

Volume 6 | Issue 1

1973

Books Noted

Books Noted

Follow this and additional works at: <http://scholarlycommons.law.case.edu/jil>



Part of the [International Law Commons](#)

Recommended Citation

Books Noted, *Books Noted*, 6 Case W. Res. J. Int'l L. 168 (2015)

Available at: <http://scholarlycommons.law.case.edu/jil/vol6/iss1/17>

This Books Noted is brought to you for free and open access by the Student Journals at Case Western Reserve University School of Law Scholarly Commons. It has been accepted for inclusion in Case Western Reserve Journal of International Law by an authorized administrator of Case Western Reserve University School of Law Scholarly Commons.

BOOK NOTED

SECRECY AND FOREIGN POLICY. Editors: Thomas M. Franck and Edward Weisband. New York: Oxford University Press (1974). Pp. 441. \$15.00. At best a paragon of mediocrity. The topic is the people's right to know as opposed to the government's need for secrecy in defense and foreign affairs. The editors have selected several articles with the expectation of providing the reader with a peripheral account of this controversial subject; however, their selection is obviously tainted. Between the covers is doctrinaire liberal thinking at its best, manifested by its poorly reasoned logic and its pervasive contempt for authority. The articles are poorly written as well as researched and on the whole lack that inherent professional characteristic — objectivity.

One such example that comes to mind is an article written by Haynes Johnson of the Washington Post who paints a self-righteous picture of a press under the constant attack of a vindictive Administration. But perhaps the most repugnant article of the entire lot is found in Leonard Boudin's treatment of the Ellsberg case where one is left with the feeling that it is everyone's moral obligation to disregard those statutes which one characterizes as vaguely drawn and steal government documents at will. In fact, Daniel Ellsberg emerges as a 20th Century patriot!

Mr. Boudin focuses on the Espionage Laws and on what he describes as the government's fallacious arguments, and curiously ignores the most salient features of the case, namely, the motive of Daniel Ellsberg and the result to society if everyone took it upon himself to selectively disregard laws, such as those relating to the classification of official documents.

And then there is the role of the press and the issue of prior restraint. Here again, Mr. Boudin never mentions the awesome power that the press now commands nor the subterfuge it employs when it raises the defense of prior restraint.

He would have us think that the press should always occupy an adversary position in our society, yet repeatedly fails to state why. Government is supposed to represent, serve, and answer to the people. Whom does the media represent? Whom does it serve? And most important, to whom does it answer? Mr. Boudin never considers any of these questions, yet has the temerity to fill his article with his own biases and unobjective conclusions.

He remarks in passing that the Executive Branch has deliberately suppressed evidence of illegal conduct, particularly the bombing of North Vietnam, and curiously ignores any evidence of illegal conduct on the part of the media. It is perfectly acceptable for news reporters to steal secret Grand Jury testimony and then sell it to a newspaper, which prints it *in toto* with full knowledge that it is confidential information, and without regard to the defendant's right to an impartial trial. This is not adjudged immoral. Freedom of the press is the justification. Ethical conduct applies only to the Government and not to the press. The elements of "fair play" and consistency have no application to the methodology employed by newspapers, for this would be censorship.

It is appalling to believe that such articles, many of which are written by professors of law, could receive serious consideration in any political group. The book is at best a paragon of mediocrity. (KMS)

[The reviewer apologizes for the inflammatory nature of this review and its lack of adequate documentation. He felt that the reader should be confronted by the same style of writing as employed in the articles selected by the editors for inclusion in their book.]

**CASE WESTERN RESERVE
JOURNAL OF INTERNATIONAL LAW**

- Subscription (one year) \$7.00 per year
- Contributor (one subscription) . . \$10.00 per year
- Patron (one subscription) \$25.00 per year
- Sponsor (one subscription) \$50.00 per year
- Benefactor (one subscription) . . \$100.00 per year

Subscriptions for Volume 7 are now being accepted.

Please complete the order form below and mail to:

Case Western Reserve Journal of International Law
Case Western Reserve School of Law
Cleveland, Ohio 44106

(Please Detach)

NAME -----

ADDRESS -----

Please include my name in your list of:

- Benefactors Sponsors Patrons Contributors
- Subscribers

* * * * *

Payment Enclosed

Please Bill Me