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Jurists Seek to Curb— Statements to Press A-3

By DANA BULLEN
 Star Staff Writer

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NEW ORLEANS — A code for judges urging them to prevent lawyers from talking to the press about pending court cases is being developed by the National Conference of State Trial Judges.

If present plans materialize, the code will be distributed to the nation's 3,500 state trial judges with the recommendation that individual states adopt similar codes tailored to local circumstances.

The relationship between freedom of the press and the right to a fair trial is being studied by many groups now in the wake of the Lee Oswald and Jack Ruby cases and the Warren Commission report.

The executive committee of the state judges group discussed the proposed code at a session here yesterday in connection with the American Bar Association mid-year meeting.

In other meeting activities:

1. Judge Bernard Botcin of New York told the National Conference of Bar Presidents that arrangements are under way to have domestic peace corps workers help with local bail projects.

He said that if sufficient requests from communities are received, Vista (Volunteers in Service to America) would attempt to recruit and train 100 volunteers for this type of work.

Programs are under way in Washington, New York and a number of other places for release of selected criminal defendants without bail pending trial. The volunteers could help with such programs, Botcin said.

Harriman Speaks

2. W. Averell Harriman, undersecretary of state for political affairs, said in remarks at a banquet of the Fellows of the American Bar Foundation that the conflict between the Soviet Union and Red China has "vastly favorable" implications

for the free world in the long run."

"But in the immediate future," Harriman said, "the competition for world leadership of the (Communist) movement is increasing the dangers . . . to free countries."

Harriman said that continuing United States leadership is necessary in Viet Nam to contain Communism, or it will be left free to spread in Southeast Asia "like a forest fire."

Harriman substituted for the scheduled speaker, Undersecretary of State George W. Ball, who was unable to attend the banquet because of what was termed a bad cold. Ball has been serving as acting secretary of state—Dean Rusk also has the "executive flu."

3. Special American Bar Foundation awards for research and service were presented to E. Blyth Stason, former dean of the Michigan Law School, and to James D. Carpenter, 30, a practicing attorney since 1909 in Newark, N.J.

Reprimands for Revelations

The proposed code for judges outlines fair responsibilities in a number of areas of trial activity. The section dealing with the press is only a part of the overall code.

A key provision, if finally approved, states that trial judges should reprimand a lawyer or recommend disciplinary proceedings for violation of the ban on out-of-court statements.

"A public trial is one to which the public is admitted without preference to the extent that the facilities permit without crowding or standing," the draft of the proposed code said.

"The fact that trials are public does not entitle anyone to photograph, record or otherwise to participate, interrupt or detract from the proceedings . . ."

"The trial judge should not permit counsel or any party

. . . to make any statements regarding a pending case to the public, the press or to others outside the courtroom," the draft said.

The trial judge, it said, is responsible for the proper behavior of spectators and news reporters. "He should not tolerate any participation, interruption or other conduct that may interfere . . ." the proposed code said.

It provides that trial judges should not seek or encourage publicity, nor should they restrict the access of the public or the press to records or to court proceedings.

The executive committee of the state trial judges conference is to take up the proposed code again before the conference meeting next August. At that time, the conference may be asked to approve the code for nationwide distribution.

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- The Washington Daily News _____
- The Evening Star _____
- New York Herald Tribune _____
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