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LAST SPRING the Law School inaugurated the Pope John Lecture Series in an auspicious manner with the presentation by Elliott Cheatham of *The Supreme Court and the Profession of Law* (14 CATH. U. L. REV. 193). In March of this year Victor G. Rosenblum delivered the second lecture in this series, *Justiciability and Justice: Elements of Restraint and Indifference.* The lecture, printed herein, strikes us as particularly appropriate for this series. Pope John's PACEM IN TERRIS is replete with themes suggestive of the concept of justiciability: "When the relations of human society are expressed in terms of rights and duties, men become . . . deeply aware that they belong to this world of values. . . . The human person is . . . entitled to juridical protection of his rights, a protection that should be efficacious, impartial and inspired by the true norms of justice." Efficacy of remedy, Rosenblum cautions, must not be allowed to furnish a rationale for judicial "indifference," however. In the final analysis the remedy rests for its efficacy on the recognition of the just result by men of good will. Victor Rosenblum is a professor of law and political science at Northwestern University.

An article entitled *Reflections on the Right to Counsel,* appearing in the May, 1964, Catholic University Law Review, began with the questions "Can there be objective constitutional analysis? Or does broad constitutional choice, as in due process cases, inevitably rest upon the subjective values of each judge?" As David E. Seidelson illustrates in *Miscegenation Statutes and the Supreme Court: A Brief Prediction of What the Court Will Do and Why,* inquiries into delicate constitutional issues frequently bring a variety of judicial responses. As an example in point, Seidelson notes that the opinions in *Perez v. Lippold,* voiding California's miscegenation statute, rallied authority from the fifth amendment, Abraham Lincoln, and the Apostle Paul, to

name a few. That the Court will strike down a miscegenation statute when presented with it does not seem an outlandish suggestion. That the Court will do so by virtue of any given constitutional provision seems open to some speculation. Seidelson indicates the reasons for his belief that the statute will ultimately fall under the equal protection clause. David Seidelson is an Associate Professor of Law at George Washington University School of Law.

At the outset and in the aftermath of a national conflict special attention is given to the status of legal rights guaranteed to this country's servicemen. Considerable space is devoted in this number to a present examination of that status. At a time when a soldier was a soldier simply because he chose to become a soldier, the fact that enlisted personnel were regarded as "little better than slaves" might find some justification in expediency. When, however, national security demands the implementation of draft laws, such a justification becomes improbable. Captain Charles W. Schiesser of the Judge Advocate General's Corp explores in *Trial by Peers, Enlisted Members on Courts-Martial* the right and the wisdom of using such personnel in courts-martial. The point is made that extending participation in such proceedings to enlisted men, a policy that would have been unthinkable under early Articles of War, has extended the meaning of democracy to the military legal system and has, at the same time, imparted a confidence in the basic fairness of the court-martial system. In a *Comment, Right to Counsel and the Serviceman,* another aspect of the military legal system is explored. Although the right to counsel, thoroughly guaranteed to the civilian, is now broadly granted to the serviceman, in at least one service branch the stigma of a bad conduct discharge can still be attached to a man not accorded the benefit of counsel. The argument is advanced that sixth amendment guarantees extend to servicemen and civilians alike. Because of the current welter of discussion in law reviews concerning the identification of special interests in authors, "special pleaders," (see Douglas, *Law Reviews and Full Disclosure,* 40 WASH. L. REV. 227 (1965)) we feel constrained to point out that the comment was drafted by two graduating law students with but months to go on their student deferments.

—THE EDITORS