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The President, the Press and the Jury

Over the past few months, we have remarked from time to time that the news media are not as careful about the rights of those charged with crime as they ought to be. The assumption is made all too often that a person is guilty of the crime with which he has been charged even before he comes to trial. It is an easy assumption to make, as President Nixon demonstrated in his remarks about the Manson case. And it is an assumption that once written or spoken is impossible to recall or to clarify or to do anything else about—other than to wish it hadn't happened.

The President, quite rightly, seems to be embarrassed about pre-judging that murder case. He is, after all, a lawyer of considerable standing who knows better, and right beside him when he slipped was another lawyer of considerable standing, the Attorney General. Nevertheless, the President's mistake might be brushed aside as a slip of the tongue except for the context in which it was made and the fact that the same thing happened once before concerning the Mylai episode. A President who sets out to talk about the integrity of the administration of justice simply has to be sure that what he is saying does not harm that integrity. Yet Mr. Nixon chose as his example a case that was in trial before a jury. That alone, it seems to us, reflects a somewhat careless attitude about the process of justice.

It is that attitude, not the details of this particular incident, that bothers us. The fact that the jury is under guard alleviated to a great extent the prejudicial impact of the President's comment and we see no reason to be concerned about Mr. Manson's attempt to show the comment to the jurors. If Mr. Manson wants to prejudice the jury

by his own acts, maybe he has a constitutional right to an unfair trial as well as to a fair one.

Far more troubling are other aspects of the President's comments. We think, for instance, that Mr. Nixon was dead wrong in charging the press with glamorizing Mr. Manson and his followers. Our impression from following this case rather closely is just the opposite; we have seen little to make any aspect of the affair appear glamorous except to those who are sick. It is true that the press does occasionally make crime appear glamorous but in his eagerness to keep the press on the defensive, the President could hardly have chosen a less convincing example.

He was equally thoughtless in his attack on the lawyers who are defending Mr. Manson. Maybe the President is right in lumping them with others who are attempting to tear down the system of justice. But we doubt that he, or anyone else who has not been in that courtroom in Los Angeles or had an opportunity to read the full transcript, is in a position to make such a serious attack on professional reputations. There have been too many examples lately of judges as well as lawyers meddling with the scales of justice to permit anyone to make a casual judgment in such a situation.

The whole incident, it seems to us, is part of the President's effort to paint himself and his administration as the "good guys" who are upholding law enforcement personnel and judges against the "bad guys" who want to place some limits on their power. Unfortunately, the world is not that simple. All the critics of the existing system of justice are not bad guys; they have no connection with or affinity for Charles Manson; and it doesn't help public understanding much for Mr. Nixon to go around indulging in pre-judgments and over-simplification.