



News

A CONVERSATION WITH LOUIS NIZER

Sunday, February 25, 1968

WABC-TV

BEUTEL: This is Louis Nizer, noted lawyer, historian, author, philosopher, a man of many opinions and much experience. We'll examine his opinions and his experience on a Conversation with Louis Nizer.

ANNOUNCER: Channel 7 presents A CONVERSATION WITH LOUIS NIZER, with your Host, WABC-TV Correspondent, Bill Beutel.

BEUTEL: Mr. Nizer, anybody who has read any of your books knows that you're a good deal more than just a lawyer. You're an historian, a social philosopher, and a man of many parts, indeed. What do you think is the biggest problem facing the United States or facing perhaps the world ~~itself~~ itself in this year 1968?

NIZER: I think the greatest problem in the next ~~125~~ 20 years will be leisure, not the atomic bomb, not communism. I think that with automation we are going to achieve a happy status, but it can be a tragic one if we don't prepare for it, and know what to do with it, of having work weeks in many industries of four and six hours ~~a~~ a week; and I mean that, six hours a week. And people will be thrown on their

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own resources. And the question is can we so develop ourselves, can we achieve that new concept of the renaissance man to dig deeper ~~xxx~~ within ourselves to bring up the ore so that we can be happy and not run away from life as we do today when we have leisure. We don't know quite what to do with it.

The Greek word for leisure is scolera, to enjoy yourself by reading or learning, and without striking any high-falootin' poses, that indicates a kind of, new kind of renaissance in which man has so much to develop within himself to explore the inner continents of man, not merely the outer space.

BEUTEL: You talk about a time where ~~xxx~~ we will work four weeks or six weeks. Wouldn't we have to go through a really severe cataclysmic readjustment of man's idea of himself and his society if we worked that little?

NIZER: Well nothing is work unless you'd rather be doing something else. And when you do what you'd like to do, even though that something may be full of achievement/^{either}~~xxxx~~ for the community ~~or~~ or for yourself, we won't characterize it as work. It will not mean that they ~~will~~ will gather rust. It will mean more activity.

The truth of the matter is that none/^{of us}~~xxx~~ ~~if~~ today use more than five or ten percent of our capacity; the psychologists agree on that. And the great achievement will be when we can develop inner man so that he can use 15, 20 percent of his capacity, 25%, God willing, because ~~they~~ then maybe we'll catch up with our scientific achievements.

You know, in the last fifty years more has been achieved in the scientific world than in three million years of man's existence on earth. If you made a list of all the scientists who have ever lived, 90% of them are alive today. That's how few scientists there

have been in the past centuries. And yet, has man improved morally equally with that enormous improvement? Obviously not. He seems still to be bedeviled by the same great envy, and above all, belligerence, belligerence.

Now if we ~~ha~~ can have a new kind of education -- I don't mean for the young, I mean for the old -- a new kind of ~~ex~~ concept of how to achieve the purpose of life, and a ~~k~~ new kind of self-restraint at the same time, because one of the problems in this country today at least is that achievement ulcerates us and gives us nervous breakdowns. I've said that the trouble with the formula for success is it's the same formula for a nervous breakdown.

You know, in this ~~country~~ one out of ~~every~~ every ten Americans occupies a bed in a mental hospital at some time in his life. And despite our prosperity and hygienic conditions of living and all the rest of the highest form of society we've ever had in history, the fact is that we ~~run~~ run away from it a great deal. Three hundred-odd million gallons of hard liquor are consumed by the American people; 320 million dollars of sleeping ~~x~~ pills are swallowed by the American people. Over 400 million dollars worth of sedatives are eaten a year by the American people.

This indicates that despite our achievements and our ~~acti-~~ ~~ty~~ ties and our efficiency, we haven't learned yet how to practice that inner serenity which is necessary to preservation and to enjoy the achievements which we accomplish. And that inner serenity is not something you're born with; it's something that you ~~realize~~ realize by having a perspective of life. Worry is very often interest you pay on a debt that never comes due. We worry about things that never happen. We enlarge our worries. We create enormous ~~x~~ shadows of

fears. Like the Greek philosopher who was afraid to walk on the Nile because a crocodile would eat his shadow. We're always fighting our shadows.

And therefore what this encompasses, just as a glimpse of ~~xxx~~ what must be discussed and analyzed some day is that we must learn to have such a perspective of life that we're not torn down by the very effort we make in living life.

BEUTEL: Mr. Nizer, you know you talk about inner serenity. Now you have achieved, I assume and I gather, you have achieved inner serenity. But you have also achieved success and prestige, success as a lawyer and in many other fields, and you've achieved financial success, perhaps financial independence, I don't know. But how can an ordinary person who is not a big success and who does not have ~~and~~ anything like financial independence or security, how can he arrive at an inner serenity? I wonder if it's possible.

NIZER: Well, there are no ordinary persons. There is a different capacity due to heredity. Our genes and chromosomes ~~at~~ we're born with makes some distinction. But the fact of the matter is I've seen it in my law office, those who apply themselves, who are dedicated, who dig deeper within themselves, achieve much.

There was a famous doctor who said there's a magic word which opens all portals; the word is work. Benjamin Franklin put it more felicitously in an epigram. He said no one is ever glorious without first being laborious.

The average person doesn't use more than that ~~x~~ few percent of his own capacity which I've talked about; and one of the objectives ~~is~~ of our newer education process will be to excite the average person to the realization of his full potential. I have seen average ~~xx~~ men

seem brilliant because of that kind of ~~dedication~~ dedication; I've seen brilliant men become steady; I've seen stupid men become ~~hi~~ bright. Merely because they applied themselves.

We must give up this notion of such an enormous lapse between one person and another that he can never go up the ladder at all. There may be ~~different~~ different ascendancies but they are not ~~pre~~ preclusive of our own capacity to will ourselves into what we wish to do.

BEUTEL: I assume that there are many people watching this program right now who are living in the ghettos of New York, poor people, live with despair and the knowledge of poverty and everything that goes with life in the ghettos. Can this kind of a person ~~reach~~ reach what you ~~call~~ call inner serenity? Or is it out of his reach?

NIZER: No, it's much more difficult, but the fact is that rising from those ghettos are great men -- great educators, great scientists, great writers, great public officials. As a matter of fact, nature has a strange way of compensation. If you will look at the great men of this country I would say in an overwhelming majority of instances they came from hardship and difficulty and had to fight their way up. There's something about that which hardens their will and the character. If you want good wood, hard wood, you go to the top of the mountain where the storms are; you don't go to the bottom of the valley where the soft wood grows.

We must correct the ghetto conditions in this country. We must stop that kind of poverty and despair. But let us note that in a certain sense nature compensates for the distress of these people who sometimes rise to the greatest heights because of their own

suffering -- not that we want to continue that. It is to be observed, however, that rich men's sons are very often ne'er-do-wells, commit suicide, take to drugs, they don't achieve anything. That isn't a universal rule but it's much more frequent among the wealthy than it is among the poverty-stricken.

Al Smith came from the East Side, in a poverty-stricken area. So did criminals. One went the immoral way and the other the moral way. But I sometimes worry about even our college students who now are living in the new era of prosperity. I would want all children to have cars and go to Europe, but I wonder whether it's good for them? You can't run a mile ~~but~~ by having a masseur every day massage your legs; you've got to run the mile and fall faint across the line. And you have to develop your capacity by actual exercise and by achievement.

BEUTKEL: Mr. Nizer, a couple of weeks ago Sen. Robert Kennedy said that there is something deeply wrong ~~in~~ with this country despite all its prosperity, despite its seventy million television sets and everything that goes with it; he says that prosperity in fact seems to have turned sour in this country. Do you agree that that's what's ~~is~~ happened? And if you do agree ~~is~~ why do you think it's happened?

NIZER: Well, I think we all are oppressed by one simple fact, that we have placed in the hands of man still bedeviled by his own inadequacy new ~~new~~ powers of ~~destruction~~ destruction which belong almost only to God. ~~Now~~ We've reached into the heavens and seized powers which could wipe the earth away from the universe. And in whose hands is that power? In man, who cannot straighten out a garbage dispute in a city, belligerent with his neighbor over trivialities, forced to

take military action all over the world, just as we are forced to take police action in our cities against crime.

It is this feeling that man has not improved sufficiently to meet the challenge of the new powers which have been placed in his hands which gives us a sense of uneasiness. I think there is a malaise; but let us not call that American. I think that's a great mistake.

Juvenile delinquency is rampant in Sweden, Norway, Russia; they trampled old men on the streets in Russia, in England, France, Italy. It's universal. And my own judgment about that is that once when we were young people we were brought up to believe that if we behaved well and studied and developed our characters we'd have a future. But today when every child is living five minutes to midnight, when you don't know whether you have a future, when the future isn't what it used to be, then you have nihilism that takes its place. It's very much like the soldier on the war front when he's not sure he'll be alive the next day. Then morals and permissiveness, permissiveness takes the place of restraints; and I hate to see the United States pilloried with respect to such matters, for example the ghettos, or what else is that is wrong with us. Like human beings, our country is not perfect. But I'd like to say this, and with all sincerity. There's never been a country in all the world's history, which is like the history of a police blotter, there's never been a country which has given its sons, its money, its food, to help other peoples all over the world, and seeking nothing in return, no territory, no land, seeking nothing in return but some kind of stability and peace in the world with which to enjoy the fruits of its own labors.

And we owe a debt of gratitude to this country and to us as

citizens of this country, and some loyalty for that. I am in despair when people talk of the credibility gap but give credit to Russian and North Vietnamese statements. Because whatever defects there are in our system of government they don't compare in their evil to the lack of moral standard in governmental circles in the communist ~~mark~~ world, and therefore I think Americans ought to give some credence and a little tolerance and understanding to the Presidency, if not to the President.

BEUTEL: You sound as if you disagree rather violently with those who protest against our participation in the war in Vietnam?

NIZER: No, I don't disagree violently with them. I think the right of dissent has been misunderstood. The right of dissent is precious, but the dissent is not precious. The dissent may be foolish or wise.

The right of reply is precious. The the reply isn't pre-
~~ci~~ cious; it may be foolish or wise. And what I disagree with is when those who dissent are answered they think somebody has interfered with their right to dissent. That's nonsense. Our whole idea of government is that the free exchange of ideas in the marketplace will be the best way in that competitive area to find out what's the best idea. But if the dissenters want to shut the mouths of the others, or vice versa, then you haven't got that exchange of ideas.

Also, I have a suggestion which I'd like to make humbly on
~~the Vietnamese/matter,~~ ^{matter,} since you ~~must~~ raise it. If I feel that those who are for the Vietnamese policy and those who are against will never agree. I don't think persuasion is the way to achieve some unity in this country, but I have a suggestion.

It seems to me that one thing is clear, that we are eager to

stop the killing and the bombing by sitting down and negotiating. Doubts on that I've referred to. We oughtn't doubt our credibility when the other side hasn't ever come forth clearly and said yes.

And those who are against the Vietnam policy ~~is~~ also want to stop the killing and bombing and have a negotiation. Both for and against want a negotiation. And no country such as North Vietnam or any other country has a right to be so self-righteous they won't even talk; and therefore the pressure ought to be on that country which is reluctant to talk, not on us who are willing to talk. And I ~~know~~ therefore feel that all Americans, those for and against the Vietnamese policy, can at least join hands and create some unity in saying one thing: We insist that Hanoi talk, that you sit down and dispose of this thing as civilized people shall, not by killing. The fact that you think you're right doesn't mean you won't talk.

Now when I say this to some of my friends they say -- some are persuaded by that; they say, yes, at least we ought to join hands on that proposition. And I say if you want to have peace marches, but let the peace marches be aimed at Hanoi. It isn't too late to negotiate, if you've got to have slogans about it.

But some of my friends, the extremist group among them -- and they're all intelligent. Incidentally, I don't believe that the people who are against Vietnam policy are evil. Millions of intelligent Americans differ with this policy. But some of them say, why should they talk? You're in their house. You've invaded them. It was a civil war and you had no business there. And I say, very well, let me go on that assumption -- which I don't agree with; but let's go on that assumption. Suppose I come into your house with a gun and I say 50% of this house belongs to me. And you seize a knife, properly,

to protect your home and hearth. And I say, just a moment, Bill, I'll submit the question of whether I'm right about this to the State Supreme Court, or to arbitration; or, if you want to translate it, to Geneva, the United Nations. But to ~~my~~ private negotiations. And you say, h oh, no, no. Here's my knife, let's go.

On whose head is the blood? How can anybody justify, no matter what view you have of Vietnam policy, how can anybody justify their insisting upon the bloodshed when we, the most powerful nation in the world, ~~maintaining~~ restraining our armaments such as atomic weapons, which I hope we do continue to restrain, how while we are ready to talk and stop the bombing they're not.

Now all Americans ought to unite on that proposition and it would help our country and the peace. It will come much faster that way than through the divisiveness upon which the enemy does feed.

BEUTEL: Mr. Nizer, you say that you feel that there is a malaise in this country. Many commentators say that the malaise, the seeds of the malaise, were planted with the assassination of President Kennedy.

In 1964, just prior to the publishing of the Warren Commission's report you wrote a commentary. You said that there would be many people who disagreed with the Warren Commission report. Has your opinion about the Warren Commission report changed in any important way since that time, considering all the books by Mark Lane, Josiah Thompson and the scores of others who have written books attacking the Warren Commission?

NIZER: No, it hasn't changed. It's been confirmed by the irresponsible changes which have been made. I have as a lawyer studied 28 volumes in that report. I've studied the objective evidence, the scientific proof of every conclusion, and I regret that great

injury is being done to this country's reputation by spreading rumors of possible conspiracies which never existed.

The ~~xxx~~ subject is of course too long, and I don't want to refer to my own analysis of that report printed with the edition of the Warren Commission Report. But just as one quick illustration -- and there are dozens I could give you -- recently Mr. Garrison on a television program said the President was shot from the front, and not from the rear. Well, this matter was gone ~~n~~ into fully by the Warren Commission~~x~~ report. For example, the Windshield was closely examined and it was found there was no bullet hole through the windshield; there was a dent in the windshield, but from the inside, and scientists even discovered the lead of the bullet which splintered the inside but never went through the windshield, and came to the conclusion even of the trajectory of that damage to the windshield that it came from the rear and behind. And that was fully disposed of by the most profound and conclusive scientific evidence; yet you have now a statement made that he was shot from the ~~front~~ front.

Indeed, there are statements made that the President was shot from the side. If you put together all these different theories, seventeen people shot from eight different directions. There wasn't a bullet found, a gun found, nothing was ever found except Oswald's rifle, the shells of his bullets, which were connected with the bullets that were found in the car by which the President was assassinated. The theory that Oswald didn't even shoot that rifle, which Mr. Garrison holds forth is contradicted by the ~~most~~ conclusive scientific evidence. He also killed Tippit, the policeman; and the revolver was found upon him, and the shells, and the bullets were traced directly to the revolver. There wasn't any even controversy of that.

To those who have studied the report and realize that the Attorney General, who was the brother of the President, designated many of the U.S. attorneys and professors of law who made this investigation, that the CIA and the FBI and the distinguished leaders of our government all participated in this impartial objective search, why should they all have joined in a conspiracy, including the Chief Justice of the United States, ^{to} ~~to~~ hide something? It ~~doesn't~~ doesn't make any sense whatsoever, and I'm afraid the American people are being belabored with some demagogic views on this subject.

BEUTEL: Mr. Nizer, on another subject, the subject of publicity from the press on the rights of a man to a fair trial, is this an exaggerated problem in this country, or is it being overstated?

NIZER: No, I don't think it is overstated. I think you have two precious amendments here that are in conflict, it would appear to some. The ~~seventh~~ amendment, First Amendment of free speech ~~for~~ for the press, which of course is invaluable. And the Sixth Amendment which guarantees a fair trial, impartial trial by a jury.

Now you can't have an impartial trial if the District Attorney in advance of the trial announces on television or in newspapers that the defendant is guilty, that he has a confession from him. That confession may never be admitted into evidence because of legal rules. Or that the defendant has a criminal record for other crimes, which may never be before the jury because unless he takes the stand under our system of justice we try the man for the particular crime, not for his bad record in the past.

And it's just as wrong for the defense counsel to say, my

client is innocent because he's been good to his mother. That also may prejudice the public, which is drenched with this pre-trial information before it goes into the jury box.

Now in England they have a much better system. Our system of justice I think is the best in the world, not even barring England, but in this matter the English I think preserve their constitutional rights much better. In England you may not comment upon a trial. You may comment on what happens at the trial, but not in advance.

For example, in England, if you publish a picture of the defendant who is a suspect, the editor goes to jail or is fined, because this makes it possible for all people to say, yes, that's the man, just because they see his picture. You haven't got an impartial identification of the man. And you know it's almost amusing that ~~nd~~ during the Profumo scandal, you remember the Minister who was involved with some sex escapades, the English had to ~~m~~ import American newspapers because they were ~~much~~ curious to find out what had happened. They couldn't learn it from English newspapers before the trial.

So if we want to preserve the two rights, the two constitutional rights, the First Amendment and the Sixth Amendment, we must accommodate them, and we can do ~~not~~ that. It ~~isn't~~ isn't too much to ask of a newspaper or television company not to project what happens until it ~~x~~ happens in the courtroom. It's only a matter of some time, but when they pre-judge it by advance ^{publicity} ~~publicity~~ either through the District Attorney or through the defense counsel you get factors into the jury room which do not belong there.

BEUTEL: You know many people in this country, Mr. Nizer, still say that the rich man's justice is a lot better than a poor man's justice in this country. Do you believe that ~~the~~ rich man's law

is better than poor man's law today?

NIZER: Well, very often outstanding law firms and lawyers give their services without fee at all to just causes. And the Bar Association tries to diminish the injustice of what you say, because I suppose to some extent it is true. Our system being made up of men has all the imperfections of our society and of men.

After all, if a person has a heart attack can he always get Dr. White or Dr. Barnard? What happens to all the other doctors in this country?

And if you want a car have you a great grievance if you can't always buy the Rolls Royce, or whatever is the most ~~im~~ expensive car?

It is true, unfortunately, although it should not be a factor in the system of justice, that sometimes it is possible for a rich man to afford counsel and to engage in a long, expensive litigation which a poor man might not be able to do. We do our best to diminish that. We -- all leading law firms provide leading partners, not just clerks, to argue appeals for people who are indigent. But the system is not perfect, no system is perfect.

BEUTEL: Mr. Nizer, you have done a great many things with your career. You have of course achieved eminence in the practice of law; you even told me that you wrote some music and had it published. You've done a great many things. Is there anything that you haven't done that you'd like to do?

NIZER: I'd like to achieve that which I think is best for every man, a renaissance kind of existence in which versatility is the rule rather than the exception. I think in order to fulfill one's self one should not be one-tracked. I don't like doctors who are brilliant when you talk to them about medicine but are rather dull

when you talk to them about anything else; or lawyers or engineers. I think the purpose of life is to fulfill yourself in all directions, without injuring others.

Incidentally, I don't think that any achievement is always just a pleasurable enterprise. I find that youngsters who want to go into law always dream of standing before a jury and defending some murder case. The law is made up of many tiresome, difficult time passages, when you dig for law until three or four ~~next~~ ~~at~~ o'clock in the ~~next~~ morning and do other ~~n~~ things which are very boring.

But there is no road to achievement without also the sacrifice of hard work. But that's what makes the achievement ~~more~~ more pleasurable when it comes. If it were all easy you could not have joy because you didn't have pain. Joy is just the opposite of pain and comes partly through pain. Unfortunately that's the rule of ^{life} of/

BEUTEL: Thank you very much for taking your time to have this conversation with me, Mr. Nizer.

NIZER: I enjoyed it.
