

COLLECTED WRITINGS & OTHER WORK

Michael E. Tigar Volume One – 1960s

1. Table of Contents. Filename: 1METContents1960s.pdf.
2. The Appearance of William Shaksper Before the House Committee on Un-English Activities, 1960. David Ossman (later of Firesign Theatre) and I wrote and performed this skit on Pacifica Radio. The “chairman’s” words are liberally adapted from Committee on Un-American Activities transcripts. The Bard is the Bard. Filename: 2Shaksper&Committee.pdf
3. One Year Later – Reflections on Black Friday, *the liberal democrat*, May 1961. This magazine was published by Tom Winnett and Marshall Windmiller in Berkeley. Its primacy audience was people associated with liberal Democratic Party politics in California. At about the time I wrote this article, Gerald Gray, Fred Haines, Ken Kitch and I produced a record called “Sounds of Protest,” about the May 1960 San Francisco demonstrations against the Committee on Un-American Activities. See http://www.fsm-a.org/stacks/AP_files/APHUAC60.html. Filename: 3BlackFriday1961.pdf
4. Atomic Science & Social Responsibility, unpublished paper, 1961, 86 pp. I did this research paper under the direction of Professor Richard Drinnon. It is based on a close reading of the 992 page transcript of Dr. Robert Oppenheimer’s loyalty-security hearing. My research for this paper did a great deal to shape my attitude towards governmental power and war. Filename: 4AtomicScience&SocialResponsiliity.pdf
5. The Brave New University of Clark Kerr, *the liberal democrat*, November 1961. This essay holds up well in light of current debates about higher education. Filename: 5ClarkKerr1961.pdf
6. “A Cable Karl to the Top o’ the Marx”, *Frontier*, March 1962. *Frontier* was another magazine directed at liberal Democrats. This was the time of the House Committee on Un-American Activities and related groups. “Anti-Communist” tub-thumpers were in fashion. I had no idea that this sort of writing would lead the FBI to have me followed. Filename: 6SchwartzFrontier.pdf
7. The Americans Have A Word For It, BBC, October 8, 1962. I was working in London as a correspondent for Pacifica Radio. I wrote this script and delivered it over the BBC. When I arrived back home, my wife was in labor and our son Jon was born later that evening. I am including the contract as the script. Filename: 7BBC080862.pdf

8. Mississippi Report, July 21, 1964, KPFA-FM (rebroadcast on KPFK-FM and WBAI-FM). 1964 was “Freedom Summer” in Mississippi. I did a series of radio talks about the civil rights movement and events related to the freedom struggle in Mississippi. This was also the year in which Barry Goldwater was nominated to run against Lyndon Johnson, and Johnson was trying to keep his Southern base intact even though the Democratic party establishment in the Southern states was avowedly racist. These scripts were written on a deadline, with minimal opportunity to edit. This first talk introduces the issues. Elaine Shinbrot was co-author. The August 11, 1964 script is missing from my files. The talks were written on a relatively short deadline; they are journalistic in the sense of not being the product of deep reflection. Filename: 8MissRept72164.pdf
9. Mississippi Report, July 28, 1964. This talk focuses on the Mississippi Democratic Party and its challengers. Filename: 9MissRept072864.pdf
10. Mississippi Report, August 4, 1964. This talk discusses the murder of three civil rights workers -- Michael Schwerner, James Chaney and Andrew Goodman -- and the inadequate federal response. Filename: 10MissRept080464.pdf
11. Mississippi Report, August 21, 1964. In a talk I did at about this time, I discussed Presidential power to stop the pattern of killings, arson and torture in Mississippi. I discussed President Eisenhower’s use of federal authority to integrate the Little Rock schools in 1957, and traced the origins of Presidential power to President Washington’s actions during the Whiskey Rebellion. I spoke from notes, and I include those because they have relevant citations. The first page, typewritten, is a toll of attacks on the civil rights movement. I include this item because of a conversation I had with Ninth Circuit Judge John T. Noonan in the late 1980s about the motion picture *Mississippi Burning*. Judge Noonan thought that the movie was overdone, and said that there could not possibly have been so much violence directed at the civil rights movement in the Summer of 1964. I looked back at these numbers in my file and sent the information to him. Filename: 11MissRept082264.pdf
12. Mississippi Report, August 25, 1964. This is a report on the “white backlash” and the civil rights movement, in the context of the 1964 Presidential election. The reference to Proposition 14 was to an anti-fair housing initiative, which did pass but which was struck down as unconstitutional in *Mulkey v. Reitman*, 387 U.S. 369 (1967). Filename: 12MissReptAug1964.pdf
13. Mississippi Report, September 1, 1964. Summary of events at the 1964 Democratic Convention. The discussion of legal issues in this and the other programs owed a great deal to my working with Ann Fagan Ginger on the *Civil Liberties Docket*. I earned a little money and learned a great deal about the dozens of civil rights and civil liberties cases pending across the country. Filename: 13MissRept090164.pdf

14. Comment, Automatic Extinction Of Cross-Demands: *Compensatio* From Rome To California, 53 Calif. L. Rev. 224 (1965). I became interested in the topic of this, my law review comment, in my civil procedure class. Looking at the history of this unremarkable procedural rule led me to study and learn about legal history in a new way. This interest led in turn to much of the later work, including the book *Law and the Rise of Capitalism*. Filename: 14Compensatio53CalLRev224.pdf
15. Book Review, Federal Habeas Corpus, 53 Calif. L. Rev. 914 (1965) [with I. Heyman]. This book was my introduction to issues that I later faced in law practice and teaching, particularly in the field of capital punishment. Filename: 15SokolReview53CalLRev914.pdf
16. Introduction To Symposium: Student Rights And Campus Rules, 54 Calif. L. Rev. 1 (1966). When I became Editor-in-Chief of the California Law Review, my colleagues and I put together a symposium on the legal issues presented in the FSM and the litigation that it spawned. This was my introduction. Filename: 16StudentRights54CalLRev1.pdf
17. May 1966, Valedictory Graduation Speech, Boalt Hall. This was the commencement speech that I gave, to a mixed reaction, about the Vietnam War. I believe it is relevant to current debates over military and anti-terrorism policy. I owe much of the initial research on these issues to public domain publications by international law scholars. By the end of 1966, when I gave this speech, 8,563 Americans had died in the Vietnam conflict. 49,519 more were yet to die. I ought to have kept better track of sources, but there are more citations in the relevant portions of the *SSLR Practice Manual*, which is also in this collection. (There is a paraphrase of Robespierre in there towards the end; I am sure you will see it.) Filename: 17BoaltValedictory1966.pdf
18. Letter to Yale Law Journal Editors, October 18, 1966. This letter addresses international law objections to the Vietnam War, and expands on the theme of my graduation speech. The letter outlines a theory of international law upon which I later expanded in the second edition of *Law and the Rise of Capitalism* and other works. In fact, this letter probably states some of the argument better than those later works, which is what happens when I stick something in a file and don't look back at it. (The Yale symposium to which the letter relates was 75 Yale L.J. 1084 (1966), which further material at 76 Yale L.J. 1051 (1967). Readers will recall that successive administrations continued to escalate and expand the Vietnam conflict until the United States withdrew in 1975. Filename: 18YaleVietnam1966.pdf
19. Book Review, The American Student's Freedom Of Expression, 4 Law in Trans. Q. 163 (1967). Filename: 19StudentFreedom.pdf
20. Book Review, Anti-Politics in America, 77 Yale L.J. 597 (1968). Bunzel wrote disparagingly of protests and protesters. My review is somewhat tendentious. Filename: 20Bunzel77YaleLJ597.pdf

21. Book Review, *Freedom & Order In The University*, 56 Calif. L. Rev. 236 (1968).
Filename: 21BookReview56CalLRev236.pdf
22. In Memoriam Jacobus ten Broek. He was mentor, teacher and friend. This is from the California Law Review. Decades later, the American Federation for the Blind did a documentary about his life and his contributions to the law and to the movement for the rights of the disabled. The book on which he and the California Law Review collaborated – *The Law of the Poor* – is worth reading, as is his co-authored book on the Japanese Relocation, *Prejudice, War and the Constitution*. Filename:
22tenBroekMemoriam.pdf
23. Book Review, *Concerning Dissent And Civil Disobedience*, 67 Mich. L. Rev. (1969).
This review took on Justice Abe Fortas’s book deriding the wave of protest against war, racism and other injustice. Filename: 23FortasBook67MichLRev599.pdf
24. *Lawyers’ Role in Resistance*, 27 Guild Practitioner 191 (1968). Based on a talk at the National Lawyers Guild 1968 Convention. Filename:
24LawyerRole27GuildPrac191.pdf
25. *Selective Service: Some Certain Problems And Some Tentative Answers*, 37 Geo. Wash. L. Rev. 433 (1969) [with R. Zweben]. Filename: 25SSProblems37GWLRev510.pdf
26. Book Review, *Frontiers Of Civil Liberties*, 78 Yale L.J. 892 (1969). This book review represented some early thoughts about law and lawyers confronting the need for social change. Filename: 26Dorsen78YaleLJ892.pdf