

# COLLECTED WRITINGS & OTHER WORK

## Michael E. Tigar Volume Two – 1970s

1. The relatively small list of articles during this decade is the result of my work on the book *Law and the Rise of Capitalism*, as well as a full litigation schedule that included two Supreme Court arguments and several long criminal trials. One of those trials is now chronicled in a DVD, *Lovers and Madmen*, searchable on You Tube. Table of Contents filename: 1METContents1970s.pdf.
2. Foreword: Waiver Of Constitutional Rights: Disquiet In The Citadel, 84 Harv. L. Rev. 1 (1970). This is another approach to issues that recurred in the cases about ineffective assistance of counsel. Filename: 2Foreword84HarvLRev1.pdf
3. Judicial Power, the "Political Question Doctrine," and Foreign Relations," 17 U.C.L.A. L. Rev. 1135 (1970), reprinted in *The Vietnam War And International Law*, Vol. 3 (R. Falk, ed. 1972). This article represented a hope that judicial power could be brought to bear against illegal war and war-related state-sponsored violence. Charles Alan Wright liked it well enough to cite in his treatise. The basic idea – that federal courts are ducking their duty to restrain unlawful executive branch action – is still being debated. The good guys are not winning. Filename: 3PoliticalQuestion17UCLALRev.pdf
4. Tigar & Levy, The Grand Jury as the New Inquisition, 50 Mich.St.B.J. 693, 700 (1971). Justice Brennan cited this article. The next year, I argued some of these points in *Gelbard v. United States*, 408 U.S. 41 (1972). Filename: 4Tigar-50Mich St B J 693.pdf
5. Book Review, Kennedy Justice, The New York Review Of Books, June 1972. Filename: 5Tigar – ReconsideringRFK.pdf
6. A letter from the author of the Kennedy book, and a reply. I have great respect for the book's author Victor Navasky, but I believed that Robert Kennedy's tenure as attorney general was not the political and principled triumph that his supporters claimed it was. Filename: 6Tigar – RFK's Record – letter.pdf
7. Book Review, Psychoanalytic Jurisprudence, 86 Harv. L. Rev. 785 (1973). Professor Albert Ehrenzweig was one of my mentors at Boalt Hall. I enjoyed the themes he evoked in this book. Filename: 7Ehrenzweig86HarvLRev785.pdf
8. Book Review, Political Criminal Trials: How To Defend Them, Litigation, Vol. 1, No. 1, Winter 1975. The ABA Section of Litigation was founded in 1975. It had grown to 60,000 members by the time I became Chair in 1989. The Section's publication, Litigation, was from the start readable and informative. Charles Wilson, the inaugural

editor, asked me to review this book. John Sink was a California lawyer who had worked with Leonard Boudin in the Daniel Ellsberg case. Filename: 8Sink1Litigation53.pdf

9. Can We Be Equal And Free?, in *The Unfinished Revolution* (C. Snow ed. 1976). The Boston Globe sponsored this Bicentennial book of essays. Filename: 9EqualandFree.pdf