

ACLU Pushes Fight for Free Court Transcripts

By Jon McLaughlin
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The head of the American Civil Liberties Union's Washington chapter yesterday criticized Government officials for failing to decide who should pay for trial transcripts for indigents in General Sessions Court.

"There is no question that when defendants go through trials not being able to get transcripts," Monroe H. Freedman said, "they suffer a serious deprivation of due process of law."

"The spectacle of branches of government arguing over who's responsible while defendants suffer is unexcusable and I'm going to bring the matter up before our Board of Directors to see what can be done," he added.

Has Court Approval

Almost a month has elapsed since the U.S. Court of Appeals held that indigent appealing cases from General Sessions are entitled to tran-

scripts charged to the United States.

It is still unclear what government agency should seek funds to pay for these transcripts, according to spokesmen for the D.C. Court of Appeals, the Court of General Sessions, the Administrative Office of U.S. Courts and the Justice Department.

Meanwhile three defendants seeking free trial transcripts under the Court of Appeals' decision have met what an attorney for one of them called an "impasse."

UPO Aids Defendant

Court reporters at General Sessions have refused to type the transcripts until they are assured of payment at their usual rate of 65 cents a page and no one seems to know where the money is coming from.

There are no guidelines for putting the Appeals Court decision into effect, court observers noted.

In one of the cases, United Planning Organization court

reporters, who this year have provided free transcripts in General Sessions to Cardozo area residents only, have come to the rescue.

David C. Biblack, attorney for Carolyn Mullen, 42, appealing a not guilty by reason of insanity verdict in an assault case last February, said UPO agreed to prepare his client's transcript after a General Sessions reporter refused.

But James J. Eastman, the UPO program coordinator who approved the request, said he did so because Mrs. Mullen is a Cardozo area resident. He added, that the UPO court reporter project will probably expire this year.

"We have no intention of stepping in to take up the slack by providing transcripts to defendants who do not live in the Cardozo area," he said.

D. C. Fund Proposed

The court-appointed attorneys in the other two appeals cases said they had no idea what action they would take to secure the transcripts.

Government officials have taken the following positions:

William E. Foley, Deputy Director of the Administrative Office of U.S. Courts, said his office provides transcripts in indigent appeals from the U.S. District Court but has no funds for General Sessions appeals.

"This is a matter which ought to be handled by District of Columbia appropriation, I think, because General Sessions is a District of Columbia Court and not under our jurisdiction," he said.

\$10,000 Cost Set

Harold B. Sanders Jr., Deputy Attorney General, said the Justice Department is studying the question of whether the Administrative Office, the District Commissioners or some other Government agency should seek funds for the transcripts.

U.S. Attorney David G. Bress said his office also was studying the question. Walter F. Bramhall, clerk of the Court of General Sessions,

said the cost probably would not run over \$10,000 a year but there are no funds within the court and no plans for seeking them.

Bramhall and Chief Judge John Lewis Smith Jr. agreed that responsibility seemed to rest with the Administrative Office or the Justice Department.

District Commissioner Walter N. Tohrner said he was not sure either, but the Commissioners could do nothing without an appropriations request from the Court of General Sessions.

Chief Judge Andrew M. Hood of the D.C. Court of Appeals, who has ordered that the free transcripts be prepared at U.S. expense, said it seems to be up to the defense attorneys to find out where the money is coming from.

He cannot force court reporters to work without pay, he said. One of the clerks of his court added, "We just don't know who the U.S. is."