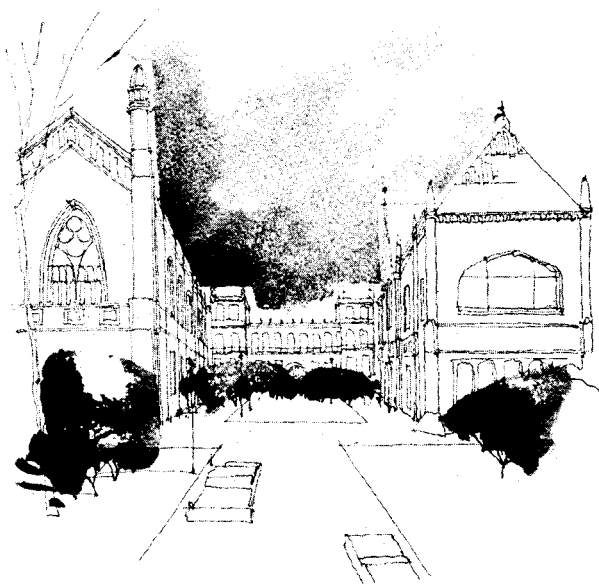


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Liberty, Leadership, and License

By **WALTER B. WRISTON**



GRADUATE SCHOOL OF BUSINESS
UNIVERSITY OF CHICAGO

Liberty, Leadership, and License

BIRTHDAY celebrations are always a time for looking back and looking forward. On the occasion of our 200th birthday, Americans have obeyed this natural tendency and look back in wonder at the distance we have come from scattered states in the wilderness to the world's premier democracy—the only democracy upon a continental scale in all human history. But if we are to believe the dominant theme of what we read, Americans no longer look forward with the extraordinary confidence that astonished de Tocqueville: "America is a land of wonders, in which everything is in constant motion and every change seems an improvement." This attitude, not so long ago, was the prevailing American philosophy. Today it would have to appear as a paid newspaper advertisement to appear at all.

This change in attitude cannot be attributed entirely to recent events, because the troubles of America one hundred years ago were not unlike some of those from which we suffer today. The nation was then recovering its poise after the misdoings of President Grant's administration. Scandals scarred the cities, even though the notorious Tweed ring had at last been broken. The state of the economy could only be described as a depression. Nevertheless, when men looked back from 1876 to 1776 their perspective improved and, despite many troubles, there was a lively awareness of fundamental progress which awakened fresh confidence. Optimism, without which democracy withers, was the dominant mood.

claimer. We have no pure news laws, and no bureaucracy, indeed no judge can require a network or a newspaper to retract a misleading story in specified type size for a specified number of days. No one would suggest such a law, nor should anyone. But in an age when corporate directors are properly being held accountable for management's transgressions of laws or values, directors of companies in the news business are often told flat out they cannot influence editorial policy. This caveat obtains even if directors perceive these policies are not in the public interest.

The recital of these facts is not in any way an attack on the First Amendment. Quite the contrary, I believe very strongly that a free press is absolutely essential to our liberty. Yet freedom itself can turn into license, and that is why accountability is required by society. The distinguished editor and journalist, Vermont Koyster, recently put it this way: ". No man is free if he can be terrorized by his neighbor, whether by swords or by words; this is the justification of laws against violence and against libel and slander."

POWER without accountability is an invitation TO trouble. History teaches that when any sector of our society grows too powerful it is only a matter of time before that power is curbed. Usually the sector affected, be it business or labor or the police or the press, fails to appreciate why society is reacting as it is to what they perceive to be right and just. The news business which makes its money criticizing others reacts to criticism the same way you and I do. Senator Fulbright recently wrote that not all people who suggest the news business could be improved are Fascists, even though editors go "into transports of outraged excitement, bleeding like hemophiliacs" from the pin pricks of their critics. Like other sectors of our society whose power has become very

great, some in the news business seem to believe that the end justifies the means. The "truth" must be revealed, no matter how obtained or how irrelevant, or how, in the judgment of legal authority, adverse to the public interest. A dedication to the truth is a noble objective. However, some truths are more significant than others, some have no significance. Some for the protection of privacy, some for reasons of state should not be told at all.

If we are to preserve the First Amendment—a guarantee of freedom not only almost unique in political history, but also precious to our democracy—the media should reflect that the effective functioning of a democracy requires the most difficult of all disciplines, self-discipline. The freedom of us all rides with the freedom of the press, but its continued freedom and ours will depend in the end upon the media not exploiting to the fullest their unlimited power. It can and must criticize the Government but it cannot replace constitutional authority by saying no secrets are valid.

TODAY on our Bicentennial then we have a situation unprecedented in the history of the world. When the founding fathers urged the adoption of the First Amendment, every state had sedition laws and libel was an effective restraint. Several state constitutions had restrictive clauses. No less a friend of liberty than Thomas Jefferson defended the restrictive Virginia statute: "While we deny that Congress have the right to control the freedom of the press, we have ever asserted the right of the states, and their exclusive right to do so." The sedition laws were repealed one by one, libel laws withered away, the Supreme Court extended the prohibition of the First Amendment to the states. For the first time man has created one sector of society with virtually no restraints in law or ethics, except self-restraint. Freedom of expression collides with the right

of privacy on a daily basis. This poses questions for us all.

In a world in which one government after another gives up democracy, all of us must justify our freedom by the use we make of it every day. When freedom is abused until it becomes license then all liberty is put in jeopardy. History suggests that often liberty is curbed because we assert that any diminution of a raw assertion to freedom is too high a price to pay to preserve its substance. On our Bicentennial it should not be too much to hope that men and women of goodwill can learn to exercise the self-discipline required to discard license in time to preserve liberty.