

U.S. Judges Urge Crime News Curb

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By John Chadwick
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A spokesman for the Federal judiciary urged legislation yesterday to restrict information that prosecutors or defense attorneys may give to newsmen about Federal criminal cases.

Judge William F. Smith of the 3d Circuit Court of Appeals at Newark, N.J., testified in support of the measure on behalf of the judiciary.

This put the judiciary and the Justice Department on opposite sides in the dispute over the bill introduced by Sen. Wayne Morse (D-Ore.) and 13 other Senators.

Under Morse's bill, Federal employes or a defendant or his attorney would be prohibited from making available for publication information not properly filed with the court "which might affect the outcome of any pending criminal litigation."

Violations would be punishable by a \$1000 fine for contempt of court.

Judge Smith testified that although the judicial conference approved the bill in its present form last March, it now was recommending a change in language to strengthen it against attack on constitutional grounds without impairing its effectiveness.

The proposed amendment would bar making available for publication information "which is reasonably likely to affect" the outcome of a criminal trial rather than information "which might affect" the outcome.

Smith said that the substitution of this phrase "would furnish a more rigid criterion consistent with that established by the Supreme Court" in its interpretation of the First Amendment's free press guarantee.

He also said it would give new media "less reason" to oppose the bill. The Justice Department, as well as spokesmen for newspaper editors, had objected to what they termed the vagueness of the bill's standard for prohibited information.