



SPOCK
Only on a technicality.

TRIALS

Dissent and Dr. Spock

For the nation's antiwar and antidraft protesters, the decision rendered last week in Boston by the U.S. First Circuit Court of Appeals was a less than resounding victory. True, the court overturned the year-old convictions of Dr. Benjamin Spock and Harvard Graduate Student Michael Ferber on charges that they conspired to aid, abet and counsel draft registrants to violate the Selective Service law. Author Mitchell Goodman and Yale Chaplain the Rev. William Sloane Coffin, who were convicted on the same conspiracy charges, were granted retrials. From the dissenters' viewpoint, however, the cases had been won for entirely the wrong reasons. Their right to unrestrained dissent was not reaffirmed.

The protesters had hoped the court would throw the conspiracy charges out on the grounds that they violated the First Amendment's guarantees of free speech. Arthur J. Goldberg, former Associate Justice of the U.S. Supreme Court, based his argument against the convictions on this principle. He contended that the Government's attempt to prove "conspiracy" against the four protesters was based on public, not secret, expressions of dissent against the draft and the war. "The First Amendment," argued Goldberg, "prohibits convictions on any such basis."

Case Not Proved. The majority opinion of the Court of Appeals disagreed. Conspiracy, said the court, does not always require secrecy. "The First Amendment does not, per se, require acquittal." The court agreed with the protesters that "vigorous criticism" of the draft and the war, even if its effect is to interfere with the war effort, constitutes free speech and is protected by the First Amendment. However, the

court also contended that when dissenters go past verbal criticism and become parties to specific illegal acts, they then become liable to prosecution under conspiracy laws.

Spock and Ferber were acquitted because the Appeals Court ruled that the Government had simply not proved its case of conspiracy against them. Goodman and Coffin were granted retrials on a legal technicality. But the First Amendment was held to be no bar to their prosecution for conspiracy.

CELEBRITIES

The Enemy Within

If no man is a hero to his valet, no woman—not even one of the most elegant First Ladies in American history—is a heroine to her secretary. This month, as Jacqueline Kennedy turns 40, her public face has acquired a few wrinkles from a sensational book by Mary Barelli Gallagher, Jackie's former personal secretary.

The first installment of *My Life with Jacqueline Kennedy* appeared in the July Ladies' Home Journal and caused an immediate furor. Based on Jackie's private memos, letters and financial records, it pictures the Queen of Camelot as vain, petty, self-indulgent, ill-tempered and neglectful of her husband. According to Mrs. Gallagher, Jackie spent \$40,000 in one year for clothes but tried to economize by serving White House guests leftover drinks, hoarding gifts of food customarily turned over to charities and selling her used clothes. She spent her mornings abed while J.F.K. breakfasted alone, and threw a tantrum when Mrs. Gallagher asked for a raise in her \$4,830 salary.

The *Journal* article immediately became an obsessive topic in Washington. Jackie was abroad and Mrs. Gallagher, an attractive mother of two in her mid-40s, quickly went into hiding with her husband, a retired colonel who now sells insurance. Meanwhile, controversy swirls over Mrs. Gallagher's tactics and motives.

Nauseating. Certainly money was a major reason for Mrs. Gallagher's venture; her husband recently boasted of plans to add a room to their modest house "after we get some loot." Few, however, could understand why she was quite so vindictive. One friend of the author discounts a story that Mrs. Gallagher was smarting over a dressing down, and maintains that she adored J.F.K. and resented Jackie's self-indulgence and seeming lack of concern for the President.

One motive, suggested by another of Jackie's White House staffers, was that Mrs. Gallagher had never been accepted as a key member of the staff or as a close friend of Jackie's, and resented it. As that staff member put it: "All this nauseating stuff she writes about Jackie putting her arm around Mary's shoulder—Jackie was never like that." One theory holds that Mrs. Gallagher decided to tell all after Jackie married Aristotle



GALLAGHER
Why so vindictive?

Onassis last fall. But *TIME* Washington Correspondent Bonnie Angelo reports that Mary Gallagher was looking for a ghostwriter more than two years ago. Air Force Brigadier General C. J. Mara, the Gallaghers' neighbor, offered Washington Freelancer Angele Gingras \$350 to look over the material.

Miss Gingras wrote some sample chapters but quit, evidently because Mrs. Gallagher found her too sympathetic to Jackie. She was replaced by Frances Spatz Leighton. According to press reports, Mrs. Leighton sent a memo to a New York literary agent last November, calling the Gallagher information "the hottest property currently in the U.S.A. and possibly the world." She added confidently: "You needn't waste your time with any publisher who doesn't see this as earning several millions."

Few acquaintances of Jackie's would quibble with the general thrust of *My Life*. Her acquisitive bent was well known, and since John Kennedy's death she has spent much time shopping, partying, lunching at chic restaurants and roaming the world in search of pleasure. But the Gallagher article was overdrawn and one-sided. "There isn't a secretary in the world who couldn't do this to her boss," complains one of the old Kennedy inner circle. The problem is finally whether or not to betray good taste and personal ethics, especially since Mrs. Gallagher signed a routine pledge to maintain secrecy about her White House days. "Mary never had much of a sense of history," said her husband, explaining that otherwise she would have kept a lot more White House memorabilia. To her former employer, it must seem that Mrs. Gallagher's sense of history was all too keen. In any event, the lesson for men and women of Jackie's eminence is quite clear. Never write memos. Never keep accounts. And above all, never bawl out a secretary.