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Pre-Trial Coverage of Crime:

Were Speck's Rights Hurt by Publicity?

By RAY SPANGLER

The Supreme Court of the United States has police and prosecutors so jumpy that they soon may be inclined to turn their backs on crime if that is possible.

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In the Richard Franklin Speck case, for instance, the police superintendent of Chicago, O. W. Wilson, has already been accused of prejudicing the defendant's rights.

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Speck is the man who stands accused of killing the eight student nurses.

He was discovered by publicity — what the courts call our pre-trial coverage of a crime.

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Because Wilson named Speck as the murderer and gave descriptions which brought about his ultimate apprehension, he has been accused of jeopardizing Speck's rights.

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Professor Paul A. Freund of Harvard said that while publicity might be necessary to assure the public and to prevent hysteria, this is subordinate to a fair trial for Speck.

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Professor Albert M. Sacks said he saw "extenuating circumstances" in police disclosures but he could not see what was added to the likelihood of arrest by the police prejudging the case.

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Professor Mark De Wolfe Howe said Wilson "shouldn't have done it."

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Nevertheless, the Chicago police seem to have been using more restraint than any metropolitan police department has used in a major crime in recent years.

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It has kept an attorney at Speck's elbow, ready to give him instant advice on his civil rights.

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It may be that all of this will send Mr. Speck free and clear, but his civil rights are paramount, except for the charges by Superintendent Wilson that Speck is guilty of murder, nothing has been adduced in court, of course.

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The decision to give a new trial to Dr. Sam Sheppard in Cleveland has been a body blow to



SPANGLER

the police officers and prosecutors who would tell the public the developments of a criminal case as they go on.

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You may recall that Dr. Sam Sheppard's wife, Marilyn, was murdered in a swank suburban home near Cleveland on July 4, 1954.

For a long time the doctor was kept in a family hospital.

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Finally the Cleveland Press, suspecting special privilege for well-to-do family, demanded that Sheppard be brought in. He was.

There was a trial in a little courtroom which was almost overwhelmed by the press.

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Some 10 years later the defense brought to this trial court five volumes of clippings in an effort to prove that Dr. Sheppard could never have obtained a fair trial in the atmosphere which prevailed at Cleveland at the time.

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The appellate court disagreed.

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The Supreme Court agreed, and Dr. Sheppard will have a new trial.

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The strange thing about the Supreme Court's decision was that it did not rebuke the press so much as it rebuked the police officers, the trial judge (dead) and the prosecutor for not keeping a tight silence on the developments in the trial.

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The American courts are clearly shooting at the adoption of the English system whereby officers of the court and the police will say nothing about a criminal case until it is brought to trial.

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This is clearly evident, even in the assassination of President Kennedy.

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The Warren Commission said that the press might have used seven facts about this matter before the actual trial.

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These seven would have been as follows:

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"It was proper and desirable that the public know which agencies were participating in the investigation and the rate with which the work

was progressing. The public was entitled to know that Lee Harvey Oswald had been apprehended and that the state had gathered sufficient evidence to arraign him for the murders of the President and Patrolman Tippit, and that he was being held pending action of the grand jury, that the investigation was continuing, and that the law enforcement agencies had discovered no evidence which tended to show that any other person was involved in either slaying."

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Now, you may think the American public would have been satisfied with that.

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You may think that the American public would have been satisfied with a day by day report of the progress of the police investigation in the Speck case.

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I don't think so.

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Remember that the English press "sat" on the Keeler case for six months before they could say anything about it.

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Over here that would have made them partners to the crime.