

## THE ENDURING LEGACY OF *SOCIAL CHANGE*

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*This is a transcript of a keynote address given by Norman Dorsen, the first faculty advisor for the N.Y.U. Review of Law and Social Change, at the journal's launch event for The Harbinger on March 11, 2014.*

It is a pleasure to participate in the launch of *The Harbinger*, which will make the *Review* even more influential than it has been. For me, this is a nostalgic moment since I was present at the creation. Indeed, I proposed the idea of a *Review* to the faculty, and I was its first faculty adviser.

The editors' foreword to the first issue of the *Review* said that the publication was started to provide an outlet for student scholarship and analysis in areas of interest to socially concerned attorneys. In particular, the *Review* pledged to examine the underlying social problems that precipitated the relevant legal issues and to try to develop creative solutions for them.

I have always felt that the *Review* lived up to its aspirations, but to get a flavor of its recent work, I reviewed the *Review's* table of contents for the last six years. It was an exhilarating experience because I found that the subjects covered were broad in scope, going well beyond the usual boundaries of civil liberties. There were of course articles addressing the persistent discrimination in our society based on race, sex, sexual orientation and other inappropriate criteria, and pieces discussing core issues of criminal justice, reproductive rights and free expression. But there were also discussions of the failures of public education, the importance of access to courts, the rights of consumers, issues of child welfare, domestic violence and campaign financing, workplace harassment and similar violations, social enterprise, energy efficiency, and other important topics sometimes overlooked in civil liberties discourse.

As I know from reading the *Review* over the years, it has fulfilled another goal of the founders – to provide “descriptive accuracy and careful analysis.” I therefore congratulate the *Review's* current editors and their predecessors for their outstanding work.

Speaking of the founding, I have been asked to say a few words about how it all began, especially since there has been some dispute over when that happened.

What I do remember clearly is that Peter F. Gold '71, who later became a Fellow in the Arthur Garfield Hays Civil Liberties Program, told me in 1969 that Harvard Law School had begun publishing the Harvard Civil Rights-Civil Liberties Law Review and he thought that N.Y.U. Law School should have a

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similar journal. It seemed a good idea to me, and after a few colleagues (admittedly, a non-representative group) told me they agreed I sent a memorandum to the faculty proposing it.

I underestimated the opposition that would emerge. There were many who were not great fans of the 1960s, who thought that sex, drugs and rock and roll were not appropriate guides for American society despite the gains for civil rights that were achieved during that period. That view is still expressed. For example, the day before the launch of *The Harbinger*, the *New York Times* quoted New York City Police Commissioner William Bratton as saying that he “hated everything about the 1960s.”

Back to the founding. When I moved at a meeting that the faculty approve the *Review*, the Dean, Robert B. McKay, and others endorsed it, but many others spoke, in one or two cases sharply, against the plan. As Editor-Designate, Peter Gold addressed the faculty, saying among other things that he was committed to a high-quality publication and would not agree to publish anything subpar. After a fairly short but intense debate, the faculty approved the *Review*.

Unfortunately, Peter was soon faced with the problem he identified. The quality of submissions to the *Review* was mediocre, and true to his word Peter declined to publish. It was not until 1971, under a new Editor-in-Chief, Gary Flack, that the first issue of the *Review* appeared, including the foreword that I have referred to.

So when was the *Review* launched? In 1969, when the faculty approved it and the first editorial board was convened to solicit articles? Or in 1971, when the *Review* became a physical reality? I understand that some years ago there was mention in the *Review* that it was founded in 1969, but I don't think that should be the last word. Each editor can decide the issue personally. Maybe more research is needed.

In any case, this is a wonderful occasion for the *Review*, which I am confident will continue as long as the Law School does.