

Professor Attacks 'Newspaper Trial'

Police and lawyers should be prohibited from disclosing any information on the guilt or innocence of accused persons in criminal cases, a Harvard law professor said yesterday.

"Muzzling" the police and prosecution and defense attorneys is the best approach to the problem of "trial by newspapers," Louis L. Jaffe told a panel at the American Political Science Association convention here.

"The United States has for these many years tolerated, perhaps we might say rather revelled in, 'trial by newspaper,'" Jaffe said.

Proposes Penalty

His paper also proposed a criminal penalty for publication of an accused person's confession unless it is admitted as evidence in the trial.

Jaffe said he preferred this approach instead of the British courts' use of contempt penalties to prevent disclosure of information bearing

on a person's guilt or innocence.

He said that, "our judiciary is chosen not on a professional but a political basis and must be subjected to the winds of criticism . . . Our judiciary has neither the integrity nor the prestige of the English."

Jaffe's proposal is similar to guidelines set forth by the Philadelphia Bar Association. A bill introduced by Sen. Wayne Morse (D-Ore.) would prevent Federal officers from releasing information that might affect the outcome of pending criminal cases.

Supreme Court Examined

In another convention panel, professors from Brandeis and Harvard Universities differed on the constitutional merits of the Supreme Court's rulings in the legislative reapportionment and congressional redistricting cases.

John P. Roche of Brandeis agreed the Court had moved into political considerations with the one-man, one-vote

rulings but added: "In doing so, it was acting squarely in the tradition of American constitutional law."

His opponent in the debate, Robert G. McCloskey of Harvard, found a "diminishing degree of justification" for the Court's rulings as they moved from the first Tennessee reapportionment case to the latest ones requiring both houses of a legislature to represent equal numbers of persons.