

# News Coverage of Court Proceedings Discussed at Meeting of Media

By JOE COWLEY  
Mail Tribune Staff Writer

The fundamental difference between the courts, the legal profession, the law and communications media is that the former represents the rights of the individual and the latter the rights of the public, Lane County Circuit Judge William Fort said Saturday in Eugene.

Fort was speaking to over 50 representatives of Oregon's press, radio and television during the first annual two-day session on news coverage of the courts. A majority of newsmen present voted to hold the program again next year. It was presented by the Oregon State Bar Association, Oregon Newspaper Publishers' Association and the University of Oregon Division of Continuing Education.

Friday, Orlando J. Hollis, dean of the University of Oregon Law School, urged newsmen to consider their court coverage "a joint venture in the administration of justice."

Three Things Necessary  
To carry out this joint venture three things are necessary — accuracy, understanding and restraint. The extent to which newspapermen achieve the goal of accuracy is a measure of the personal pleasure they get from their work, Dean Hollis said. He and other speakers stressed

that accuracy is the best defense against libel.

Understanding is the bridge between the news and legal professions, he said.

Self-restraint must be exercised by newsmen so the course of a trial and of justice will not be influenced by a news story. Jurors should not read or listen to news accounts of a trial, according to a judge's instructions, but some do, he pointed out. What the news story says may influence a juror's vote, the dean pointed out further.

Misunderstanding Noted  
Lane County District Attorney William F. Frye said misunderstanding between news media and attorneys is often due to the sensitivity of the lawyers. Reporters probably receive few criticisms on their coverage of the courts from the general public, he added.

"I will have to admit that I'm surprised at the really professional job done by the reporter in covering trials," the district attorney said.

Robert C. Notson, managing editor, Portland Oregonian, severely criticized Senate Bill 1802 sponsored by Sen. Wayne Morse, D-Ore., which would ban the release of any information on a legal case which is not on file with the court. Minimum fine for violation of this law would be \$500. This bill is aimed

at preventing "trial by newspaper," he explained.

Notson agreed that such pre-trial information as confessions should not be published and that an emotional style of reporting a case may inflame the public.

Fair, Prompt Accounts  
"The real control of law enforcement still rests in the publication of fair and prompt accounts," he said.

"Fair trial for whom?" he queried. "We have become so pre-occupied with individual rights that the rights of society are losing. Ninety per cent of the laws and court rulings are now in favor of the defendant. Thirty-four murderers have been freed because of this trend. The only way notorious gangsters and killers are convicted now seems to be through income tax evasion."

The Oregonian editor noted the prosecutor was once an outstanding man of society. Few attorneys want to be prosecutors today because they know the "cards are stacked against them. Perry Mason (fictitious defense attorney created by author Earle Stanley Gardner) is the hero today," he said.

End in Guilty Pleas  
Notson pointed out that most of Oregon's recent criminal cases have ended with pleas of guilty or through understandings reached between the prosecution and defense. Only 20 per cent go to trial, he said. If Sen. Morse's bill is passed the public would not learn of the disposition of such cases since pre-trial publicity would be forbidden.

James Burns, Portland attorney, said the ordeal by publicity has been compared to the ordeal by fire. But he agreed with the Oregonian editor that Morse's bill would create more difficulties than it would solve.

If the American Bar Association's Canon 20 were strictly enforced there would be many changes without need for the senator's bill, Burns said. This forbids attorneys to discuss a trial pending or under way with the news media, Burns said, but this may be going to extremes, also.

Good Taste Followed  
Richard Ross, news director, KGW-TV, Portland, said good taste should be followed in use of pre-trial and trial publicity. The demands of objectivity should be balanced with the demands of fair play, he said. Radio and television have "a

little heavier responsibility" for fair and accurate court coverage because "the ear is wired to the heart and the eye to the mind," Ross said. A Roper research study showed 39 per cent got their news from the newspaper. A newscast is a fleeting thing so must be right the first time, he said further.

Change of venue (shifting the trial to another locality) is no longer an "escape hatch," Ross said. News reaches to the farthest corners.

Protection of an individual's right to privacy is up to the news editor in the last analysis, according to Alfred T. Goodwin, associate justice, Oregon Supreme Court, Salem. One test of whether a news picture or story is an invasion of the right of privacy is the mores (customs) of the community.

"Privacy does not exist in the dissemination of news or when the public has a rightful interest," Judge Goodwin said. "Various cases have defined news at 'that which attracts public attention or a report of recent occurrences.'"

Judge Fort said there are only a few cases in which juvenile names should be used in connection with a crime. The basic history of the penal movement has been "to hurt, to hold and to help." To help, or rehabilitation of the juvenile, is the reason a juvenile's name generally should not be publicized, Judge Fort indicated.

Would Favor Change  
The juvenile court judge said he would favor a change in Oregon law to give a juvenile a public hearing if he wants one. Sam Frear, former court re-

porter, Eugene Register-Guard, gave a history of a juvenile case in another locality and how it was covered by the newspaper. Two 13-year-old boys had assaulted women in broad daylight downtown. They had been made drunk by a school's dean

of boys for homo-sexual purposes.

Although the general public knew about the case, the newspaper decided not to print the story since it had not printed a story of another rape case involving juveniles. Only news story on the case was a small item in the social columns announcing the dean of boys had returned to California "for reasons of ill health."

Instead of prosecuting the teacher or seeing to it he received treatment for his mental illness the community sent him to another locality.

Names Should Be Used  
Most of the newsmen present thought that juvenile names should be used in connection with a felony or when the juvenile had committed more than one criminal offense.

A poll of the audience showed that many newspapermen attend juvenile court hearings as encouraged by Judge Fort. Radio and television men said they usually didn't have time.

Accurate publication of a news story backed by truth which can be defended in court is the best defense against libel, John J. Higgins, Portland attorney, said. He noted his firm had served as legal counsel to the Oregonian when the Teamsters' Union expose series was being published.

Verdicts Awarded  
Four of the five highest verdicts awarded in Oregon involved no physical harm to the plaintiff (the person bringing suit) but involved libel, injury to character or reputation.

Truth or privilege is not a complete defense in court, Higgins emphasized. Privilege to publish anything said applies to sessions of Congress and the state legislature, but this right becomes weaker the further down the line it goes.

A reporter and newspaper might be in trouble in court even if an accurate quote is made of a defamatory statement made during a city council meeting, for instance. A story would carry the same punch even if an exact quote were not printed.

General damages as awarded proof of specific loss in a libel by a court need not be tied to action, the attorney added.

## Workers Escape Dynamite Blast

LEBANON, Tenn. (UPI) Two construction workers, smelling smoke, Tuesday jumped from a truck laden with dynamite and ran to safety before the vehicle was "blown to smithereens."

The blast also broke about 200 windows, including those in the courthouse and the Lebanon Airport.

The workers, Lloyd C. Scott and James Newby, were not hurt by the explosion, which occurred at an interstate highway construction site near here.

But officers said the men were so unnerved they were unable to speak coherently for more than an hour.

## King Saud Favors Non-Intervention

AMMAN, Jordan (UPI)—King Saud, marking his 10th anniversary as ruler of Saudi Arabia, said Tuesday his country favors a policy of non-intervention in the affairs of other Arab states.

Saud also declared that Saudi Arabia is opposed to bloodshed in the dispute over Yemen, the tiny nation on the tip of the Arabian land mass.



A GIRAFFE DEMONSTRATION — Max, a male giraffe at San Francisco's Fleishacker zoo, shows off his tongue and swelled head as he demonstrates for the photographer. In the background are two more giraffes who appear to be discussing the situation. The photo was made with a very wide angle 28mm lens on a 35mm camera to deliberately distort the perspective. (UPI)

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