

Attorney Nixon's Brief

To the Editor:

MT-7/26/73

The revelation by former White House aide Alexander Butterfield that President Nixon installed listening devices in his offices to record conversations and telephone calls contrasts strikingly with a little-known spirited defense of the right of privacy made by Mr. Nixon in 1967.

In that year, Mr. Nixon, then practicing law in New York, in his first

and only argument before the United States Supreme Court, represented James Hill. Some years earlier, Life magazine had published a fictionalized article telling how Hill and his family were held captive in their suburban Philadelphia home for nineteen hours by three escaped convicts. Hill sued Life for invading his privacy and was awarded \$75,000 by a jury.

The magazine took an appeal on the ground that its right to freedom of expression had been unconstitutionally impaired. The Supreme Court set aside the verdict and handed Nixon a defeat by a 4-to-3 vote, with Chief Justice Warren and Justices Fortas and Clark in the minority.

The brief submitted and signed by Mr. Nixon reads in part:

"... injury to personality and feelings is as tangible as injury to body or reputation. . . . The law of privacy affirms a conviction that even in a society increasingly characterized by powerful and impersonal organizations of government and commerce, the personality of the individual is worth protecting."

(Judge) M. MARVIN BERGER
Criminal Court of the City of New York
New York, July 17, 1973