

LBJ Slaying Statement Stirs

By Dan Morgan

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President Johnson voiced the indignation of millions of Americans with his public naming of four suspects in the slaying of a woman civil rights worker, but his unprecedented remarks also revived the debate over the advisability of pre-trial statements by officials.

The question being analyzed is whether any statement going beyond listing of names and addresses is fair to a

person not yet convicted, when it comes from a respected official whose views carry great weight.

The Chief Executive, who read the announcement with FBI Director J. Edgar Hoover at his side, avoided commenting on the evidence in the government's case, and he expressed no opinion about the suspects' guilt.

But he did say the defendants were members of the Ku Klux Klan, a group he went on to attack as "enemies of

justice who for decades have used the rope and the gun and the tar and the feathers to terrorize their neighbors."

He said the men were charged with a "heinous crime."

In light of this, former Pennsylvania Supreme Court Justice Thomas D. McBride said Mr. Johnson should have gone out of his way to emphasize that the arrests were not conclusive and that the defendants would have to be proved guilty.

McBride said the President missed a golden opportunity to make the point that he was not going to do the very thing the four were suspected of doing—jumping to conclusions.

Better yet, McBride said, the President should have not named the men at all and merely delivered his attack on the Klan, leaving it to others to make the arrest record public.

"I did get the feeling that the announcement would raise anger against these men who are still just accused," he said.

Ever since the events following the assassination of President Kennedy, judges and lawyers have been troubled by the possibly harmful effects of officials making pre-trial statements which may mislead or inflame the public and make a fair trial impossible.

The danger, as some see it, is that in cases of great national interest, and on a level, it may become acceptable to suspend traditional safeguards.

Many lawyers who have thought deeply about the problem feel the President's remarks were well within the bounds of fairness to the four accused men.

Oliver Gasch, president of the D.C. Bar Association and former U.S. Attorney here pointed out the utterance steered clear of the facts of the case. "These men won't be tried for being members of the Klan, but for conspiracy in the murder," he said.

Washington attorney Abe Fortas, an associate of the President and the lawyer in several landmark cases that have extended the rights of accused persons, said the statement stayed within "the lines of the permissible."

On the other hand, David Carliner, president of the local chapter of the American Civil Liberties Union, said the President's remarks, made on national television, would have tended to deprive the accused men of a fair trial any where but the South.

Carliner praised the Chief Executive's determination to protect civil rights workers, but he added law enforcement agencies could be encouraged "without public charges against the accused persons at the White House."

Debate

Since the publication of the Warren Commission report, which was critical of the "undisgested flow of evidence" conveyed to the public in Dallas, several states have acted to curb statements by public officials to news media.

Potentially prejudicial statements in criminal cases were banned in November by the New Jersey Supreme Court. Its chief justice, Joseph Weintraub, said yesterday he "wouldn't think of commenting on the Presidential remarks."

Theodore Voorhees, past chancellor of the Philadelphia Bar Association, which recently adopted a recommendation calling for restrictions on the divulging of information by officials, said the President's statement did not fall into this category.

"I don't think damning a group of which defendants are members is the same as saying they are guilty," he said. "Our recommendation was only aimed at officials who say a particular person is guilty of a particular crime. We weren't trying to keep law enforcement agents from publicizing the outrageousness of crime."

The Canon of Ethics of the legal profession already discourages statements by lawyers that go beyond a quotation from the record which appears on file in the court of trial.

Some, such as Dean Erwin N. Griswold of the Harvard Law School, feel this does not go far enough.

In a recent article in a Harvard publication, Griswold said the Canon should forbid the release of any statement to the effect the defendant has or has not confessed or does or does not have an alibi.

Furthermore, he added, the Canon should rule out "appearances of any sort on radio or television relating in any way to the forthcoming trial."

Space Pair Greeted

MOSCOW, March 27 (UPI) — U.S. Astronauts Virgil I. Grissom and John W. Young have congratulated Russia's latest space pair on their Voshkod-2 flight, the newspaper Izvestia disclosed tonight.