To the Bag

Over the years, the original definition of “Philadelphia lawyer” has eroded to a less noble meaning. Lost are both Hamilton’s bravery and his eloquence; only his mastery of legal technicalities has been preserved.

“Philadelphia lawyer. A lawyer of great ingenuity in the discovery and manipulation of subtle legalisms.”†

“Philadelphia lawyer. A lawyer of outstanding ability at exploiting legal fine points and technicalities.”‡

Nothing to do with “Philadelphia’s position as America’s center of learning and culture,” as Black’s 9th would have it.

Allan B. Ecker
New York, NY

White on Vassiliev and Hiss: A Rejoinder

To the Bag:

Discussions of the guilt or innocence of Alger Hiss elicit impassioned advocacy, and in the heat of the fray reputations are apt to be unjustly besmirched. I write in support of my late brother, John Lowenthal, Hiss’s friend and lawyer for 55 years, who has, in my view, been gratuitously vilified in this journal. In 2000 Lowenthal published an essay critical of Allen Weinstein and Alexander Vassiliev’s The Haunted Wood: Soviet Espionage in America (1999).* Vassiliev sued the journal’s publisher for defamation in Britain’s High Court. In June 2003 the jury ruled against the plaintiff. Vassiliev’s reputation had indeed suffered, but the critical allegations were “fair comment.”

G. Edward White contends that Vassiliev lost despite the fact that Lowenthal’s statements were shown to be untrue: “The defendants

prevailed because they were able to convince the jury that although Lowenthal’s comments about Vassiliev and his research methods were false and lowered Vassiliev’s reputation, they were ‘expressions of opinion.’” Not only were Lowenthal’s comments false, White implies, but they were seen to be false by the jury. To the contrary, the jury found that given the information available to Lowenthal, a fair-minded reader would think his criticisms reasonable. Judge David Eady’s summation dwelt so substantially on the evident veracity of Lowenthal’s allegations that “somewhere in the middle of it” Vassiliev “started realizing that I had lost the case,” judge and then jury agreeing with the defense that “the words complained of are true in substance and in fact.”

David Lowenthal
Professor Emeritus of Geography and Honorary Research Fellow
University College London

TROUBLE SPOTS REMOVED

To the Bag:

Orval Overall once said of his Chicago Cubs teammate, Mordecai “Three Finger” Brown, that “when it comes to smoothing over internal troubles, and patching up trouble spots on a ball club, Brown is a thirty-three degree diplomat.” While I never would present myself as an expert on either Brown or Chief Justice Roberts, I don’t hesitate to suggest that Overall’s quote connects Brown to Roberts as smoothly as Evers connected Tinker to Chance.

Adam White
Washington, DC