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JURISTS AND LAW OFFICERS joined with representatives of press and radio in a discussion of pre-trial information guidelines. Among those at the meeting (facing the camera, from left) Justice A. J. Mortier, Escanaba Police

Chief Finman, Sheriff Cully Johnson, Probate and Juvenile Court Judge Marie Peters, Circuit Judge Bernard Davidson and Prosecuting Attorney Nicholas P. Chapekis. (Daily Press Photo)

Fair Trial, Free Press And The Public Interest

By CLINT DUNATHAN

President Kennedy was assassinated in Dallas on Nov. 22, 1963. The press gave the event maximum coverage.

Months later the Warren Commission reported in part that the press (this includes TV and radio as well as newspapers) shared part of the responsibility for the circumstances surrounding the killing of Lee Oswald, accused slayer of the President, in the Dallas police station.

The Commission urged attorneys at law, police, and news media to work together to remedy the situation. The Commission declared that the courtroom, not the TV screen or newspaper, was the proper place for the trial of a man accused of a crime.

The separate interests of the press, the courts, and the public have since been examined in considerable detail — with the goal a workable arrangement to best serve the public interest.

Some Guidelines

Such an informal meeting

and exchange of views was sponsored by the Escanaba Daily Press and held Tuesday afternoon in the Delta County building.

Present were Circuit Judge Bernard Davidson, Prosecuting Attorney Nicholas P. Chapekis and representatives of law enforcement agencies and the news media.

The discussion ranged widely from the constitutional freedom of the press in America to the need for cooperative responsibility in the interests of justice.

A memoranda prepared by Prosecutor Chapekis and distributed to law enforcement officials of the county was examined and discussed. Chapekis listed the "general policies outlined by United States Attorney General Katzenbach with regard to release of information prior to trial."

Better Understanding

"I do not endorse or object to the policies, but give you the thinking of the U. S. attorney general regarding publicity prior to trial. The theory is that a defendant may not be able to get a fair and impartial jury if his case is publicized prior to his trial," Prosecutor Chapekis pointed out to the law officers.

The prosecuting attorney said that he could cite no instance in which there had been pre-trial publicity which he considered harmful to law enforcement or to the process of fair trial in Delta County.

Judge Davidson concurred, at the same time cautioning that the answer to the problem of pre-trial publicity lies in a willingness on the part of both the press and the bar to try to understand more deeply the problems and goals of the other.

Prosecutor Chapekis expressed concern that in the present emphasis toward protection of the "rights" of the accused, the public interest is being overlooked.

Juvenile Offenders

Even in the area of juvenile courts and offenders under the age of 17 over whom the juvenile court has jurisdiction, there is a question whether the names of juveniles charged with felonies should not be published, said the prosecutor.

"Where there is a habitual juvenile offender who must be released to the custody of his parents, perhaps it would be to

the protection of the people in the neighborhood—to the public—if his name were known," Chapekis said.

Juvenile Judge Marie Peters explained that the juvenile laws are designed for the protection of the children. There is a division of thought, however, and in some juvenile court circles the officials feel that names of juvenile traffic law offenders should not be withheld from publication, she said.

Jean Worth, editor of the Escanaba Daily Press, warned that in the efforts to preserve a defendant's right to a fair trial, the danger is growing that the constitution's guarantee of a free press may be impaired.

Worth quoted Chief Justice Thomas M. Kavanagh of the Michigan Supreme Court in a recent statement:

"If we ever lose the freedom to have a fair trial, then your freedom of the press will surely be lost soon thereafter. And if we ever lose freedom of the press, then there will be no such thing as a fair trial under the dictatorship which would surely follow."

May Be Used

Prosecutor Chapekis in his memoranda to law enforcement officers cited U. S. Attorney General Katzenbach's list of "matters that may be released" for publication:

"The defendant's name, age, residence, employment, family information."

"The substance of the charge or complaint, or the background and circumstances out of which the complaint arose."

"The identity of the investigating agency."

"The date and place of arrest and the identity of the arresting officers."

Attending the informal information meeting at the County Building were, besides those already named:

Municipal Judge James Fitzharris, Cpl. Albert Gerber of the Michigan State Police, Sheriff Cully Johnson, Escanaba Police Chief Harold Finman and Capt. Joseph Corcoran, Justices of the Peace Ross Davis and A. J. Mortier, Conservation Officers Frank Opolka and Philip Rynanen, Jim Trotter of Radio WDBC, and Dave Andrews of the Daily Press editorial staff.