

Washington: Graduation Day—1970

By JAMES RESTON

WASHINGTON, May 28 — This is the season when the President and members of his Cabinet usually show up at the university graduation exercises to explain the facts of life to the departing scholars, but this year things are a little different. The graduates are explaining the facts of life to *them*.

The President and most members of the Cabinet, accordingly, are not committing themselves in advance, and avoiding the main academic war zones this year. Vice President Agnew is speaking at the West Point commencement, Secretary of Defense Laird at the Air Force Academy, and Secretary of H.E.W. Robert Finch, in an adventure of unexampled bravery, will be talking at Arizona State, San Diego State and Ohio State. But Attorney General Mitchell, and Secretaries Rogers, Kennedy and Romney are sitting this one out, and the rest of them are avoiding the rebellious liberal Eastern front.

Who can blame them? Commencements used to be merely a bore; now, with the Attorney General on the platform, they could be a riot. The Vice President and the Secretary of Defense should be safe enough at the military academies, where they can get air cover, but even the President could have a hard time at most of the large universities.

Considering the level of past official commencement oratory, most of it constructed out of old department handouts by weary press agents, this year's drought could be a welcome relief, but it really is disgraceful that the President and the members of his official family can no longer go on to most large campuses with assurance of civility or even security.

This is one of the oddities of our present legal system. In recent years, the Congress has enacted specified Federal remedies for interference with the right to employment, to housing, to vote—but no adequate remedies for interfering with the citizen's most basic rights under the First Amendment.

The Legal Flaw

When the Eisenhower Commission on the Causes and Prevention of Violence in America recently made an extensive compendium of Federal civil rights laws, it found that there was only one ancient statute that even attempted, however inadequately, to deal with government denials of the First Amendment rights of free speech and press, the right of peaceable assembly and the right to petition for the redress of grievances. And there was no statute whatever to deal with the private bully-boys who break up or shout down Cabinet members or private citizens

making legal public speeches.

Fortunately, there is now a bipartisan effort to correct this oversight. Representative William M. McCullough, the wise ranking Republican member of the House Judiciary Committee and Representative Hale Boggs, the Democratic whip from Louisiana, have agreed on a bill that would authorize Federal court injunctions and damage suits against both official and private interference with First Amendment rights.

Free But Equal

This bill, entitled the First Amendment Freedoms Act, would authorize Federal court suits for damages and injunctive relief against any official or private person seriously preventing another person from exercising his constitutional right even to talk nonsense.

Thus, under the Boggs-McCullough bill, a sheriff's posse would be liable if it broke up a legal meeting of the Black Panthers, and equally the Black Panthers would be subject to damages if they broke up a speech by a member of the Cabinet or Governor Maddox of Georgia.

No doubt the bill would make allowance for any poor citizen who couldn't stand it any longer and shouted "Nonsense" occasionally—there being so much nonsense around these days — but disrupting

meetings by physical violence, or stopping a meeting by verbal violence, or hustling professors out of classrooms or drumming Spiro Agnew off the stage or throwing deans down long flights of stairs, or denying students the right to hear irregular or even subversive doctrine—all this would be punishable under the new law.

This may be going a long way to protect such things as commencement speakers, considering that we used to think there should be a law against all of them, but the present guerrilla warfare against free speech has gone a bit far.

The trouble is that everybody agrees with the principle of freedom provided freedom applies to his own gang, and not to those other characters on the other side. But that's not what the Founding Fathers or the Eisenhower commission or McCullough and Boggs had in mind. The idea is that everybody has the right to speak out without being blocked by the police or timid university officials, or campus thugs who talk like Communists and act like Fascists, or anybody else. And maybe by next year's graduating class, if Milton Eisenhower, Bill McCullough and Hale Boggs get a fair hearing, we may have the President and his official family and anybody else the students want, back on the big campuses again.