he co-authored with Eugene Burdick. Lederer is also the author of several other books. At age 16 he was covering high school sports for The New York Times. Later, he was secretary to newspaperman Heywood Broun. During World War II, he was in the United States Navy serving in the Far East. After the War he covered that part of Asia for Reader's Digest. His stories have been published in a number of magazines including The Saturday Evening Post.

Marching, But Not Quite Shoulder to Shoulder

Politics and Society in the South.

Earl Black and Merle Black.
Harvard University Press, 1987. \$25

by Eugene Patterson

U ntil recently there was a South, in T. Harry Williams' term, of government by goatee. And as Van

Woodward put it, "Juleps for the few and pellagra for the crew."

This was the old South mourned by V.O. Key at mid-twentieth century in his *Southern Politics in State and Nation*. That South of 11 Confederate states, Key found, had developed "no system or practice of political organization and leadership adequate to cope with its problems."

What a harsh indictment of an

American region. Yet, across the first 30 years of my life as a native Georgian, I observed it to be true. Across the next 30 years, we changed that, with a shove from the civil rights movement and some firm federal kicks in the pants.

This book by the twin brothers Black, political scientists at the Universities of South Carolina (Earl) and North Carolina (Merle), moves the Southern region's history powerfully forward from Key's study.

His study, reaching from 1920 to 1950, displayed a politics dominated by a reactionary elite whose rule rested on disfranchisement of blacks and poor whites, enforcement of white supremacy as a divider of all, and financing of racist political demagogues whose common touch got them elected and whose willingness to stay hitched for their masters made them prosperous.

The occasional mavericks like Huey Long and Lester Maddox terrified the Southern Bourbons because they really were champions of the underdog and could not be held reliably to the goal of limited taxation, limited spending, and limited government deaf to public needs.

Now, at last, this new book shows that "in its political life the modern South is far more similar to the non-South than ever before." Key foresaw only part of the cause of the change.

He accurately predicted that a better South would depend on "emancipation of the white from the Negro." But he expected the process to evolve less dramatically than it did. Black out-migration would change the composition of the Southern population, he thought, and it did. And the agricultural base would give way to urbanization and industrialization, helping slowly to foster political arrangements more consistent with "National Ideas of Constitutional Morality," Key wrote.

But the Blacks fault Key for "ignoring or rejecting the likelihood of basic political reform emanating from either state capitols or

Washington, as well as any significant rebellion by black Southerners... Key's scenario for racial change profoundly underestimates political developments."

And that is the unexpected drama that drives this new draft of Southern history upward to a happier elevation than Key could spy through the mists at mid-century.

Yes, already it is history: Martin Luther King Jr. marching, and the SNCC kids offering their heads to the billy clubs while television watched; the Public Accommodations Act of 1964, and the Voting Rights Act of 1965 passed by an aroused Congress under Lyndon B. Johnson's leadership, the strongest moral thrust on the race issue to come from any President besides Abraham Lincoln; the consequent transformation of the Southern electorate into an instrument of the middle class that exalts the ideology of conservatism still; and the revival of two-party competition with the advantage in presidential elections swinging to the Republicans.

The authors conclude that the new Southern middle class, which now outnumbers the working class, has taken hold of the region's politics. Its leaders are urban entrepreneurial individualists whose reigning political philosophy is not much different from that of the agrarian traditionalists they replaced, except for merciful removal of racism as its poisonous motive force. "In its emphasis on low rates of taxation, minimal regulation of business, and resolute opposition to unions and redistributive welfare programs for have-nots and have-littles, the current political ideology retains important continuities with the traditionalistic political culture."

And that is where the Blacks place the South in the mid-1980's: Though freed at last, blacks still face enduring political limitations because they are a minority in the population; Southern senators and governors are largely freed of demeaning

preoccupation with race; Democrats will probably continue to win most Southern state and local offices for some time to come, but Republicans may eventually become the South's leading party, though that is not inevitable if the GOP keeps concentrating narrowly on the upper middle class.

Southern candidates, they think, will range from "progressive conservatives" to "conservative progressives," with no future for any liberals among them.

"Whether the moderates rule through the Democratic party or the conservatives govern through the Republican party, Southern politics can be expected to perpetrate much of the past even as a different future beckons." *Déjà vu*, you all.

This is a dense and detached work of primary value to scholars. It foregoes sentiment and avoids the moving narrative and literary flourish that a general reader may expect; no rhetorical debt to W.J. Cash or even V.O. Key here.

Nonetheless, *Politics and Society in the South* is an important scholarly work of discerning observation and careful analysis that brings the last 35 turbulent years of Southern political history into authoritative context with the American past and future. □

Eugene Patterson is chairman of the St. Petersburg Times in Florida.



A Miscellany of Writing Doth Not a Book Make

Managing The Media: Proactive Strategy For Better Business-Press Relations.

Fred J. Evans. QUORUM Books, a Division of Greenwood Press, Inc., 1987. \$35

by Herbert Schmertz

The publication of miscellaneous papers, reviews, and opinions as a book is a respectable pastime in academia, but in my view ought to be a third-class felony. *Managing The Media* is not a book at all, but what might be called a first step toward three books. It is also a dolled-up version of an article from a business magazine, an article from a public relations magazine, and another from a review of public relations; this stew is topped off with a book review. When it is all put together it reaches a length of 160 pages, but it is really much ado about very little.

There is perhaps a book (although it certainly is not here) in the first of Dean Evans's theses: that the view of business held by the American public is going to be changed and improved eventually by development of a new cadre of professors, mostly in business schools, who are more aware than other academics of the truths about American business. There is perhaps a second book in his second thesis: that those attracted to journalism are by their very nature likely to be biased toward business and therefore incapable of straight reporting about it. There's probably yet a third book to be developed from his case studies of how businesses faced with controversies or major disasters handled the press and what might be safely generalized from the results.

But none of those books is here

present. There is a little of this, a bit of that, a touch of jargon ("as can be inferred from the games for items 1 and 9 in column A, political ideology appears to be related to doubts about the efficacy of capitalism"), and vast savannahs of over-generalization ("education is undermining the business system").

It pains me to be harsh on this book when there is a section (beginning on page 84) that analyzes in meticulous detail how one achieves a more effective media strategy. Throughout this section, the example cited is the brilliant way Mobil Oil handled the press when it acquired Reliance Electric.

We are lauded here for the way we let it be known that society as a

whole would benefit from this acquisition; for the way we were able to get past the press regarding the value of the acquisition and present our case directly to the public; for the way our press strategy permitted us to get across the news on how the merger would benefit the public; and for the way we were able to minimize negative comments on the acquisition.

What is particularly heartbreaking about this torrent of praise is that it wasn't Mobil Oil that acquired Reliance Electric, it was Exxon.

Books should not be thrown together over a weekend, and it appears this one was. Nobody is going to learn much from it — unless perhaps Dean Evans learns that he shouldn't try it again. □

Herbert Schmertz is vice president of public affairs for Mobil Oil Corporation.

A Taste For Chasing Wars

Dangerous Company: Inside the World's Hottest Trouble Spots with a Pulitzer Prize-Winning War Correspondent.

William Tuohy. William Morrow And Company, Inc., 1987. \$18.95

by Murray Seeger

After casting individual journalistic pearls from different parts of the world for more than 20 years, William Tuohy has now strung many of them together into a gem of a book.

Dangerous Company is a great correspondent's personal and professional story. It is the book that many other reporters would like to write, but probably never will; it is a book that fledgling reporters should read, especially those who harbor dreams of the life of a foreign correspondent.

I must put a disclaimer up front:

Bill Tuohy is a friend of mine, a former colleague with whom I proudly worked on some major stories.

But then I doubt if anyone in this business who has worked with, or against, Bill Tuohy during his long, distinguished career is not his friend and admirer. There are few journalists who write better or who are more imaginative in finding stories in so many different locales.

Bill Tuohy represents that special breed for whom being a reporter is the highest calling in journalism and foreign correspondence (CQ) the epitome of what reporters can aspire to.

The publisher has offered a thin thesis to give this book its own cachet. The subtitle is: *Inside the World's Hottest Trouble Spots with a Pulitzer Prize-winning War Correspondent.*

Much of the book consists of Tuohy dispatches from such places as Israel, Lebanon, Syria, Iran, Iraq,

Vietnam, the Falkland Islands, and Northern Ireland. To Tuohy's great credit, most of these pieces read very well several years after they were originally printed.

The Vietnam reporting is especially worth reprinting — now that Hollywood is refighting the war in several different versions.

Tuohy won his Pulitzer for exposing the gross miscarriage of justice the Marine Corps was perpetrating against one of its young men. Although Bill has never been strong in the area of heavy analysis, his examination of the futility of the Marines' major combat role in Vietnam compares well with the more recent disaster that befell another generation of Marines in Lebanon.

In total, Tuohy's reporting from the 1973 Middle East War is a model of what one indefatigable correspondent can accomplish when he is blessed with the greatest journalistic instincts and the courage to pursue them.

Tuohy graphically relates how he raced from the northern front on the Syrian border to the south to cover the historic Israeli cross of the Suez Canal while his *Los Angeles Times* colleague covered the home front.

The author also explains how he tried, with only partial success, to sum up for his *Times* editors the philosophy that motivates reporters who pursue wars as a career.

He concludes that war "remains the most gripping subject of all," and he concedes that "some journalists thrive on danger itself."

"I am not one of them," Tuohy adds. "I am extremely cautious within the sound of gunfire. Yet, covering wars is in the nature of things exciting. Human conflict is a subject infused with the drama of men under stress at the cutting edge of life. On a personal level, there is a heightening of one's sensibilities and a deep satisfaction in the camaraderie found in a war zone."

But the personal story of Bill Tuohy transcends the story of Bill Tuohy, recorder of death and maiming. There have been many books

about the exploits of daring foreign correspondents, but few of them are as frank and personal as this book in dealing with the human elements of working overseas.

Tuohy's devotion to his craft cost him a marriage and the companionship of his only son. He comments, "I've never won the father-of-the-year award," a remark that many of his friends will always associate with Bill Tuohy. He relates how the boy's mother once tracked them down in Belfast by telephone, in order to berate the father for exposing his son to physical danger during a paternal reunion.

Tuohy also alludes to periods of isolation and loneliness that are a concomitant to heavy drinking and womanizing in strange places. There is romance and excitement in the life of a foreign correspondent, but there are also many long, dark, empty nights and pain-wracked mornings.

For those of us long-in-the-tooth, there are many nuggets of old-fashioned journalistic wisdom scattered through this book.

Early in the book, for instance, Tuohy deals with the most famous anecdote that has accompanied him around the world — the story of the Gucci typewriter case which enveloped a battered Olivetti.

"I've always taken the view...that decent luggage is essential for a foreign correspondent and that one also ought to dress as well as any ambassador one is interviewing. I've never seen the point of looking like a reject out of *The Front Page*."

In recalling his early days on the *San Francisco Chronicle*, Tuohy recalls the nearly lost art of fine editing and editors "who knew how to improve stories and had no compunction about honing down articles or suggesting they be rewritten."

He describes both the joys and frustrations of working for a news-magazine (*Newsweek* in his case), and he gives short shrift to those reporters who seem to have all the answers about the United States disaster in Vietnam. "After four

years, I had found no certainties, no conclusive answers about the war," he writes.

There are not many foreign correspondents with Tuohy's long experience who continue to seek the questions without pretending to know the answers. This is the gift of an earlier generation of reporters that has largely been lost on today's career-driven journalists.

Tuohy's genius has always been to recognize a good story no matter where he is — and to write it better than anyone else. This gift enables him to describe a battle on the Golan Heights, or to write about the life of an Italian movie star or an Egyptian belly dancer or a Gurkha soldier at home.

With this skill he has made editors of far lesser talent look good. But he has also been the perfect professional colleague and friend. Just read about his mission to Tehran to retrieve the body of our mutual friend and colleague, Joe Alex Morris, Jr.

Tuohy has hardly a single discouraging word to say about the journalistic scoundrels he has encountered over the years — with one exception. And that is his recollection of the former *New York Daily News* columnist, Michael Daly, who was found to have invented an incident of violence in Northern Ireland.

"I suppose columnists like Jimmy Breslin, who was Daly's mentor, can create their own cast of characters and events," Tuohy observes. "But I don't think the Damon Runyon school of journalism, with its liberal mixture of fact and fiction, should be let loose on serious stories."

Tuohy has always been able to find good stories and good quotes and lots of human interest without writing fiction. This book is proof of that. □

Murray Seeger, Nieman Fellow '62, spent 10 years as a correspondent in Moscow, Bonn, and Brussels for the Los Angeles Times. In early autumn

he left for Singapore to become editorial consultant for The Straits Times. Before leaving for the Far

East, he was director of corporate affairs, Radio Free Europe/Radio Liberty.

A Second Look at a Seething Continent

THE AFRICANS.

David Lamb. Vintage Books, Random House, Inc., 1987. Paperback \$8.95

by Barry Shlachter

The Addis Ababa Hilton had been fairly empty on past trips. Now, in late 1984, it was awash with reporters, relief workers, and famine groupies easily recognizable by most dentist-waiting-room-readers of *People* magazine. The Ethiopian drought had been discovered by prime time and the handful of East Africa-based correspondents covering the story for 10 months were joined by colleagues from Boston television stations; *The Blade*, Toledo, Ohio; and the *Journal*, Providence, Rhode Island.

After downing an orange juice and settling himself in front of my notebook at the Hilton coffee shop, one-time comedian, and sometime social activist-health food manufacturer Dick Gregory announced an indefinite fast.

The point was to bring even greater world awareness of the massive human disaster, on the off chance insufficient publicity had been generated by the collective presence of actor Cliff Robertson, Miss America Pageant host Gary Collins, religious epic star Charlton Heston ("I see my function as one of bearing witness — in the biblical sense"), and a gaggle of American, European, and Australian politicians.

There was a new face at the press breakfast table one morning. David

Lamb [NF '81] of the *Los Angeles Times* had returned to sub-Saharan Africa to give his paper's readers a different perspective — that of a reporter who had come to know the tragic country in the late 1970's when it was recovering from a similarly destructive famine.

Lamb was tickled by the celebrity glut, I recall. But the conversation that followed the self-introductions — a generation of correspondents had passed through East Africa since his 1980 departure — did not dwell on Ethiopia but rather the success of his book, *The Africans*. I told him I admired it. I didn't tell him it also had been professionally important to me.

Having my previous assignment, in Pakistan, abruptly ended by expulsion, I landed up in Kenya with no preparation other than what postings in Asia had taught — stomach trouble is unavoidable and things are never as simple as the comfortable, always handy stereotype. But I had gotten hold of Lamb's book.

The Africans was a good read, informative and anecdotal. Finishing it, I did not emerge an authority on Africa, but I was somewhat less uneasy knowing that another before me had gone out upon the continent and had not been overwhelmed.

The book received reviews nearly all generous in praise. I had stumbled on one of the few negative ones, however. Written for the *Guardian* by the late Shiva Naipaul — not to be confused with his brother V.S. — it concluded with what the reviewer no doubt thought would demolish the book. He called it "too journalistic."

Being journalistic, being current,

having all the readable detail a talented observer can supply are things that set *The Africans* apart from the many earnest and informed but generally stodgy books on the subject that line library shelves but captivate few readers.

We discussed Naipaul's review which puzzled us both since the Trinidad-born writer's own book on sub-Saharan Africa, *North of South*, was at its best when it was journalistic.

I praised Lamb for bravely laying on some uncomfortable truths about Africa and its leaders. (As a result, the book is banned in Kenya and a few other places.) He confided that the original manuscript had been even harder hitting, but that his publisher had insisted that he lighten up what was considered analyses far too gloomy.

No doubt David Lamb had come home and emptied his notebooks — filled during four years on the run — into his typewriter or PC. Power to him. How many African specialists do you know who have been personally invited to a public execution by Liberia's head of state, Samuel K. Doe, then wrote about it? How many could draw in a few short paragraphs a masterful picture of Sam Weller, a former British Army captain during Kenya's Mau Mau uprising? Weller remained in Kenya and now works with former Mau Mau fighter Frederick Ndirangu although at one time they had hunted each other in the forested Aberdare Mountains.

The book holds up to the toughest tests: Meeting Sam Weller and others in *The Africans* and finding Lamb's portrayals had been not only poignant but also accurate.

What is disappointing about the revised edition is that, while sandwiched by a new preface and epilogue, each chapter has not been individually brought up to date. Perhaps the economics of book publishing prevented Lamb from running the manuscript through his Lettera 22, or Macintosh, one more time.

The book, as the blurbs on the

back say, can serve as a primer for all of us who hear about this place Burundi and that place Sierra Leone, but have no feel for either or, for that matter, most of the 49 other Organization of African Unity member states. It's no easy job tying together and finding common threads for these nations, considering a single state may have a score or more ethnic groupings. And even should an immediate neighbor share some of the indigenous cultures, it could easily have had a far different colonial experience whose legacy outlives the departure of French, Portuguese, Spanish, Belgian, British, or Omani rulers.

The Africans would have proven an even more useful text if each subject was revised to include recent events, or at the very least, followed by a brief footnote. Many a reader would have forgotten the previous mention of Somalia when he or she learns from the epilogue, say, that the country's leaders have since acknowledged the failure of their nationalization policies.

In the new epilogue, Lamb admits having been surprised by the 1984 toppling of Sudanese President Gaafar Nimeiri, whom he had described earlier in the book as a

secular liberal. It seems Nimeiri became the Koran-belt equivalent of a born-again Moslem fundamentalist. He imposed Islamic law on the entire country, including the Christian south, which led to civil war and his eventual overthrow.

One is thankful for Lamb's intellectual honesty, which is not called into question. But it would have been easier on the reader, especially those not up on the latest word out of Khartoum, if earlier references to Nimeiri had been rewritten. And Vintage Books does not make the aroused reader's task any lighter by not bothering to update the index to cover subjects mentioned in the epilogue.

If *The Africans*, a clever and enjoyable work, is to remain a relevant one, let us hope that David Lamb's publisher sends him back on periodic swings through the continent so that book can be kept current. Something of this merit and utility certainly deserves to be. □

Barry Shlachter, Nieman Fellow '86, is a newspaperman who has covered stories in Asia and Africa. He is on the staff of the Fort Worth Star-Telegram.

jury to track down stolen stamps. In recent years, stamps have been issued which memorialize the original inverted-plane error. And the financial bloodlines of nearly all known 96 surviving Jenny stamps are part of philatelic lore.

The 24-cent Jenny was issued to commemorate a milestone in postal history, the inauguration of airmail service on May 15, 1918, which launched commercial aviation. The stamp issue became a milestone for something else as well: what author George Amick [NF '69] calls "the world's best-known stamp error."

The Jenny was a bicolor stamp, a red frame containing a blue Curtiss Jenny biplane which in 1918 technology required passing the engraved plates two separate times through the printing press. If the plate was put in backwards, the most prized of all stamp errors would result: a "color invert." The upside-down Jenny became one of the most famous of those errors.

A veteran printer, using a state-of-the-art hand press, inexplicably printed at least three 100-stamp sheets with the Curtiss JN-4H (Jenny) biplane shown upside down.

William Thomas Robey, a 29-year-old bank cashier and stamp collector, bought a sheet of the 100-stamp inverted Jennys the morning the advertised "aeroplane mail stamps" went on sale, on May 14, 1918. He had gambled—correctly—that the climate was ripe for an error, given the 24-hour wartime work load of the Bureau of Engraving and Printing to print currency, postage and revenue stamps, and Liberty bonds.

Twenty years later, Robey wrote an article describing his reaction when on his second trip to the Post Office that day, the clerk pulled from under the counter a full sheet of inverted-plane stamps: "My heart stood still . . . It was what you might call 'a thrill that comes once in a lifetime.'"

After Robey's discovery of the inverted Jenny made headlines, the

A Plane Lifts a Stamp to Fame

The Inverted Jenny: Money, Mystery, Mania.

George Amick. Scott Publishing Company/Amos Press, 1986. \$19.95

Issued in Paperback titled **INVERTED JENNY** Amos Press Inc., 1986. \$9.95

by Peggy A. Simpson

If the 1981 tax laws had not substantially curbed investment incentives on stamps, the mysterious stamp of an upside-down plane printed in 1918 might still be

garnering ever more enormous sums of money.

Even without the tax bonanza, the future of what stamp experts call the "inverted Jenny" probably still will be fascinating for decades to come, if its convoluted history is a guide.

The Jenny has been the object of love affairs. It has been dispersed throughout the world, a rarity in the stamp world. It has prompted heists on different continents, leading to the bankruptcy of an Irish auction house, the embarrassment of the unguarded New York Public Library, and the convening of the first grand

Post Office found and destroyed several other sheets with an inverted biplane. No one ever pinned down precisely how or why the inverted Jenny printing error occurred. No investigation was conducted. The rush of events, both the wartime demands on airplanes and on the desire to print a stamp to sell on the eve of the first airmail flight, were seen as credible reasons for the mistake.

Amick's 1986 book about the inverted Jenny is aimed mostly at stamp collecting insiders. For other persistent readers, however, Amick has surrounded his saga of the Jenny stamps with many glimpses into the social history occurring from 1918 to date, starting with the drama of early air travel.

Although some influential members of Congress had been pushing the Post Office to get on the "aeroplane" bandwagon since the first experimental flights were made, the idea appeared to be ahead of the technology. By the time money was appropriated in 1918, the country was in the midst of a war. Some congressional critics denounced the plan, partly because few planes were available.

Ultimately, a 218-mile route was chosen between Washington, Philadelphia, and New York, aiming at a flight of just under three hours. Trains made the same trip in five hours, and mail posted early in the day in Washington was routinely delivered later the same day in New York.

Speed wasn't the only goal. The key objective was proving that mail could be flown between cities on a regular basis, despite irregular weather conditions, and that transcontinental, and later transoceanic, flights were possible.

It worked, but in his wry, understated way, Amick helps portray the starting-gate glitches that made the mission worth commemorating with a stamp that became world-famous itself.

The Army pilots drafted for the in-

augural airmail flights had to struggle to find strange airports, without radar or radios, and with primitive maps strapped to their thighs. Two of the planes had been flight tested only briefly.

President Woodrow Wilson was among the crowd at Washington's Polo Grounds in Potomac Park when the pilot barely cleared the trees at the end of the field—and then went due south rather than north to Philadelphia. He apparently was confused "by the vibration and spinning of the plane's compass," the postmaster general later explained, and landed ignominiously in a soggy field 20 miles south: upside down, with a broken propeller. Another pilot ran out of gas over New Jersey, borrowed a milk can from a farmer to pour in replacement fuel, but ran dry again over a golf course, mangling a wheel in his second crash landing. A third pilot team made the trip with little incident, however, and commercial aviation was born.

Amick also sketches a tolerably adept picture of pre-Depression investors, including the heir of the penurious Hetty Green, the wealthiest woman of the early part of the century who made millions on Wall Street, but was so penurious she lunched on oatmeal warmed on a radiator at her broker's office. The son, Col. Edward Howland Robinson Green, failed in his stated goal "to spend one day's income in one day," but his 20-year indulgence in stamp collecting earned him nearly half of the inverted-Jenny prizes.

Since 1918, the Jennys have gathered mystique. Until the early 1982's, they kept escalating in value as well. William Robey had bought the 100-stamp sheet for \$24 and sold it soon after for \$15,000. He bought a house with his profits, but never hit it rich again in stamp collecting. His original stamps, however, turned over many dozens of times, bringing millions of dollars to investors.

The Jenny owners have included scions of American industry. One

secret investor was Josiah K. Lilly Jr. of Indianapolis, the grandson of the founder of the pharmaceuticals company, who bought a corner block of four Jenny stamps in 1952 for \$22,000. After his death in 1966, his collection was auctioned off and the Jenny block brought \$100,00, the highest price ever paid for a United States stamp item then.

By 1978, a Boston dealer paid \$100,000 for a single Jenny stamp—the same one which had brought the top-dollar price of \$3,300 from Colonel Green's stamp collection after his death in 1936. By 1981 and 1982,

U.S. POSTAL SERVICE

Statement of Ownership, Management
and Circulation

(Required by 39 U.S.C. 3685)

Title of publication: Nieman Reports. Publication no. USPS 430-650. Date of filing 9/3/87. Frequency of issue: quarterly. No. of issues published annually: four. Annual subscription price: \$15. Complete mailing address of known office of publication: One Francis Avenue, Cambridge, MA 02138, Middlesex County. Complete mailing address of the headquarters or general business offices of the publishers: One Francis Avenue, Cambridge, MA 02138. Full names and complete mailing address of publisher and editor: Howard Simons, One Francis Avenue, Cambridge, MA 02138; Tenney B.K. Lehman, One Francis Avenue, Cambridge, MA 02138. Owner: Nieman Foundation at Harvard University, One Francis Avenue, Cambridge, MA 02138. Known bondholders, mortgagees, and other security holders: none. The purpose, function, and nonprofit status of this organization and the exempt status for Federal income tax purposes has not changed during preceding 12 months. Extent and nature of circulation (first number is average number of copies each issue during preceding 12 months, and second is actual number copies of single issue published nearest to filing date): Total number copies: 1650; 1700. Paid circulation, sales through dealers and carriers, street vendors and counter sales: none; none. Mail subscription: 1188; 1208. Total paid circulation: 1188; 1208. Free distribution by mail, carrier or other means, samples, complimentary, and other free copies: 296; 315. Total distribution: 1484; 1523. Copies not distributed, office use, left over, unaccounted, spoiled after printing: 166; 177. Return from news agents: none; none. Total: 1650; 1700. I certify that the statements made by me above are correct and complete: Kettee J. Boling, Business Manager.

however, the resale value of the Jennys began to slide slightly, as inflation subsided and tax law changes began to take effect.

Amick may want to write a sequel in a decade or two, to see if the human drama that has accompanied the Jennys since 1918 continues—even when stamp values

don't escalate as wildly as before. □

Peggy Simpson, Nieman Fellow '79, is economics correspondent for the Hearst Newspapers. Formerly, she was a congressional correspondent for the Associated Press. This Nieman Fellow stresses she has never saved a stamp.

A Lifelong Rebel

Freda Kirchwey: A Woman of The Nation.

Sara Alpern. Harvard University Press, 1987. \$27.50

by Nancy Webb

Freda Kirchwey cut her hair for the first time in 1917 at age 24. Ten years later, she cut it shorter still. "My son Michael fell on his face in the grass and swore never to look at me again," Freda wrote to her sister. The eight-year-old Michael contended, "I being his mother had no right to show my ears. It is rather startling and opinions differ — the female sex in general approving; the male not."

A couple of chapters into *Freda Kirchwey*, I cut my own hair. My husband, as egalitarian a being as walks the earth, remarked, "You look androgynous."

These two incidents — a half-century apart—reveal the depth of a cultural inability, as great on the part of women as men, to measure the genders by the same yardstick, to see them with the same eyes. A man becomes androgynous by letting his hair be long, "like a woman's," whereas a woman becomes androgynous by cutting hers short, "like a man's." The standard by which young Michael felt not one whit of shame at his father's exposed ears is upheld.

This biography of a 1920's-1950's journalist described on the book's

jacket as "the quintessential new woman" is both illuminating and discouraging. It shows how little has changed from this "new woman's" time to our own, and how little change there was between Freda Kirchwey's generation of feminists and the one just before, which held that career and marriage — for women — cannot mix. The questions Freda Kirchwey faced as she worked into and held her position as editor of the liberal magazine, *The Nation*, are the same fundamentally biased questions women working in any profession in the late 1980's face, questions no one asks of men: "Will you be quitting your job now that you're married? How are you going to do your job and have children?"

Most discouraging of all is the divided focus of this book. Sara Alpern, a history teacher at Texas A&M University, says she began her study of Kirchwey wondering, "How had this journalist succeeded in a male-dominated profession? How did she have time to be a good mother as well as a productive editor and publisher? How did she and her husband work out a two-career marriage?" I suspect Alpern was reluctant to discard her good, readable material, gathered from diaries and letters, about Kirchwey's sex-role conflicts when she decided to expand her study into a biography. The result is a biography founded more on gender than professional accomplishment. A biography of a

male journalist would not have been done this way.

Alpern concludes that Kirchwey never satisfactorily blended marriage and children with career, and then, as if to underscore, divides the book too neatly down the middle between Freda Kirchwey, woman, and Freda Kirchwey, liberal magazine editor. The first four chapters are about Kirchwey's family background and coming of age, the evolution of her feminist politics, and the application of her feminism to marriage and work. (She kept her name, for example, and married a man who promised her he would reread the ending of H.G. Wells' *The World Set Free* a couple of times each year to remind him of her feminism, and wrote newspaper articles that stretched, sometimes comically, to make irrelevant points in favor of women's suffrage.)

Kirchwey regarded journalism as powerful propaganda, and her first cause was women's rights. In the last four chapters, Alpern defines Kirchwey almost exclusively by the issues she highlighted during her long career as editor of *The Nation* — the rise of fascism, the Spanish Civil War, national security and the Cold War, censorship, and McCarthyism. Alpern's second-half efforts to remind the reader that Freda Kirchwey is still married with children are like cream poured into coffee and left unstirred: "Although Freda kept in close touch with her son Michael . . . and saw her immediate family and a few close friends as often as she could, her mind was seldom far from *The Nation* and world fascism." Just as lacking from the first half of the book is any clear picture of Kirchwey at work.

Alpern says Kirchwey herself made such a split, that around the time she became the magazine's editor in 1933, "although she continued to appreciate the flow of ideas about the issues, in general, she stopped pursuing women's issues

publicly." For Kirchwey, however, women's struggle for rights was part of a larger struggle for democratic freedoms. Alpern does not explore the possibility that world events changed Kirchwey's priorities. Rather, she writes off any precise explanation by saying "no certain answers" (about woman's role) had emerged, "only more questions." I read this phrase three times too many.

A focus on Freda Kirchwey, editor, is a valid one, but it is not the focus with which this biography begins, and it is not the more interesting, or the better documented, or the better written. The author put her energy into her original subject, the story of Freda's sex-role conflicts.

Freda Kirchwey's primary influence as she grew up in New York was her father, who taught law at Columbia University. He was a pacifist, he supported labor unions, he believed women should vote, he endorsed criminal rehabilitation, and most of all he wanted law to be interpreted according to public will. His youngest daughter adored him, and he adored her. Even better, he took her seriously.

"Dear Heart," he once wrote to her "What I yearned for was one of those talks with you which do me more good than they do anyone else — about your work and your aims in life and such highfalutin stuff which can be postponed with serious harm to either of us."

As a teenager, Kirchwey recorded that her aim in life was to be "pert, undignified, irreverent, headlong, hopeful, ready to alter everything including myself into almost anything different." Accordingly, she rejected Christianity and civilization in favor of paganism and nature, founding a "Heathen Club" in her senior year at Horace Mann high school. She wrote a short story in which the heroine wears no underwear and eventually, at a pond, sheds the clothes themselves to be "naked, alone, close to naked rocks." Finally, she dresses for her return home,

where her mother is serving lemonade to "ordinary dumb people." As an adult, Kirchwey would try nudism, and admit feeling superior to bridge-playing ladies who "ooh and ah over prizes and wrangle over plays."

At Barnard, she was not academically inclined, and so concluded that she was "infinitely better" at selling copies of the suffrage newspaper *The Woman Voter* than at chemistry. Kirchwey channeled her collegiate energies into a sweatshop picket line, a crusade to rid the campus of sororities, and campaigns for class offices. She became president of the undergraduate association by her own vote. Her opponent had courteously voted for Freda; Freda announced she had voted for herself, "... of course. If I didn't think I was the best person for the office, I wouldn't be running." Her end-of-college accolades included "Best Looking," "Done Most for Barnard," "Most Popular," "Most Famous in Future," and "Most Militant."

In 1914, she began dating the man she would marry — Evans Clark, who, a year later, confided in a letter to Kirchwey's sister that he regarded his fiancée as "a very rare spirit . . . I come to her . . . with a genuine reverence." Kirchwey inspired arguments between Evans and some relatives who he said questioned "the wisdom of young girls reporting for *Morning Telegraphs*." He defended her work, which would continue.

Evans, a teacher like her father, was at Princeton. Freda commuted to New York. As a married woman with a career and as a married woman who had kept her name, Freda was the subject of Princeton gossip and speculation. Unrecognized, she once overheard two women talking about her:

"I've heard," said Lady No.1, "that she doesn't really live with him at all and they're not really married."

"Well," said Lady No. 2 tentatively, "I've heard they're not really married, too, but she does spend week-

ends with him!"

"It's a very queer situation," Lady No.1 summed up darkly.

An equally amusing incident: Her editor once introduced obviously pregnant Freda by saying, "This is Miss Freda Kirchwey, but she is really Mrs. Evans Clark."

Freda quit the *Telegraph* when son Brewster was born. He died at eight months. She returned to journalism as an editorial assistant at *Every Week*. She dug for an obvious but undone story she called "When Trotsky Lived in New York" — "Always many glasses of tea, nothing else," a friend said of visits to Trotsky's New York home in 1916, "and talk about Russia and Revolution." *Every Week's* editor said Trotsky would soon be forgotten, and thus he never published Freda's excellent and exclusive story. Appropriately, the weekly went out of business.

Freda learned of an opening at *The Nation* and wrote to her professor of economics at Barnard, "If you think I'm the man for the job, will you put in a word for me?"

The Nation at that time considered itself a "crusading liberal journal." Its editor, Oswald Garrison Villard, was a friend and admirer of Kirchwey's father.

Her job was to clip items for the magazine's International Relations Section. She was soon writing short editorials. She clearly hoped to move even further, and decided to make herself "much more indispensable" before telling her employer that she was again pregnant. "I have decided that 9 months is too long to take getting a baby and that I'll shorten it to 5 or 6 by forgetting about it and not mentioning it abroad for a while," she said in a letter written seven months before she would replace the International Relations Section editor.

Correspondence from Kirchwey to Villard during her scant time off to have babies is particularly revealing:

"Your constant generosity makes my conscience hurt me for the way

I've gone out back on you this summer, but as you say there isn't anything like a baby.

"I can assure you that the peaceful rest you encouraged me to take will make me a better editor as well as a better mother.

"Even under these circumstances" (33 hours after son Jeffrey's birth), "it seems unnatural not to be at work . . . I'm not going to let it hurt the Nation if I can possibly avoid it — and I'm sure I can."

Kirchwey would later say that women should have more time to relax during pregnancy and after childbirth. Alpern does a fine job of showing such contradictions and changes of heart. Kirchwey called herself an "earnest careerist" and spoke derisively of "career women." She respected what activist Emma Goldman had to say, but made fun of her harsh looks. She once described a couple by saying "the man is a stock broker; his wife, nothing," but later said, "I don't want women who must stay at home through force or circumstance to feel like worms."

She saw "galling inequities" that remained for women after the Nineteenth Amendment gave them the vote, but in 1923 opposed an equal rights amendment that she feared would take away protective labor laws. A supporter of The American Civil Liberties Union and the First Amendment, she resigned her membership from the organization, and re-interpreted the amendment differently in wartime, believing the fascist press was as great a weapon as any bomb and should be curbed.

Alpern provides glimpses into prevailing attitudes of the 1920's and the women's rebellion against them — she quotes the neurologist who wrote for *The Nation* that feminists were ignoring "their duty to the race," which consisted of bearing between five and ten children; she quotes writer Kate Gregg, also in *The Nation*, as rejecting three proposals of marriage, one from a man who "planned a house for me and in-

sisted on a nice big kitchen. That was the end of him."

There is not nearly this much context for Kirchwey's career. At one point, Villard let go of four male editors in an economy move and retained Kirchwey. The underpinnings of that decision and others like it are missing here, as is any idea of the number and type of female journalists of the time.

"Though both ran smoothly," Kirchwey said of her family life and her career in 1932, "I always had a feeling of strain, of never being caught up with myself. That is true of a lot of my friends, too. They all know that they can carry on homes and jobs, but it's pretty overwhelming. I don't mean that one should choose one or the other, but there should be a greater effort to find a balance between them."

Freda's husband, despite his verbal and sometimes financial support for her feminism and her work, ultimately disappointed her, and perhaps, she him. Their correspondence reflects a continual unresolved struggle for more time together. She wrote a poem for Clark

that is relevant for many 1980's couples:

"But love I love you sadly in the midst of noisy mirth

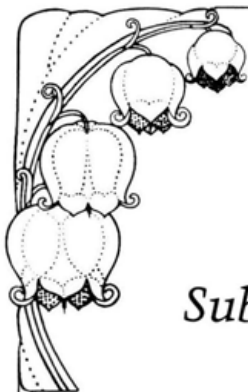
And the endless frantic business of the day

Where we lead our separate lives to prove our separate worth

And the fever of it drains our love away."

Readers who are members of the Society of Nieman Fellows will appreciate a final anecdote. During her first trip abroad, Kirchwey's editor wanted her to file more editorials. Her response: "This trip will have to be put down to my general education, I think. I realize every day how terribly I need this first-hand contact with Europe and how much I need to absorb before I can write intelligently. I shudder when I think of the glib paragraphs I've written on world affairs. So if you don't mind, I'll go on sponging up what I can and not try to squeeze anything out right now." □

Nancy Webb, Nieman Fellow '84, is a writer, and an expository writing instructor at Harvard University.



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NIEMAN NOTES

These days the Nieman mailbag is often bulging as Fellows continue to respond to the form sent out earlier with our request for up-to-date information as to work and whereabouts.

Letters and telephone calls have arrived from all points of the compass — always heartening additions to the day's routine. Hearing from Niemans heretofore "lost" is a special pleasure.

To make our files as complete as possible, we will print in the next issue of *NR* a list of those for whom we have no recent information. Our hope is that they and/or their fellow Fellows will forward pertinent data to the Nieman office — for which we will be most grateful.

—1946—

ARTHUR W. HEPNER is the author of *Pro Bono Artium Musicarum*, a paperback book published recently by the Harvard Musical Association to celebrate the society's sesquicentennial. Mr. Hepner traces the organization from its founding in 1837 to the present.

He notes that the early all-male membership roster carried an aura of elegance and aristocratic distinction with such names as Bowditch, Pickering, Longfellow, Lowell, Holmes, Eliot, Peabody, Dana, Howe, and Adams. In 1983 three women were admitted to membership in the group. Others "subsequently joined these pioneers..." Formerly, they had been invited only to Ladies Night, teas, and social evenings. The author terms the Association's move as "social maturity."

He also mentions some of the early financial gifts. In 1861, ten dollars was donated by Bernard Roelker, who asked that his contribution should start a fund to be known as Roelker's Fund of Convivial Impulses.

Mr. Hepner's report of an annual dinner long ago at the Parker House includes the menu. The formal meal started with oysters and was followed by seven additional courses: soup, fish, roast, side dishes, game, several choices of pastry, and a further dessert of fruit, cheese, nuts,

ice cream, sherbet, and coffee. It cost one dollar and fifty cents.

Arthur Hepner retired from Houghton Mifflin in 1981. He was corporate public relations director.

—1953—

WATSON SIMS, retired editor of the *New Brunswick (N.J.) Home News*, and a member of the International Communication Committee of the American Society of Newspaper Editors, was the head of a delegation of twelve American newspaper editors for a visit to the Soviet Union in November. JOHN EMMERICH ('67), editor and publisher, the *Greenwood (Miss.) Commonwealth* was one of the editors.

The trip was part of an exchange between ASNE and the USSR Union of Journalists. Next May the U.S. editors will be hosts to a Soviet group in the United States. The present USSR/USA exchange is the third in a recent series. The last exchange took place in February 1987 when a Soviet group visited the U.S.

—1961—

JOHN HERBERS will become the first *Baltimore Sun* Distinguished Lecturer at the College of Journalism of the University of Maryland in January.

The lectureship, which was recently endowed with a \$50,000 grant from the A.S. Abell Foundation to the College of Journalism, will be held in perpetuity by an outstanding journalist for one semester each year.

For the current fall term, Mr. Herbers is the Ferris Professor at Princeton University, conducting a seminar on politics and the press.

During his 38-year newspaper career, he also has been *The New York Times'* assistant national news editor in New York and regional correspondent in Atlanta, covering the civil rights movement. Prior to joining the *Times* in 1963, he worked for United Press International and for the *Greenwood (Miss.) Morning Star*.

—1962—

JOHN HAMILTON is the president and founder of Hamilton Productions, Inc., an independent television production firm that produces both on-air and corporate programming. Its *Watch on Washington* television series is aired on more than fifty stations across the country. He writes: "We're launching two new services — *In-depth Reports*, a once-a-week feature of action news footage and on-location interviews with members of Congress, and *Byline Essays*, presenting the insights of leading journalists on a wide range of pertinent issues three times a week."

Based in McLean, Virginia, the firm is also the Washington bureau for the Financial News Network.

EUGENE ROBERTS JR., executive editor of the *The Philadelphia Inquirer* and president of Philadelphia Newspapers, Inc., has been named the 1987 winner of the University of Arizona's John Peter Zenger Award, which honors those who distinguish themselves on behalf of freedom of the press and the people's right to know.

MURRAY SEEGER became senior editorial consultant for *The Straits Times* of Singapore in October. He formerly was secretary and director of corporate affairs, Radio Free Europe/Radio Liberty. He wrote: "We will be moving from here the weekend of October 3. The old spirit of adventure is as strong as ever."

—1963—

ALLISTER SPARKS, veteran journalist in South Africa, is at Duke University for one year as a Visiting Lecturer on a fellowship sponsored by the Carnegie Corporation. He is teaching a course on South Africa and also writing a book. The provisional title: *The Mind of South Africa*.

—1966—

JACK BASS in September joined the faculty at the University of Mississippi as associate professor of journalism.

Since serving as public affairs coordinator for the Journalist-in-Space Project 1986, he had worked as a freelance writer in Columbia, South Carolina, where he completed the draft of a first novel. His books include *Unlikely Heroes*, *The Transformation of Southern Politics* with Walter DeVries, and the *The Orangeburg Massacre* with JACK NELSON ('62).

Mr. Bass taught journalism as writer-in-residence for three years at South Carolina State College and has taught courses at the University of South Carolina, Columbia College, and the University of North Carolina at Charlotte.

He worked five years as executive editor and project director for *The American South Comes of Age*, a 14-part television course co-produced by South Carolina Educational Television and the University of South Carolina.

ROBERT GILES, executive editor of the *Detroit News*, became president of the Associated Press Managing Editors Association in September. His goals are to create an APME foundation and to bolster APME's monitoring of the AP news and photo reports. He said that the foundation he proposes could provide an ongoing look at issues in today's journalism that need more attention — for example, minorities in the newsroom, credibility, ethics, and management.

He is the author of a 739-page book, *Newsroom Management* (Indianapolis, R.J. Berg & Co., 1987) which he describes as a handbook for editors and publishers on the human side of the business.

Mr. Giles began his 30-year reporting and editing career in Akron, Ohio, at the *Beacon Journal*. He became executive editor in 1972. In 1976 he went to the William Allen White School of Journalism at the University of Kansas as editor-in-residence. He joined Gannett Company's Rochester (N.Y.) newspapers — the *Democrat* and *Chronicle*, and the *Times-Union* — as executive editor in 1977. In 1986 he moved to another Gannett paper — the *Detroit News* — as executive editor.

—1968—

FLOYD McKAY has joined the administration of Governor Neil Goldschmidt (D-Ore.) as Administrative Assistant for Communication. He is responsible for the new governor's media and political relations and is a chief policy advisor.

Mr. McKay had been news analyst/commentator at KGW-TV, the NBC affiliate in Portland, Oregon, until taking the new position in January 1987.

During a trip east early in October, he visited Lippmann house with his wife, Dixie. They had been traveling to see the autumn foliage in New Hampshire and Vermont, where they met with their daughter and her husband. They also visited another daughter who is a graduate student in forestry at Yale University.

—1970—

LARRY L. KING wrote in September that his play, *The Night Hank Williams Died*, "is headed for Off-Broadway in New York after a five-week run at New Playwrights' Theatre in Washington, D.C."

Another of his plays, *The Golden Shadows Old West Museum*, recently made its debut at Memphis State University. Also, his one-act play, *Christmas: 1933*, after six weeks at the Circuit Playhouse in Memphis, has been picked up by the Samuel French Company, New York, which will handle future productions of all stock and amateur presentations, world-wide.

Among Mr. King's other writing is the long-running play, *The Best Little Whorehouse in Texas*, which was later made into a musical comedy.

—1971—

The following is from a news item datelined Manila, May 24 (Reuters), in *The New York Times*, May 25, 1987.

EDDIE MONTECLARO, editor in chief of *The Manila Times*, died of a heart attack Saturday [May 23]... He was 58 years old.

Mr. Montecarlo was president of the National Press Club in 1972 when martial law was declared by President Ferdinand E. Marcos. He challenged many Marcos decrees in the courts here before seek-

ing political asylum in the States, where he worked as an editor at *The Chicago Sun-Times*. He returned to the Philippines last year and became executive editor of *The Manila Chronicle* before taking over at the *Manila Times*.

He is survived by his wife, Rudi.

—1974—

NICHOLAS DANILOFF, who is on leave from *U.S. News & World Report*, will become a Resident Fellow at Harvard's John F. Kennedy School of Government. He will join the Joan Shorenstein Barone Center on the Press, Politics and Public Policy at the School. His tenure starts February 1st, 1988.

In 1986, Mr. Daniloff, then Moscow bureau chief for *U.S. News*, was arrested by the Soviet KGB on the trumped-up charge of being a spy in retaliation for the arrest in New York by the FBI, of Gennadi Zakharov, a physicist on the staff of the United Nations.

Mr. Daniloff was later released, returned home to the United States, and on a leave from *U.S. News*, moved to Vermont where he is now a resident of that State. He is completing a book about his experiences in Russia. Mr. Daniloff holds degrees from Harvard College and Oxford University.

—1976—

PETER BEHR is the new assistant managing editor of the Business Section of *The Washington Post*. He formerly was editor of the National Weekly Edition, a tabloid-size summary of highlights of *Post* reporting distributed around the country and overseas. Prior to that, he was a reporter and columnist for the Business Section of the *Post*.

DALE BURK has written us sad news. His son, Ted, age 18, died September 6 as a result of injuries sustained in an automobile accident on a highway outside of his home town of Stevensville, Montana. Ted was a star football player and track athlete at Stevensville High School, as well as an honor roll student. He was enrolled to attend the University of Montana in the fall. He particularly loved the mountains and spent much time big game hunting and fishing. Ted was a first-grader at the time of his father's Nieman Year.

He is survived by his parents, three sisters, Ruth and Rachel, who live at the family home in Stevensville, and Kathleen, of Las Vegas, Nevada, and a brother, Bruce of Missoula; and two sets of grandparents.

The family has requested that contributions in lieu of flowers be made to the Ted Burk Memorial Fund at Stevensville High School. These gifts will go toward the development of a new football and track facility at the school.

Dale Burk is the publisher of Stoneydale Press in Stevensville.

—1979—

MARGARET ENGEL (Peggy), on leave from *The Washington Post*, is now executive director of the Alicia Patterson Foundation. That organization supports Fellowships for mid-career journalists from the United States.

The journalists pursue projects that they are most interested in, and that may take them to many parts of the globe.

Peggy extols her executive position with these words: "It's a wonderful job to do while raising a child [daughter Emily, now six months old]; newspaper deadlines and dinner don't mix."

SABAM SIAGIAN, editor of *The Jakarta Post* in Indonesia, telephoned in October to let us know that he met up with Nieman classmate V.K. CHIN, group chief editor of *The Star* in Kuala Lumpur, Malaysia, when both were attending the ASEAN (Association of Southeast Asian Nations) editors meeting in Bali, October 27-30. While there, V.K. Chin was informed that his paper was closed down by the Malaysian government, so he had to rush back to Kuala Lumpur.

FRANK VAN RIPER, former White House correspondent of the *New York Daily News*, has retired from the paper after twenty years to pursue a new career in commercial photography and freelance writing.

Mr. Van Riper, who covered every presidential campaign since 1968, was named White House correspondent in 1975 and served in that post until 1980, when he became national political correspondent. He jointly holds, with bureau chief Lars-Erik Nelson, the 1980 Meriman Smith Award for their deadline coverage of the secret dealings that led to

the freeing of U.S. hostages held in Iran during the Carter administration.

Photographs by Van Riper are exhibited in Washington at the Touchstone Gallery.

The following is excerpted from "Some Thoughts on Leaving" by Frank Van Riper:

I had a talk with a photographer the other day. Like me, he was a veteran of long years in the news business, in his case shooting for the old *Washington Star*.

Now, sitting in his cavernous studio on Capitol Hill as he looked through my portfolio of photographs, he echoed my own emotions.

"*The Star* really was like a family," he said. "Everyone looked out for everyone else."

I had to admit — the *Daily News* was like that too, especially in the Washington Bureau where I had worked and written for more than twenty years. And just as the *Star* was always having to compete, outmanned and outspent, with *The Washington Post*, so too did we often have to cover with one reporter what *The New York Times* covered with three or four.

"I was sad, sure, when the *Star* folded," the photographer finally said. "But you know something? It was the kick in the pants I needed."

It's strange where we get our kicks in the pants.

My own slow odyssey out of the news business began, ironically, eight years ago in Cambridge. For me [the Nieman year] meant reading novels, for God's sake, and writing fiction. I even learned how to drive a stick shift. . . . Just for the hell of it, I also took a music course to learn what I had missed by not following through on all those accordion lessons at Music Centre Conservatory in the Bronx. . . .

But equally important, too, was getting back seriously into the darkroom and realizing I love it there. It didn't hurt that Barbara Norfleet and the Carpenter Center for the Visual Arts made me welcome. (One carries one's own impressions of Harvard's wealth and bounty; for me it always will include all those gleaming new Besseler enlargers in the Center's

community darkroom).

Still, I didn't leave Harvard in June '79 aching to leave journalism for photography, even though some of the pictures I made in Japan during the end-of-year Nieman trip proved that photography had a stronger hold on me than I had known. In fact, I couldn't wait to get back into the real world, which at that time meant the 1980 presidential campaign. . . .

Looking back, I think the year away and the immersion in different kinds of writing made me more confident to break out of the comfortable, yet confining, strictures of "straight" reporting and venture more into analysis and opinion. . . .

An even bigger nudge came several years later when, preparing for still another presidential race, I contracted to write John Glenn's biography. . . . Having never written one before, I didn't know it would be impossible to turn out a real book, with interviews, footnotes, the whole nine yards, in four months. So I took five. The 12-hour days and seven-day weeks added thirty pounds to my middle, but hefting the book in my hand made it worth it. . . .

To a journalist, a book is the ultimate clip, but more than that, it is a symbol of the control one has as an author but often not as a reporter. . . . Once again, there was that tantalizing feeling that there was something more out there.

In 1984 I came back from a year on the road with a case of bronchitis that lasted for six months after election day. I finally admitted to myself: This is not as much fun as it used to be. . . . I kept fighting the idea that I'd seen it all before. . . .

It was like that looking forward to 1988. Did I really want to spend another year on the road with, say, Gary Hart, or Joe Biden, or Jack Kemp, or George Bush, or Jesse Jackson, or Pat Robertson, or — whomever? Gary and Joe obliged me by self-destructing early. But try as I might, I could not get enthused about it. It was then I realized the time had come to leave. And I've never had a second thought.

"You're doing the right thing. You're changing careers," a friend wrote a little while ago. "You're doing what you want to do and I'm happy for you. I am doing the same thing."

The friend was Walter Mondale, and I'm happy for him, too.

LAWRENCE WALSH wrote from Mexico in July to say that he has been appointed Senior Journalist in Residence at Duke University's Institute of Policy Sciences and Public Affairs for the 1988 spring term. While in Durham, he will start work on writing a study (to be published by Alfred A. Knopf) of combatant motivation in seven armed insurgencies of the 1980's. He will draw on his experience of "two years of skulking around with resistance forces of the right and of the left in Afghanistan, the Philippines, Angola, Eritrea, Kampuchea, Nicaragua, and Colombia."

As of February 1988 he will be based in Hong Kong, where his wife, Mary Williams Walsh (Bagehot Fellow '83), will begin a tour as *The Wall Street Journal's* principal reporter in South and Southeast Asia and the Western Pacific.

—1980—

JAMES BOYD, associate editor with the *Minneapolis Tribune*, stopped by Lippmann House in September. He was in Cambridge to attend a conference at the Russian Research Center, en route to Moscow for two weeks, thence to Warsaw for a week.

ATSUSHI KUSE wrote in September. "I have left International Research & Marketing, Inc. in Tokyo at the end of August to pursue another professional career. . . .

"The past six years and four months at IRM were very rewarding and I was able to help Japanese government agencies, trade associations, and leading corporations with U.S. public policy analysis and overseas public relations programs.

"I joined Gavin Anderson & Co. (Japan) Inc. in September as vice president and will work mainly with foreign corporations either already operating in Tokyo or companies entering the market toward a more active public relations/public affairs and investor relations program in Asia.

"My involvement in U.S.-Japan rela-

tions will not come to an end. I am determined to continue making efforts toward facilitating international communication."

—1985—

DEBORAH JOHNSON's home in Washington, D.C., was the gathering place for a reunion of Fellows from the Class of '85. Out of 12 American Fellows in that Class ten showed — counting the hostess. The missing — both with excellent excuses — were Peg Finucane who had to work, and Doug Stanglin who is in Warsaw, Poland.

The reporter for this event is Pam Spaulding who visited Lippmann House on November 17 — just in time to be present at a Nieman seminar with Julia Childs as the speaker. Pam described the gathering of the class as "a real warm time."

Much of the conversation at the reunion was about Zwelakhe Sisulu, the imprisoned South African editor. He is so much a part of that Harvard year, and he is so much missed.

Others, besides Deborah and Pam, who were at the reunion were: Ed Chen, Jerri Eddings, Lucinda Fleeson, Phil Hiltz, Joel Kaplan, Joe Oglesby, Mike Pride, and Carol Rissman.

SAMUEL RACHLIN wrote last September from Klampenborg, Denmark, that he would be starting a new job in October "with a new semi-commercial station that is to begin operating in October 1988. The first year I will be working on shaping and building up the news program, together with the editor in chief and then, from October 1988, I will be the anchorman on the news show for the next two years."

At the time of his Nieman Fellowship Mr. Rachlin was Moscow correspondent for Danish Radio and Television.

CAROL RISSMAN in November resigned as news director at WBUR-FM, Boston, to be the station's full-time political correspondent through next summer. She said that her new assignment was enhanced by the station audience's interest in the presidential candidacy of Governor Michael Dukakis (D-Mass.).

For the past eight years Ms. Rissman has been WBUR's news director; she also anchored and reported news. In an interview with a *Boston Globe* reporter, she

said that WBUR-FM has changed considerably. "The news staff has grown from four or five to 22, including engineers, production people, reporters, and anchors. . . . When I first came here, 80,000 people a week listened to us. Now it's 270,000. . . . We are the fifth-most-listened-to station in the country in the public radio network."

The following news item is from *The New York Times*, Wednesday, October 14, 1987:

JOHANNESBURG, Oct. 13 — A detained editor, whose newspaper has become the first target of South Africa's new censorship laws, has applied to a court for his release.

The editor, ZWELAKHE SISULU, has been detained without charges since December under a national emergency decree. He also asked the Rand Supreme Court to overturn the 16-month-old emergency regulations, which include curbs on the press and speech.

His newspaper, *New Nation*, advocates positions held by anti-apartheid groups and trade unions. It continued to be published after his detention, but the Government notified it last week that articles, photographs, and advertisements in three issues contravened press curbs that were decreed six weeks ago. The Government can prohibit the paper from publishing for three months.

Mr. Sisulu, 36 years old, was a prominent member of the National Education Crisis Committee, which the Government contends supported anti-apartheid resistance campaigns.

He said that his involvement did not constitute a threat to public order and was not "reasonable grounds for my continued detention." It is his third period in detention without charge.

His father, Walter Sisulu, is serving a life sentence with Nelson R. Mandela, leader of the African National Congress, for his part in a conspiracy to overthrow the state. His mother, Albertina Sisulu, is a co-president of the United Democratic Front, an anti-apartheid coalition.

—1986—

CARMEN FIELDS became co-anchor with Chris Lydon on October 5 for the *Ten O'clock News*, aired over WGBH-TV (Channel 2), Boston's Public Broadcasting Service station.

Ms. Fields, who also teaches journalism at Northeastern University, has been metropolitan editor for *The Boston Globe*. In addition, she has worked as anchor of Boston's Channel 7 *Urban Update* series. Most recently, she was a weekend reporter at Channel 4.

At the Florida convention of the National Association of Black Journalists last September, Ms. Fields was reelected to a second two-year term as regional director.

—1987—

Libby and DOUG CUMMING announce the birth of a son, William Bryan, in Providence, Rhode Island, on September 20. The infant weighed nine pounds.

Mr. Cumming is a reporter with *The Providence Journal*.

SUSAN DENTZER has moved from New York City to Washington, D.C., to take up her new position as senior editor for *U.S. News & World Report*. She will cover economic policy. She formerly was a senior writer covering business news for *Newsweek*.

ALBERT MAY as of November became state capitol bureau chief for the *Atlanta Journal* and *Constitution*. He had been Washington correspondent with *The Raleigh News & Observer*.

MARITES VITUG, a reporter with *Business Day* (Quezon City, the Philippines), wrote in August that her newspaper had closed on June 5 because of labor problems. There's been no further word.

—1988—

DALE MAHARIDGE, general assignment reporter with *The Sacramento* (Cal.) *Bee* and Nancy Weaver, a colleague at the paper, have won for the *Bee* the Sixth Annual World Hunger Media Award in the best newspaper coverage category.

They were the lead reporters for a team of up to eleven other reporters in the six month's project of research and writing. The resulting nine-part series ran between February 22 and March 29, 1987.

"Hunger in California turned out to be massive," Maharidge wrote us. "We discovered a conservative figure of one in every ten Californians, or 2.3 million people, who seek emergency food aid each

month. Many are blue collar workers, the 'hidden hungry,' who cannot subsist on minimum or near-minimum wages. The series joined anecdotal stories with hard numbers. California is at the forefront of the two-class society."

Overseeing the annual awards is World Hunger Year, Inc., a non-profit organization started by the late singer Harry Chapin. The prize is now sponsored by country singer Kenny Rogers and Marianne Rogers to "honor and award those members of the media who have made significant contributions to bring public attention to world hunger."

The reporters involved in the hunger series will donate the \$10,000 prize to Help the Hungry fund that the *Bee* has sponsored. The money will feed the needy in California's Central Valley.

—1988—

EILEEN MCNAMARA was selected as a member of the Esquire Register, Class of 1987, for her stories in *The Boston Globe*. The *Globe* Reporter was honored for all her stories — but one story was especially singled out — it was about a battered wife who appeared in court to seek a restraining order against her husband's brutality.

This was Eileen's first of many stories on the subject of battered women. In this first story, the *Globe* reporter relates that the judge scolded the complainant for wasting the court's time. Five months after her court appearance, she was murdered — the police say by her estranged husband.

This, and subsequent stories on the difficulties faced by battered women seeking court protection, lead to the censorship of a judge; he was also banned from the right to hear similar cases. Three other officials, because of Eileen's stories, are under investigation.

The Nieman Fellow in describing her views of journalism says this: "its been said that a newspaper reporter's job is to comfort the afflicted and afflict the comfortable. . . remember that we're there to serve. Newspapers nowadays are filled with young careerists, kids in pinstripe suits with master's degrees who don't know how to cover a three-alarm fire. And don't want to learn. They all want to be Woodward and Bernstein. Better they should go into another line of work because they have no feel for people . . ."

The annual Esquire Register, presented

by the editors of *Esquire* magazine, honors men and women "whose accomplishments, values, and dreams reflect America at its best."

Every now and then the Nieman network makes a surprise appearance. Recently in Scotland, an ocean away from Harvard Square, a news-hungry traveler between trains in Glasgow, hurried to a newsstand for sustenance.

Above a stack of newspapers, at eye level spang in the middle of an adjacent bookshelf, one paperback seemed to leap out of the display — *Vietnam: A History* by Stanley Karnow. It was like a momentary greeting and a handshake with a member of the Class of '58.

The traveler made a few quick purchases and, rewarded, hastened on to board the train.

For the next four hours, the stunning scenery of the Scottish Highlands slipped by, viewed as if in the company of an old friend.

—T.B.K.L.

Three Foundations Fund Nieman Program

The Knight Foundation will sponsor a Nieman Fellowship each year for five years that will enable a Latin American journalist chosen as a Fellow to study at Harvard University.

The Nieman Foundation has also received grants from the John D. and Catherine T. MacArthur Foundation and the Ford Foundation.

Under the three-year MacArthur Foundation grant to support Latin American journalists, two journalists — one from Colombia, the other from Costa Rica — are now Nieman Fellows in the Class of 1987-88. The MacArthur grant is under the auspices of the Foundation's International Peace and Security program.

The Ford Foundation grant will support two Fellowships for African journalists each year for three years. The first Fellows are expected to be chosen as members of the Class of 1988-89. □

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