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Social Planning

North Dakota Law Review Associate Editors

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SOCIAL PLANNING

We note, with something of pride, that the Bar is taking a leading part in furthering discussion of the above topic, somewhat new, perhaps, to some of us, but absolutely essential, if we are to do something more than just "go" from here.

Albert J. Harno, President of the Association of American Law Schools, presented a very interesting and enlightening discussion of the subject at the annual meeting of the Association in Chicago last December, and this found itself into the April 1933 issue of the American Bar Association Journal.

The remedy for the "patchwork and trifles" of legislation, says Mr. Harno, lies in "an agency empowered to plan social programs—one so situated that it can observe problems in perspective, and which is qualified by way of personnel to interrelate the contributions of the various social agencies into a comprehensive and working scheme." It should be a permanent organization, appointed by and working with the Governor.

We note, also, that he points to difficulties. "It could become just another organization—a passing phase of democracy. An organization of five or seven men chosen on the basis of their fitness for the work (aye, there's the rub, we interpose), could give purpose and consistency to legislation; it could plot and plan legislation; it could drain statutes of multiple and worthless laws; it could look ahead; it could design and construct legal highways over which science and industry, now floundering in a morass of legal impediments, could travel; it could rid the highways of a confusion of mystic signs reading 'thou shalt not', and mark them with a few well placed guide posts showing the way to destinations."

President Harno charges responsibility for shaping a proper program to the law schools. To which we add that a large portion of such responsibility belongs to the Bar; that such responsibility will be assumed, and successfully brought to fruition, notwithstanding the oft-expressed objection to lawyer participation in legislation.

FREEDOM OF SPEECH AND PRESS

"The liberty of the press," said Blackstone, "consists in laying no previous restraint upon publications, and not in freedom from censure for criminal matter when published. Every free man has an undoubted right to lay what sentiments he pleases before the public; to forbid this is to destroy the freedom of the press; but if he published what is unlawful, mischievous, or illegal, he must take the consequences of his own temerity. To punish any dangerous or offensive writings, which, when published, shall, upon fair and impartial trial, be adjudged of a pernicious tendency, is necessary for the preservation of the peace and good government and religion, the only foundation of civil liberty. Thus, the will of the individual is still left free; the abuse only of that free will is the object of legal punishment; neither is any restraint hereby laid upon freedom of thought or inquiry; liberty of private sentiment is still left; the disseminating or making public of bad sentiments destructive of society is the crime which society corrects."