

File 197/166

Press And Crime: A New

WASHINGTON (AP) — An American Bar Association study group is calling for changes in the canons of legal ethics to limit what prosecutors and defense lawyers may say publicly about pending criminal cases.

And it says all criminal courts should adopt rules to put similar prohibitions on police officers and law enforcement agencies.

These and other recommendations are the result of a 20-month study by 10 judges and lawyers on the guarantees of free press, assured by the First Amendment to the U.S. Constitution, and fair trial, assured by the Sixth.

In the main, the report, released Saturday night, rejected restricting crime news coverage by new laws or through expand-

ed use of the courts' contempt powers.

But in rare instances of deliberately trying to affect the outcome of a trial the committee advocated "limited use" of contempt powers against "a person responsible for dissemination of potentially prejudicial material."

"We submit the primary burden for ensuring fair trial rests on the legal branch and the agencies which serve and minister to it," said the panel, headed by Justice Paul O. Reardon of the Supreme Judicial Court of Massachusetts, in the preamble to its 226 - page report.

Still, the study group called on news media to voluntarily exercise restraint in the reporting of criminal matters.

Two spokesmen for the American Society of Newspaper Editors, Society President Robert C. Notson and J. Edward Murray, chairman of its Freedom of Information and Bar - Press Committee, issued a joint statement generally critical of the report.

Notson, executive editor of The Oregonian, and Murray, managing editor of The Arizona Republic, said the report "represents a serious, if unintentional assault on freedom of the press, and also the constitutional guarantee of free speech, because it seeks to control the sources of the news, that is, the attorneys and the law enforcement officers, in violation of the First Amendment."

They said "putting prior re-

straint on news sources is equivalent to putting prior restraint on the press."

D. Tennant Bryan, chairman of the Committee on Free Press and Fair Trial of the American Newspaper Publishers Association, said in a statement in Richmond, Va.:

"An over-zealous concern for the rights of defendants in criminal cases ought not to be allowed to deprive the public of truthful information which the public needs pertaining to crimes and criminals in our society in the light of growing problems of law enforcement at the local, state and national level.

"Newspapers cannot accept willingly the imposition of rules upon law enforcement officers,

Concept

which will have the effect of curtailing access by newspapers to truthful information in public records pertaining to the commission of crime in any community," said Bryan, publisher of The Richmond Times Dispatch and News-Leader.

The ABA study group said police, prosecutors and defense attorneys who make public "potentially prejudicial information" from the time of arrest until completion of trial should be subject to contempt of court procedures.

And it recommended lawyers who violate the standards be subject to "judicial and bar association reprimand or suspension from practice and, in more serious

(Turn To Page Five)

PRESS

(From Page One)

cases,...disbarment."

The recommendations, described as tentative and designed "for consideration and discussion," will be submitted in a final report to the Bar Association's Special Committee on Minimum Standards for Criminal Justice, headed by Chief Judge J. Edward Lumbard of the U.S. Circuit Court in New York.

The next step would be presentation to the ABA Board of Governors and House of Delegates, presumably at the association's 90th annual meeting in Honolulu next August.

Types of information which the committee recommended be withheld by prosecutors, defense attorneys and law enforcement agencies include:

1. The prior criminal record or statements as to the character or reputation of the defendant.
2. The existence or contents of any confession, admission or statement given by the defendant or his refusal or failure to make a statement.
3. Performance or results of

tests or examinations and refusal or failure to take a test or examination.

4. The identity, testimony or credibility of prospective witnesses.

5. Possibility of a guilty plea to the offense charged or to a lesser offense.

6. The defendant's guilt or innocence or other matters relating to the merits of the case or the evidence.

Lawyers and police officers would be permitted to give such information as the identity of an arrested person, the circumstances of arrest and the substance of the charge. And they would be permitted to describe evidence seized.

When disclosure of prior criminal records would aid in the apprehension of a suspect or serve "to warn the public of any dangers he may present," the committee recommended making an exception to its suggested policy of nondisclosure.