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Inter Alia

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INTER ALIA

The *Journal* is pleased to announce its new officers for the coming year. They are: Editor in Chief, Robert H. Mow, Jr.; Managing Editor, Thomas Allan Howeth; Notes & Developments Editor, Byron Lee Falk; Comments Editor, Oliver Kelley; Leading Articles Editor, Ottis Jan Tyler; Research Editor, Marshall George Martin; Business Manager, Robert Thomas Gowan; Librarian, Roy J. True.

The next issue of the *Journal* will feature Articles by Prof. Howard J. Taubenfeld, *Nuclear Testing and International Law*; Robert A. Wilson, *Computer Retrieval of Case Law*; and Frank G. Newman, *Shareholder Inspection of Stock Ledgers and Voting Lists*.

Prof. Taubenfeld, after only one year at SMU, will take a leave of absence for one year to be Carnegie Endowment Visiting Research Scholar for 1962-63 at the Carnegie Endowment for International Peace in New York. He will conduct research on the peaceful use and development of outer space, an area in which he has already co-authored a book with International Court Justice Philip C. Jessup: *Controls for Outer Space*.

Mr. Wilson is Vice President and Director of Research of the Southwestern Legal Foundation. Under his guidance and leadership, the Foundation has been one of the pioneers in the application of electronic computer methods to legal research.

Mr. Newman is an outstanding Dallas attorney who has done particularly extensive research in the corporate field. His analysis of comparative state provisions in the crucial area of inspection rights will be of unquestionable value to every practitioner in the field.

The last issue of Volume 16 will be dedicated to Dean Emeritus

Charles Shirley Potts on the celebration of his ninetieth birthday. It will contain tributes by Dean Emeritus and Southwestern Legal Foundation President Robert G. Storey, Dean J. W. Riehm, Chief Judge of the Northern Federal District of Texas Joe E. Estes, SMU Law Prof. Arthur L. Harding, and SMU History Dept. Chmn. Herbert P. Gambrell.

Associate Editor James C. Slaughter has been appointed Clerk-Crier to Judge James Noel of the United States District Court for the Southern District of Texas. Slaughter will pursue his duties in both Houston and Galveston. His Comment *The Corporate Opportunity Doctrine* is expected to be published later this year.

Former *Journal* Faculty Advisor Charles W. Webster has been awarded the Morris Ernst Faculty Award for 1962. The Award is donated by Morris Ernst and presented by the Barristers. It consists of 100 dollars with which the professor may buy books "he would not otherwise purchase." The Award is presented to the professor who "stimulates his students in the study of the law." Further criteria used were the interest in the social issues of the law displayed by the professor and his disposition to defend an unpopular cause.

The Southwestern Legal Foundation will present Institutes in Continuing Legal Education this Autumn: Third Annual Institute on Planning and Zoning—September 27-29; Fourth National Institute for Petroleum Landmen—October 4-6; Ninth Annual Institute on Labor Law—October 18-20; Second Annual Institute on Government Contracts—November 8-10; Tenth Annual Institute on Personal Injury Litigation—Nov. 29-December 1.

FREE SPEECH, FREE PRESS, FREE MAN*

An electronic computer would probably be required to calculate the number of times that the heading of this Editorial has been the theme of Fourth of July orations since the Bill of Rights first went into effect on November 3, 1791. Yet, in the intervening 171 years, the theme seems increasingly to have become nothing more than a cliché. With mounting indifference, we view both abuses and abridgments of the thinking freedoms we *say* are essential to the free man.

July 4, 1962, views a past year which has seen new demonstrations of old (and new) inroads on these freedoms. Prof. Barber in his review of *The Press* in this issue has shown how freedom of the press may not be freedom at all—at least in the way it was intended to be by the authors of the first amendment. The rapidly increasing tendency toward a monopoly press constantly jeopardizes the citizen's opportunity to find the truth—an opportunity which a free press is supposed to assist. Recently, a monopoly press in Corpus Christi took District Judge Cullen Briggs to task for the stays of execution he had issued in the Howard Stickney case (the *Texas Observer* had championed Stickney's cause). The activity of the press in the primary campaign resulted in the termination of Briggs' twenty-six years service by a two to one majority. When a campaign thus centers around irrelevant issues, may not one ask with Justice Garwood whether our present grab-bag election system procures and retains the most qualified judges?

But the yellow press has reared its ugly head in our own back yard. Dallas citizens have long been trying

to raise the level of their school system and this year organized to elect some "new blood" to the school board. An alumnus of this Law School made it to the run-off against the incumbent, but the *Oak Cliff Tribune* launched upon him the lowest journalistic attack we have seen. The *Tribune* editorially called the challenger (whose views were somewhat of center) everything from the candidate of the NAACP to a leftist. The incumbent won.

Super-reactionaries have exercised their intolerance in other areas also. Just a few days ago, former General Edwin A. Walker explained that SMU students were deprived of a liberal education because our "leftist" professors would not allow the film "Operation Abolition" to be shown on campus. Unfortunately, the facts do not agree. The film has been shown on campus at least twice; we have seen it—in the Grand Ballroom of the Student Center. Moreover, the student population of SMU is for the majority, the polls show, conservative—although undoubtedly not General Walker's kind of "conservative."

When one listens to this kind of "hair-brained" nonsense, one might wonder what good there could be for society in permitting General Walker to exercise the right of free speech. The national administration did not wonder; it decided that there could be *no* possible good in it. And thus was born the "muzzling of the military" controversy. Through that controversy, we have witnessed the worthlessness of what the military was prevented from saying and the intolerance toward it demonstrated by the so-called "liberals." Now the "muzzling" has reached ridiculous

* The views expressed are solely those of the Editor.

proportions. In this issue, Henry Nuss's Comment *The Christian Lawyer* indicates in an asterisk that he is presently an "Attorney at Law, Corpus Christi, Texas." "Muzzling" has forced the *Journal* to prevaricate. The staff knows that he is 1st Lt. Henry Nuss III, Assistant Staff Judge Advocate, Electronic Proving Grounds, Fort Huachuca, Arizona; but the *Journal* cannot let its readers know. If the *Journal* were to tell the truth, the Comment would have to be cleared (in six copies) by the Pentagon, and the resultant time delay would prevent publication in this issue. Supposedly the Comment would represent the army view or might impinge upon national defense. Undoubtedly, the exigencies of foreign policy require that certain precautions be taken. But how the published contention that a good Christian can be a good lawyer may jeopardize the national security strains credulity. In truth, the fear and asininity which always accompany censorship have come into existence with the intolerance of the politically "left" toward the "right."

Intolerance has also been displayed recently in higher circles, but in more trifling ways. Yet who can doubt the gravity of the dignity of the office of the President of the United States being besmirched by the application of the term "S.O.B." to the nation's businessmen? However, the issue is far more important than the public use of a phrase unbecoming to a President. The really vital point is the closing of communication lines between the heart of the economy and the national government. When intolerance breaks the dialogue between essential sectors of the polity, ominous shadows fall across the future of the nation and its civil liberties.

The press has received its warning, too. There was, of course, no out-

right censorship when the White House canceled its subscription to the *New York Herald Tribune* after it printed on its front page a 1960 letter to Billie Sol Estes addressed "Dear Billie" and signed "Lyndon." But censorship or no, the snub—the "cold shoulder"—was there. The strongly implied disapproval indicates not only the desire to decide what Truth shall be known; it indicates a desire by the administration to read *only* the Truth it wants to see.

One last example should complete the picture. In the Congressional debate on raising the debt limit to 308 billion dollars, the Republicans offered an amendment limiting it to 306 billion. Michigan congressmen revealed that Chrysler executives had been called by high administration officials, who informed them that, if the amendment were adopted, government business to Chrysler would be reduced. Within a few days, this action was publicly admitted and rationalized by the administration.

But how can such action be rationalized? Only on the ground that the administration is working for Truth and Right. Then *all* actions to achieve the "perfect" end are justified. On this basis the Birchers rationalize the adoption of Communistic methods. In this fashion "liberals" on this campus have justified the suppression of the expression of conservative points of view. All of it results from an absolute Idealism, which, because it is Truth, justifies intolerance of all other ideas. But the freedom to have other ideas, made real by the freedom to express those ideas—in speech and press—is greatly threatened by this Idealistic intolerance on both sides of the political fence. *If* free man is important to us, we must struggle to keep these freedoms meaningful, and the Bar must take the foremost part.