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By Robert M. Smith

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NEW HAVEN—Those who place the ultimate blame for Watergate on Richard Nixon's childhood go back too far. Those who place it in the tendency of White House power to corrupt don't go back far enough. The origins of moral relativism lie somewhere between, in a quasi-mystical, demeaning, aggrandizing, relativizing, inflating, mind-sharpening, boring, stimulating, feared and corrupting experience known as law school.

It is at law school that life begins to be lived on the Slippery Slope.

Law school students are introduced to the Slippery Slope fairly quickly. The first slide usually takes this format:

Professor: *(Bored condescension.)* Mr. Smith, do you believe that the police should torture people?

Smith: *(What is he getting at?)* No, sir.

Professor: Do you believe that the police should ever torture suspects?

Smith: *(Pause.)* No, sir.

Professor: *(Volume goes up half a notch.)* You're sure of that, are you?

Smith: *(Longer pause.)* Yes, sir. I don't think it would be right.

Professor: *(Sotto voce)* Not right huh? *(Back to courtroom tone.)* Picture this situation, Mr. Smith. A suspect is known to have an atomic weapon. He is also known to have

planted this weapon somewhere in the labyrinthine tunnels below Manhattan. It is known that the device will detonate in one hour. The police have tried unsuccessfully, after reading the suspect his Miranda warning, to learn from him where he has planted the weapon. It is known that he is very sensitive to electric shocks. Would you allow the police to give him a few quick jolts to find out where the bomb is, or would you prefer no torture—not even a teensie-weensie electric shock—and the certainty that, say, three million people will perish?

Smith: *(How much time is left in this class?)* Well...

Professor: Now, Mr. Smith. You aren't quite sure that the police should never torture suspects, are you? It's really a question of drawing a line somewhere, isn't it? In short, it's like the rest of life—it's all a question of where you want to draw the line.

From the Slippery Slope the student is led to Cost Ben analysis. Cost Ben helps the student to decide where the line should be drawn. The instruction takes this form:

Professor: What's the benefit involved in torturing the suspect, getting the information and deactivating the bomb?

Smith: Three million lives.

Professor: Good. What's the cost?

Smith: *(The values I came in here with.)* The pain inflicted on the suspect. Possible encouragement to the police to torture in the future. A

weakening in the public ethic against torture. A dehumanization of the policemen who did the torturing...

Professor: Now, Mr. Smith. Don't you think the public would want the police to torture in such a situation? Don't you think the police can be restrained by efficient management and control? When you jettison all that fuzzy-minded-social-science-garbage (pronounced as one word) and do a tough-minded, a practical Cost Ben analysis, isn't it fairly clear that they ought to torture in that, and perhaps other, situations?

If you start at the top of the hill marked Presidency, take the first road that says Slippery Slope, climb into the long black Cost Ben limousine and take your foot off the brake, you will soon reach: Watergate.

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