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Look to Chicago

THOUGH THE CIRCUMSTANCES could not have been more horrible, the recent slaying of the eight student nurses in Chicago and the subsequent arrest of Richard Speck gave the public an insight on some of the unfortunate implications of recent Supreme Court decisions regarding the fair trial and the rights of a suspect after he is taken into custody.

Hardly had Speck been discovered in a hospital emergency ward than the trumpets began to sound. The Chicago police's handling of information they released to the public was shocking, said the purists, particularly in light of the recommendations of the Warren Commission and the statement of the Supreme Court in the Sheppard case. Speck could never get a fair trial in Chicago, these critics said.

And why not? Presumably because the police announced two days after the murders that Speck was the man they were looking for, and because they said they had evidence that he had been seen in the area of the crime and they had found what they believed were his fingerprints in the girl's apartment. Having thus linked Speck to the case, and set off the press on a national investigation of his background and activities up until that ghastly Thursday morning, the police forever thereafter made it impossible for society to do justice to Richard Speck.

It is obvious that the only thing that the police could have done to satisfy these critics was to say nothing until they found, charged and produced Speck, with an attorney, at his arraignment. It is equally obvious, of course, that had they done this their chances of capturing him would have been very much less and public anxiety about an unknown and maniacal killer's being loose would have been heightened with each passing day. In fact, if police had not identified him, it is not impossible that the doctor who treated Speck would have considered him just another down-and-out, patched him up and sent him on his way.

To take some academic hypothesis on what makes a trial fair to such an extreme that it becomes necessary to so limit the options of police, and to risk public unrest in the process, is not only foolish but dangerous.

The same could be said of the way the police believed they had to treat Speck after he was taken into custody. In that instance, the police stayed circumspectly away from him; they could look but not touch. Because of the recent Supreme Court decision in the Miranda case, which outlined rules for the handling of criminal suspects, they were afraid to ask Speck one question until he was represented by counsel and been made aware of his constitutional rights.

As Truman Capote, author of "In Cold Blood" observed, it is almost "unbelievable able that the police force of one of our major cities is frightened to ask the prime suspect a single question for fear that their case might be jeopardized." Suppose Speck had information about others connected with the crime? Under this arrangement the police might never have known about it. Suppose he was not their man, after all, and another suspect was given valuable time to get away while the police were getting up their courage and their lawyers to question him? That is not, apparently, too important.

Yes, it is unbelieveable, this trend the Supreme Court is encouraging. It is a trend that is open to serious question, if not condemnation, and, fortunately, it is being scrutinized by the Senate Judiciary Committee. The committee is trying to find out if there isn't a need for some remedial legislation in light of the recent court discussions. We think there is, and we believe the committee will think so too if it looks no further than Chicago.