PART II

Report of the California Freedom of Information Committee

Submitted to:

The Honorable Herbert V. Walker
Judge of the Superior Court
County of Los Angeles
State of California

October 1, 1968

ANALYSIS AND COMMENTS

It is apparent from the observations elicited by Mr. Sisk's inquiry that the press does not have a uniform outlook on the question of representation. Much depends on predilections, orientation and in some cases self interest.

First, if we may, let's separate the arguments and study them in geographical (later functional) aspect.

1. The rationale for coverage by foreign media.

It is obvious from the outset that this case is of extreme importance in the world political context because it was a Kennedy who was assassinated, a United States Senator, brother of the assassinated President and a rising world political figure in his own right. The accused is a foreign national from the volatile Middle East.

Earl Foell of the Christian Science Monitor expresses the viewpoint of a United Nations correspondent when he says the "trial and courtroom will be a window to the world. Best psychology for the benefit of U.S. would be to get as much foreign exposure of U.S. court system as possible."

The implications are so grave that it is doubtful that any nation, much less our own Government, views the trial as a strictly American affair.

The consequences of curtailment of foreign press coverage and/or exclusion of foreign press representatives can thus be weighed as a vital question of U.S. public policy.

2. The national media.

The major American wire services, operating throughout the world, serve more readers than any other agencies. Although the public conception of wire services is that they are harnessed to the printed word, the fact is they transmit their news electronically and supply news to many millions through broadcasting media.

Their efforts to achieve accurate reporting are so sophisticated and the impediments sometimes so real that their technique of coverage merits attention.

The Associated Press alone had 20 writers on hand in Dallas to cover the Ruby trial. That doesn't mean 20 seats in the courtroom but it emphasizes the magnitude of the job the wire service does in meeting the demand for reporting around the clock with news leads and supplemental stories. In addition, the wire services employ specialists to interpret expert testimony (e.g. from psychiatrists) in separate stories and for the understanding of writers assigned permanently to a trial. This increases the validity of the written report.

The broadcasters, who once were Johnnies-come-lately to the field of journalism, have in recent years employed many well qualified people who are endeavoring to present objective and balanced news reports. In this state, Sigma Delta Chi, the California Broadcasters Association and the Radio and Television News Directors Association strive constantly to improve standards. Since broadcast representatives, operating on all levels, reach the world at large it is appropriate in

our eyes that they be accorded all reasonable access to information compatible with the orderly conduct of court business.

Also operating in the national field and gathering significant news wherever it occurs are major metropolitan papers, a number of whom operate their own syndicate and wire services.

These papers cannot be lightly turned away. They have traditionally invested heavily in extended coverage and they feel genuine obligation to their many readers to continue it. First among these which come to mind are the Washington D.C. papers, New York Times, Newsday, the Christian Science Monitor.

And then where do you draw the line? There are the Boston papers, Chicago, Dallas, Houston, Miami, etc.

3. California media.

Precedent and logic dictate that the local press be adequately represented in celebrated cases. Agreeing that the major papers and broadcasters will be accommodated doesn't exactly solve things.

There is fierce economic competition between the biggest Los Angeles papers and the dailies of the 30,000 - 100,000 circulation level in Los Angeles, Riverside, San Bernardino and Orange Counties. The point here is not that anyone feels the court will be impressed or unduly influenced by demands from smaller papers to gain admission to the trial. The consideration is qualitative in the feelings engendered by inclusion and exclusion. Because of the essential security measures involving identification and physical search of the press we have already lost much of the aspect of an open and public trial.

Thus the aura of public opinion and attitudes toward the trial become of deeper concern. This is true on all geographical levels but is likely to be most discernible locally.

Categorizing the Press

Up to this point we have concentrated on evaluating various media from the standpoints of size and location. It is well to consider some of them according to function.

The national news magazines are a segment of the press which should be kept well informed because they put heavy stress on evaluation and interpretation.

Media which address themselves to minority groups should not be overlooked. The significant ones in the Los Angeles area are oriented toward Negroes and Spanish Americans.

The Catholic press also has a distinct interest in the case.

And then there is the question of whether the press should be screened according to political standards--which is really not a question at all considering our Constitutional guarantees of free expression and the diversity which various dimensions of opinion provide. Though one can abhor the lack of scruples, decency and honesty which pervades the so-called "underground press" there is nothing in our tradition of government which isolates them from other press representatives.

So far we have been expanding the problem and in some respects may have magnified it. There are several alternative

approaches which have been suggested.

1. Television broadcast of the trial.

The Court has already made it clear that this is undesirable because of judicial rules and because of the impact on trial participants.

2. Radio broadcast.

This can be rejected on similar grounds but there is an even greater drawback from the standpoint of accurate reporting. This is that the listener has no sure way of knowing who is talking.

3. Remote amplification of court microphones.

This has the same drawback as radio broadcasting in regard to accuracy.

4. Surveillance by electronic monitoring through fixed installations in a second high security courtroom (as described in Mr. Sisk's report) provided--

a. That this be done by the Court as an assumption of judicial responsibility in the interest of fair administration of justice and fair and accurate reporting.

b. That <u>all</u> rules of court apply in the room selected as an annex.

c. That such rules be strictly enforced throughout the trial by bailiffs or appropriate officers of the Court.

d. That this be agreeable to counsel for the defense and prosecutor.

Given the 40 or 50 additional seats which this fourth approach might afford, a court committee could (with the assistance of press advisors if desired) set about making a realistic allocation.

Such an arrangement would improve security by supplying the sheriff with an opportunity for continuous and unobtrusive scrutiny of the courtroom. In addition, spectators who might be considered security risks could be seated in the annex.

Report of the California [illegible]

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