HIGH POINT ENTERPRISE
High Point, N. C.
Daily . . 26,056

DATE JUN 4 1966

As Other Editors See It

From The Memphis Commercial Appeal

Trials And The Press

At last the temperance of reason is returning to the overblown issue of the free press and the right to an unprejudiced court trial. From both the legal and the journalistic sides there is recognition that controversy over pre - trial publicity has been magnified beyond sensible proportions.

Most of the heat was generated by press and TV coverage of the arrest and slaying of Lee Oswald and the flamboyant trial of Jack Ruby in the days following the assassination of President Kennedy. There was, in that moment, cause for concern. The Warren Commission's report on the assassination concluded its list of 12 recommendations by asking "that the representatives of the bar, law enforcement associations, and the news media work together to establish ethical standards concerning the collection and presentation of information to the public so that there will be no interference with pending criminal investigations, court proceedings, or the right of individuals to a fair trial." Subsequently there have been widespread moves to create a blackout of pre-trial news, some going so far as to insist that it is prejudicial to publish the past criminal record of a man facing trial for a new offense.

Last month, speaking before the American Newspaper Publishers Association in New York, Claude R. Sowle, dean of the University of Cincinnati's College of Law, let the air out of the ballooning issue. "In any year in an American city of any size," Dean Sowle said, "one can probably count on the fingers of one hand the cases in which harms — either real or imagined— of pre - trial press coverage can seriously be raised . . . Who can come forth with any satisfactory proof of harm to defendants resulting from pre - trial publicity? Frankly, I have yet to see such proof provided by the proponents of restrictions

of the press in this area." Dean Sowle continued: "I happen to be just old-fashioned enough to believe that when a juror takes the oath and states that he is capable of rendering a fair verdict, he will generally do everything within his power to follow the judge's instructions as to the law and return a verdict based on the evidence presented in court."

Lee Hills, a lawyer as well as editor-publisher of the Detroit Free Press, said much the same thing in a talk at the Oklahoma City University School of Law a week ago. "It is not a large problem," said Mr. Hills. "It is minute, in fact. What we are talking about is the exceptional criminal case of great public interest . . . Few such cases come along." And Mr. Hills added: "We should stop beating ourselves over the head on this issue." Both men cited the fundamental need which is not muzzling of the free press but rather adherence by lawyers — the officers of the courts — to their own canons. As Dean Sowle said, "If the Bar sincerely believes that changes must come, then let the Bar first put its own house in order."

There will always be a Sam Sheppard or a Candy Mossler in the news. But such trials are rare, and even with wide publicity there is no proof that juries have been prejudiced. A man like James Hoffa may face a court, but he was a controversial news figure for years before he stood in front of a judge. The press itself has been generally concerned about pre-trial prejudice, within the limits of its responsibility to inform the public. Lee Hill says: "With few exceptions the press today exercises a sober restraint in the handling of crime news." Dean Sowle observes: "Good taste of a free press has grown considerably." There need be no conflict, then, between the part of the Constitution which guarantees a free press, and the part which grants a court defendant the right to a fair trial before an impartial jury.