

5 Testify Against Crime News Controls

By Dan Kurtzman

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Five witnesses testified before a Senate subcommittee yesterday against a bill to limit the information that could be made available to the press in Federal criminal cases.

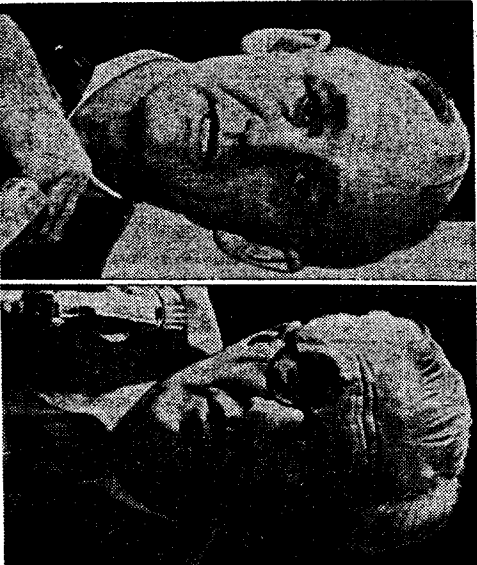
The bill would prohibit U.S. employees, defendants or attorneys from divulging information, other than evidence that has already been admitted at the trial, that might affect the outcome of any pending criminal litigation.

Sen. Wayne Morse (D-Ore.), who introduced the controversial bill, strongly defended it at the hearing.

Opposing it were Fred Vinson, Assistant Attorney General in charge of the Justice Department's Criminal Division; Alfred Friendly, vice president; Alfred Friendly, vice president and managing editor of The Washington Post; Ronald Goldfarb, a Washington attorney; Sam Ragan, executive editor of The News and Observer and the Raleigh Times; and Theodore Voorhees, a Philadelphia attorney.

These witnesses agreed that specific "guidelines" issued last April by the Attorney General involving relations between Justice Department personnel and the press should be given a fair test.

The guidelines cover the



Associated Press

United Press International

Testifying before a Senate subcommittee are Sam Ragan, executive editor of the Raleigh News and Observer and the Raleigh Times; left, and Alfred Friendly, managing editor of The Washington Post. The subcommittee was studying the advisability of restricting news agencies' reporting of criminal cases. Both editors favored voluntary solutions, rather than legal restrictions.

period of time from arrest or charge until the proceeding is terminated by trial or otherwise. Then prohibit the release of information concerning a defendant's character, confessions attributable to him, references to fingerprints, and such other evidence that could prejudice a criminal case.

Morse claimed that codes are "not designed to give legal protection to the accused when the accused needs it the most," and that legislation was therefore needed to "set a standard for the Federal level" that would guarantee that no criminal defendant would be deprived of a fair trial as the

result of official disclosures to the press before the trial. He emphasized that his bill would not place a burden upon the news media, which would be free to publish or broadcast whatever information they could gather. The burden, rather, would be on those involved in the trial, who could be prosecuted if they "leaked" prohibited information to newsmen.

Friendly, who is chairman of the Press-Bar Committee of the American Society of Newspaper Editors, replied that editors are "concerned that some of the remedies proposed are far too drastic for the disease and may constitute cures much worse than the ills that are complained of."

He said that such proposals "could easily become a means to lower an iron curtain behind which prejudiced or corrupt police and courts could enjoy invulnerability." He added that they would tend to the possibility of railroad innocent defendants would further be endangered, he said, by the selectivity of the information made available to the press.

Friendly also maintained that the proposals could make it impossible for the public to understand what a defendant was being accused of in some cases, while unfairly depriving him of the right to challenge accusations against him before his trial.

In other testimony, Goldfarb questioned the constitutionality of the proposed bill, saying that it might violate the First Amendment's guarantee of freedom of speech and freedom of petition and the Sixth Amendment's right to counsel.

Voorhees, President of the National Legal Aid and Defender Association, said that the press should be given a "stern warning" to "place its own house completely in order," and that if it does not do so in two or three years then legislation should be considered.