The Kentucky Press

April, 1961

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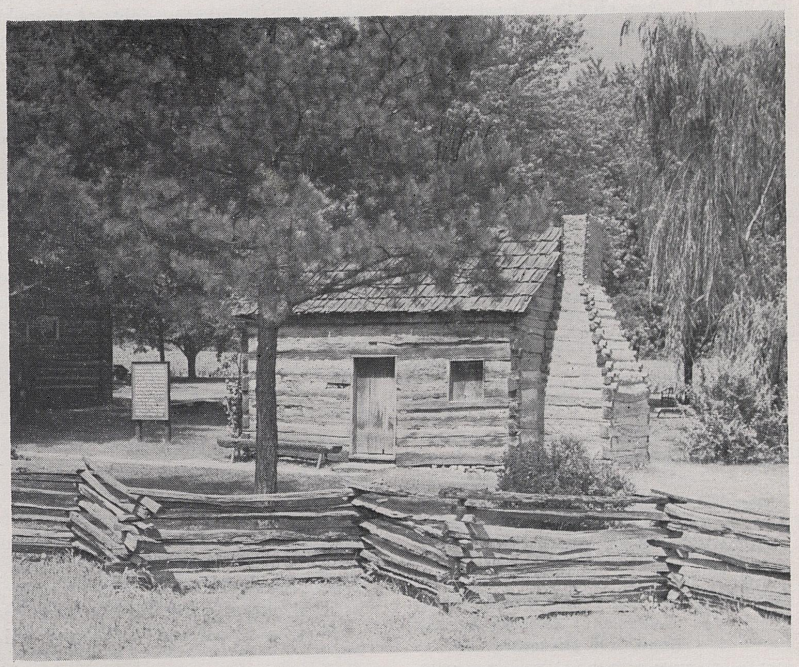
Published in the Interest of Community Journalism . . . Of, By, and For Kentucky Newspapers

Publication Office:
School of Journalism
University of Kentucky
Lexington

VOLUME TWENTY-SEVEN

NUMBER SEVEN



Kentucky's Showcase: Lincoln Cabin At Knob Creek

The Kentucky Press

Volume 27, Number 7

Official Publication
Kentucky Press Association, Inc.
Kentucky Press Service, Inc.

Victor R. Portmann, Editor
Perry J. Ashley, Associate Editor
Member
Kentucky Chamber of Commerce
Newspaper Managers Association
Sustaining Member
National Editorial Association
Associate Member
National Newspaper Promotion Association
Printed by The Kernel Press

The Kentucky Press Association recognizes the fundamental importance of the implied trust imposed on newspapers and dissemination of public information. It stands for truth, fairness, accuracy, and decency in the presentation of news, as set forth in the Canons of Journalism. It advocates strict ethical standards in its advertising column. It opposes the publication of propaganda under the guise of news. It affirms the obligation of a newspaper to frank, honest and fearless editorial expressions. It respects equality of opinion and the right of every individual to participation in the Constitutional guarantee of Freedom of the Press. It believes in the newspaper as a vital medium for civic, economic, social, and cultural community development and progress.

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+ As We See It +

More Discussion On The Controversial Canon 35

In another column the Press presents an article by Judge Marshall Quiat on the controversial topic of Canon 35. Mr. Quiat has served as presiding judge in both County and Districts courts and is now a practicing lawyer in Jefferson County, Colorado.

The judge takes issue with Justice Douglas, as presented in the March Press, on the strict adherence to Canon 35, saying that there should be fine discrimination by both the bench and the press in determining whether Canon 35 should be followed absolutely, or, from the opposite point of view, disregarding it completely.

He believes that many judges are far too strict in adherence to the dictates of the Canon, and the problem could resolve itself if newspapers would assume strict responsibility in the role of mass communication in relation to all phases of litigation. Again, as judges have strict control over their courtroom and trials therein, a safe-and-sane meeting between the press and the judge, in evaluating and declaring the bounds that the press should follow, there is no doubt that a compromise could be effected by both the court and the press that would keep the premises of the freedom of the press, and the inherent rights of the public to "know" through the press, yet maintain and uphold the dignity of the court and courtroom procedure.

The assumption of the freedom, and limitation of communications, is acknowledged, subscribed, and thoroly expressed in the rules adopted by radio and television in the Denver area—and should also govern the printed media. These rules are an expression of mutual consideration by the courts and mass communications, and surely point the way to settlement of arguments for and against the strict interpretations of Canon 35. All media should subscribe to this solution of a vexing problem.

* * * *

Congressional Secrecy On The Increase In 1960

Congressional secrecy increased in 1960, according to *Congressional Quarterly's* tally carried in the *Weekly Report*. Of a total of 2,424 meetings, 840 were closed, making 35 per cent closed for the highest figure since 1956 when 36 per cent were closed and a five per cent increase over last year's low, 30 per cent, in eight years of surveying.

High incidences of closed door meetings were scored by foreign and financial committees in both houses. The House Appropriations committee was not included in CQ tabulation because of uncertainty over the number of times it had met. Traditionally the committee is regularly closed, which contrasts with its Senate counterpart that last year closed 49 of 190 meetings to achieve one of the lowest secrecy scores, 26 per cent.

* * *

Do We Need Government Office On Consumers?

Advertising, pricing and labeling practices would be included in " a continuing, comprehensive study" of consumer problems under proposal by Sen. Neuberger (Ore.) to establish a special Senate Committee on Consumer Interests. Sen. Neuberger, in submitting S. Res. 115 March 24, termed last year's personal consumption expenditures of $328 billion significant enough to justify investigation by the Senate in order "to determine that this money has been spent effectively." In a parallel development, Washington reports indicate Pres. Kennedy is planning to establish an Office of Consumer Counsel in the White House. Plan to set up such a unit was made part of Democratic platform last year.

* * * *

Local advertisers agree that newspaper advertising pays off more than any other medium. Last year they invested over three times as much money in newspapers as in all other measured media combined.

Pres. Kennedy, March 24, signed Bill H.R. 4806 to provide temporary unemployment benefits for those who exhaust their normal state unemployment benefits between June 30, 1960 and March 31, 1962. It is Public Law 87-6. New Law provides for an increase in the present Federal unemployment compensation tax levied on employers from 3.1% to 3.5% on first $3,000 of annual wages effective Jan. 1, 1962 for a period of two years.

Because of the severity of the past winter it is predicted that the need for home repairs, particularly exterior, will be greater this spring than in many years. Both the national and state hardware dealer associations are emphasizing this in urging local dealers to expand newspaper advertising programs. Hardware Retailer magazine points out that sales potentials this year are 4.7 per cent better than a year ago. The Van Camp Hardware & Iron Co., Indianapolis, is offering a cooperative ad proposition to small newspapers which involves local hardware stores but at local ad rates. Newspapers should contact local hardware dealers at once to take advantage of the sales promotions that are on tap.

Colorado Judge Says Canon 35 Needs Interpretation

John Gilbert drove to a small mountain mining town where he bought a supply of dynamite. He fashioned a time bomb and packed it carefully in his mother's small over-night case. While his mother bought the limit of slot-machine insurance, he made out several additional policies in favor of himself, signing her name. In exquisite anxiety, John Gilbert literally sweated out the delayed departure of the airplane which detonated minutes later. More than forty persons were killed by the explosion and consequent loss of transport.

When the first word was received of the crash, radio, newspaper and television reporters rushed to the scene. The evening papers throughout the nation showed photographs of the wreckage. Superimposed upon a panorama of destruction, were named photos of the crew and a few notable passengers. Quotations from neighboring spectators described the crash as having resembled a mid-air explosion. Distorted photographs of distorted bodies appeared in papers next morning.

Federal authorities collected the wreckage, examined the collection, reconstructed the plane, and determined that a dynamite explosion had taken place. Shortly after the investigation started, newspaper, radio and television reports revealed federal interest. Newspaper and television pictures showed faceless men in fields collecting minutiae. Several days later photographs showed the reconstructed DC-7 in a warehouse. After some delay, a terse announcement confirmed printed and broadcast speculation of explosive cause. Careful wording indicated the strong probability that the explosion was not accidental. Agents of the FBI, having checked insurance policies arrested John Gilbert for questioning almost immediately.

Newspapers next morning showed photographs of John being arrested. A feature writer, in describing the suspect, gave a complete listing of John's police record. This included scrapes with juvenile authorities, arrests for investigation, misdemeanors, and a complete listing of matters that could not be introduced in court. One paper had a photograph of John, full-face, with arrows to various features pointing out various indications of sadism, violence, lawlessness and depravity as indicated by the face structure.

Evening papers began a series of articles about John's late mother, which articles were to continue with increasing sentimentay intensity for the remainder of John's life.

The day following the arrest newspaper headlines, radio flash announcements, and funeral television interruptions, announced John Gilbert's confession. All mass media dealt with the background, describing John as a "police character," a "wanton killer," a "vicious matricide" and by using other similar hackneyed, but evocative, imagery. Photos showed John signing the statement A brief, unintelligible tape of his voice was broadcast and variously described as a reluctant confession, a tearful statement of remorse, and a snarl of deficiance.

An editorial said in part, ". . . While we have consistently argued against capital punishment, we feel that capital punishment is not sufficient to deal with a callous, unfeeling, serpent child who turns viciously against the mother's love that bore him and the breast that fed him. . . ."

A so-called psychiatrist analysed John, without ever having spoken to him. The analysis included terms like "dark Eedipal conflicts" and a dramatic description of the thoughts that had gone through John's mind in preparing the bomb and awaiting news of his mother's untimely death. Lenny Bruce reported that anyone who could kill his mother and forty-six other people could not be entirely bad.

Sunday sermons concerned mother love as clergymen took the fifth commandment. A ladies club passed a resolution calling for extreme measures. *Life* magazine devoted six pages to totally inadmissible matter regarding the case.

At this point no grand jury had been empanelled, no information had been filed, no bond had been fixed, no lawyer had conferred with John.

John Gilbert, by constitution and statute, was guaranteed a fair, impartial, speedy and public trial. He was entitled to be represented by an attorney before an unbiased court and jury. And yet, before arraignment, John Gilbert was as well-known throughout the nation as any member of the United States Senate. Considerably more was known of his intimate life than is known of any public figure—with the possible exception of several motion picture actresses.

Save only the sick humor of Lenny Bruce, not a voice in the land spoke on John's behalf. The Federal Bureau of Investigation had been meticulous in its work. Every effort had been made, fully and honestly, to protect the rights of the not-yet defendant. But the FBI does not speak on behalf of—or, indeed, against—any defendant. This group went its way quietly preparing for trial. The district attorney's statements concerned the cooperation he had received from federal and local agencies and the efforts of men in preparing for trial.

No word appeared in any mass information medium concerning John Gilbert's innocence—or presumption thereof.

Eventually, John Gilbert was brought before a court and arraigned upon an information charging murder in the first degree. At this point the court appointed a lawyer to represent the defendant. During the next few weeks, not only did editorial attacks continue upon John Gilbert, but John's lawyer was attacked by rather ingeniously non-libelous comment.

As preparations were made for a jury trial, newspaper, radio and television reporters and news editors sought permission to photograph, record and broadcast the actual trial.

Canon 35 of the American Bar Association Canons of Judicial Ethics, provides as follows:

Proceedings in court should be conducted with fitting dignity and decorum. The taking of photographs in the court room, during sessions of the court or recess between sessions, and the broadcasting or televising of court proceedings are calculated to detract from the essential dignity of the proceedings, distract the witness in giving his testimony, degrade the court, and create misconceptions with respect thereto in the mind of the public and should not be permitted.

Provided that this restriction shall not apply to the broadcasting or television, under the supervision of the court, of such portions of naturalization proceedings (other than the interrogation of applicants) as are designed and carried out exclusively as a ceremony for the purpose of publicly demonstrating in an impressive manner the essential dignity and the serious nature of naturalization.

It has been proposed recently that the canon be amended to read:

The purpose of judicial proceedings is to ascertain the truth. Such proceedings should be conducted with fitting dignity and decorum, in a manner conducive to undisturbed deliberation, indicative of their importance to the people and to the litigants, and in an atmosphere that bespeaks the responsibilities of those who are charged with the administration of justice. The taking of photographs in the court room during the progress of judicial proceedings or during any recess thereof and the transmitting or sound-recording of such proceedings for broadcasting by radio or television introduce

extraneous influences which tend to have a detrimental psychological effect on the participants and to divert them from the proper objectives of the trial; they should not be permitted.

The conflict between the free press and the independent judiciary appeared at this point. Since Colorado did not follow ABA Canon 35, the whole matter became of tremendous import to the trial judge, who in the case ultimately allowed photographing, filming, taping and rebroadcasting of the trial.

An enclosed booth was built in the rear of the court room. The television and radio stations cooperated and pooled films. Thus, there was a minimum of personnel. No flashing of lights was seen, no floodlights were installed, and no noise of machinery was heard. There was less apparent effect upon the proceedings by the recording on film and tape, than by the written recording of the court reporter seated in front of the bench.

There was no potential juror of the hundreds called who had not heard of the case. There was no person passing through the jury box who did not have difficulty in determining whether he could or could not put aside those matters he had seen, heard and read about the case. No venireman had failed to express an opinion about the case. Each mind had been exposed to hundreds of inadmissible stimulae.

After a jury was finally selected, the trial began. Daily photos, tapes and films were printed and broadcast, but in all the world, the thirteen men and women composing the jury and alternate alone were not exposed to any publicity of the actual trial. This group was totally insulated from any extraneous effect.

Almost anticlimactically, John Gilbert was found guilty, was sentenced, and killed by hydrocyanic process.

John Gilbert's case was one of the focii of argument and critical examination of ABA Canon 35. The arguments in favor of the canon may be summarized as follows:

1. Exposure of court room activity to public mass information media detracts from the dignity of the court.

2. Exposure might make such proceedings subject to the passions of a prejudiced, impassioned community.

3. Exposure hampers the calm, unhurried search for the truth in judicial proceedings.

4. Improper use may be made of the publicity by men seeking to exploit the opportunity for selfish purposes.

5. Broadcasting of court proceedings may deprive a person of a fair hearing by selective or incomplete reporting.

All the above arguments have merit. All are a sincere expression of concern about judicial proceedings, justice, fairness and the search for truth.

But, are these arguments valid in the particular case here—or cases similar. In the particular case, and in similar cases where broadcasting has been allowed, the arguments do not appear valid. The dignity of the court and the dignity of the proceedings were not tarnished by broadcasting. The broadcasts, if anything, enhanced the dignity of the trial.

The broadcasts did not inflame the passions of the public. Any inflamation had taken place long before the trial began. The search for truth was no more difficult, nor had truth become more elusive because of the broadcasts. Editing and selecting of the portions of the trial to be broadcast had been done carefully with the active participation of a concerned committee and the available advice of the judge. This committee is the Denver Area Radio and Television Association which annually appoints a courtroom co-ordinator whose job is to act in behalf of any member of the association desiring courtroom coverage.

That there may be abuses in broadcasting court room action must be granted. However, there has been apparent more concern with taste and accuracy in broadcasting than in any other mass communication medium, and there has been more restraint in all such media when dealing with the actual court scene than when dealing with any other aspect of crime or litigation.

Broadcasting court room events is within the control of the court. Hence, greater care has been exercised by those producing broadcasts in an effort to maintain a standard that will permit and encourage future broadcasts.

The Colorado Supreme Court has substituted for ABA Canon 35, the following:

Proceedings in court should be conducted with fitting dignity and decorum.

Until further order of this Court, if the trial judge in any court shall believe from the particular circumstances of a given case, or any portion thereof, that the taking of photographs in the court room, or the broadcasting by radio or television of court proceedings would detract from the dignity thereof, distract the witness in giving his testimony, degrade the court, or otherwise materially interfere with the achievement of a fair trial, it should not be permitted; provided, however, that no witness or juror in attendance under subpoena or order of the court shall be photographed or have his testimony broadcast over his expressed objection; and provided further that under on circumstances shall any court proceeding be photographed or broadcast by any person without first having obtained permission from the trial judge to do so, and then only under such regulations as shall be prescribed by him.

(Adopted by the Colorado Supreme Court February 27, 1956.)

Pursuant to Colorado Canon 35, the following agreed rules of procedure for court coverage by radio and television were voluntarily adopted by all radio and television stations in the Denver Metropolitan area:

1. All TV and radio coverage trials must be pooled. Arrangements to broadcast or photograph a trial, arraignment, argument on motion, or any other preliminary hearing must be made through the co-ordinator of the Denver Area Radio and Television Association. Initial contact with the presiding judge of the particular court must be made only through the co-ordinator.

2. When the co-ordinator has obtained permission, make certain that the personnel who cover the proceedings contact the judge and introduce themselves and arrange to have the equipment set up prior to the opening of court. Explain to the judge what coverage is planned and, if the judge raises objections, modify the plans to meet his objections. Also, find out from the judge whether arrangements are to be made with the judge personally or with his clerk or bailiff.

3. Always address the judge as "Your Honor," or "Judge."

4. Always ask permission of the clerk or bailiff to see the judge in his chambers.

5. Dress properly for court. A coat and necktie are a *must*.

6. Regardless of how others may act in court, all radio and TV personnel should conduct themselves with dignity and do everything possible to preserve the decorum of the court room.

7. Always stand when the judge leaves or enters the court room and remain standing until the judge has assumed his position upon the bench or has left the court room.

Any request for a pooling arrangement must be filed with the co-ordinator or with the station operating in court prior to the start of any trial session.

In the event of a request to pool a radio tape to be copied from a film sound track, the delivery of such tape shall be contingent upon the convenience of the TV station or stations holding the film.

8. Formal proceedings in court rooms, other than trials or matters preliminary thereto, such a swearing-in ceremonies of new judges, lawyers, etc., may be covered by radio and TV without contacting the Association's co-ordinator. Prior permission should be obtained from the presiding judge and all other rules of conduct as set out herein must be observed. If more than one station appears to cover the proceedings, ask the court if he desires pool coverage. If

he does—pool.

9. Individual appearance of judges, attorneys, defendants, witnesses, jurors, or any parties in chambers or outside the court room should be handled with extreme care and discretion but need not be pooled. Always obtain prior permission from the judge for such coverage.

10. Do everything possible at all times to make the coverage as unobtrusive as possible and make sure that microphones, cameras, and other equipment are as inconspicuous as possible. Care should be taken to make any wiring needed as unobtrusive as possible.

11. Do not use microphones or other equipment with visible station call letters in the court room.

Your observance of these rules and the maintaining of proper dignity and decorum in the court will insure our being allowed access to the courts.

These self-imposed rules and regulations have been adhered to scrupulously in the Denver Metropolitan area, and outside the Denver area where broadcasting has been done in Colorado. These rules do not provide for the editing and use of the matter recorded. In all cases great care has gone into the editing and selection. Experience to date indicates the major use is and will be in news broadcasts, in which time is so limited there is no opportunity for abuses by judges, lawyers, witnesses or parties seeking to capitalize upon the use of mass communication media. Newsmen feel that personnel in the court room soon forget the presence of recording equipment in concentrating on the case.

ABA Canon 35, and the discussion thereof, begs the real question, still unanswered; indeed, for the most part, still unasked. The question really is not a legal one to be dealt with by scholarly, foot-noted reappraisals of the words of judges. The question is one of social-psychological philosophy. What is the privilege of a public disclosure and examination of society's efforts at justice? What is the effect upon justice and fairness of disclosure to the public? In quantum theory, the fact of observation affects the data observed. Is juridical analogous? If there is probability that observation affects the process, which shall prevail in the ultimate conflict between the free speech and press and the independent judiciary in our constitutional government?

It is generally assumed, without any decision of the United States Supreme Court, that freedom of speech and press extends to broadcasting. We, thus, assume that study of this question need not be divided, since the problem is a logical unit.

Legal Principles

The law here involved is simple—known to every ninth grade civics student. On the one hand we have amendment one of the federal constitution, "Congress shall make no law . . . abridging the freedom of speech or of the press . . . ," and amendment fourteen ". . . No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States. . . ." State constitutions contain similar provisions.

On the other hand we have judicial supremacy in the United States—not seriously questioned since the time of *Marbury* v. *Madison*.

To say that a free press (including broadcasting) and an independent judiciary are equivalent constitutional absolutes, and to say further that in the court room alone they are not equivalent since the dignity of the latter demands the suppression of the former is a logical confusion.

If there is any group in our society more vigilant than editors to protect freedom of press, it is the courts. In Colorado, recently, the Supreme Court found not guilty of contempt an editorial writer who had in scathing terms questioned the honesty and integrity of the court. The opinion implies the result would have been otherwise only if the editorial had constituted imminent peril to the administration of justice.

The dissenting opinion in the Colorado case points out the extent to which peril did exist after publication of the editorial:

In the performance of its duties, the court considered and rules upon a petition for rehearing filed by Araphoe County. The petition and matters therein presented were presented in an orderly and scholarly manner by licensed lawyers to whom the litigants had entrusted their claims. No doubt said petition was tendered for the purpose of helping the court to arrive at a legal and just conclusion, and was so regarded by the court. At the same time I had before me, or in my mind at least, fragments of Jameson's contentions and innuendoes seeking a decision that would square with Jameson's desires. To make a decision under such circumstances and in such an atmosphere was a new and unhappy experience for me, and foreign to the administration of justice, as I have known it, by constitutional courts to whom is delegated the duty of deciding cases presented in orderly and time-honored manner.

I have been and remain wholly intolerant of any outside influence sought to be visited upon any court during the pendency of any case.

In the above case, the Colorado court showed a true devotion to freedom of press as well as a remarkable restraint in its ruling. In that case, as in others, there is the underlying dictum that at some point the court may intervene by citation for contempt when freedom of press approaches license and the wrongs done cannot be easily rectified by change of venue, new trials or continuances. As freedom of speech does not allow the free speaker to shout "fire" in a crowded theater, so also freedom of press does not allow unrestricted free pressure upon the only protection to its freedom possessed by a free society.

Courts are loath to interfere with freedom of speech and press, not because they cannot do so, but because their highest function in our nation is preservation of those very freedoms. If courts have the power and the right to promulgate ABA Canon 35, they have the power and the right to interfere in malicious editorial activity and that activity calculated to prejudice fair trials. The power is innate in the judiciary in both cases. In both cases, however, extreme caution should be exercised. At present the press exercises caution in broadcasting from the court room but not in commenting editorially about judicial proceedings. The courts exercise caution in dealing with the latter but not the former. This approach seems out of balance.

Philosophical Principles

Part of the problem concerning ABA Canon 35 stems from the confusion about the role of a judiciary in Anglo-American jurisprudence. That is to say the function of court-made law as it relates to the beliefs, mores, or fundamental principles of a society. In Anglo-American jurisprudence there is no firm, immutable absolute body of law—including the United States Constitution.

The law is a growing social organism. The building branch developed in the time of King John or Queen Elizabeth I, by now has grown into a strong branch supporting weight of an enormous structure. The branch is not the same as it was originally.

So, throughout the growth of judge-made law, the law as it is variously discovered, interpreted, clarified, or created is a social vector, parallel to but slightly behind the social practices and though. The law is responsive to and follows social development. It does not, however, parallel and follow the transient winds of popular passion.

In a specific instance the feeling of a community may run so high that legal process is threatened. This rise of passion must be distinguished from a genuine growth and change of underlying beliefs. The failure to make this distinction further obscures clear thinking about Canon 35. Some judges, standing unyielding to emotional clamor, stand equally unyielding to genuine growth and development of social belief. Others, responsive to growth, also become responsive to any mass movement. Both are incorrect.

The judges who stand unyielding to both growth and clamor rely upon ABA Canon 35 to eliminate any public exposure and examination of the judicial process. This tends to make secret and exotic a matter of concern to each individual in society. Judges who respond to motion of any sort, whether growth or passion reject Canon 35 and all similar movements to dampen wild variation of public reaction. Both these viewpoints are absolute and absolutely worng. A fine discrimination is called for here by both the bench and the fourth estate.

The mass communication media of a free society have a valuable function in showing direction and taking a lead in the change and growth of society. Many times this function is and should be a critical one. When performing this function whether in leading or resisting, the press, radio and elevision are performing their highest service to society.

On the other hand when swayed by emotional winds of prejudice and passion, the mass media give added emphasis to a transient movement. Such activity is reprehensible and detrimental.

For example, in the John Gilbert case, there were many important social issues raised by the crime. These were ignored. Also ignored were some basic issues about what should be done with such a person (other than the expression of social vindictiveness). These matters are within the legitimate area of editorial comment about a case. The efforts to make more sensational an already emotion-packed situation were cheap and yellow journalism at its most flagrant.

The exercise of a valuable function need not be restricted to sociological discourses. Such reporting is valuable when done honestly with decorum, dignity and good taste. Through such reporting a public learns about its judiciary. It gets to know the role and the value of its courts. It sees the men of learning and dedication—and occasionally the petty tyrant and demagogue.

At its best, the exercise of this valuable function should show more than brief extracts of sensational cases. Civil cases should be shown. Cases involving basic liberties, property rights, constitutional problems, and the complex litigation should be telecast in some detail. The interest shown by the public in "commercial" fictionalized radio, television and motion picture litigation should assist program directors who might consider such programs not "commercial."

The detrimental function of catering to hysteria, prejudice, and passion, are not made valuable by virtue of their coming into being outside the court room so that Canon 35 or such a limitation may not be applied. Words or scenes calculated to cheapen and hold in low repute the calm, unhurried search for truth are deleterious whether created in the editorial office, the television studio or the court room.

Social-Psychological Principles

In very recent years novels, motion pictures, radio "soap operas" and television serials dealing with lawyers, judges, trials and general juridical subject matter have been extremely popular. These have made money, sold soap, *i.e.*, have been "commercial."

Such interest on the part of the public, at least in part, represents the summation and interaction of many facets that characterize our people and our society. There are the repressed hostilities and aggressions of the anti-social act performed by the defendant in the real and fictionalized court drama. There is the condoned violence of the trial (ordeal), the anxiety of the period when the jury is deliberating, the socially acceptable sadism of the sentence or the sly satisfaction of acquittal. There is also the moral victory of the punished offender, the exculpated innocent, and the shriven sinner.

The trial in life, modern drama, and literature combine the morality play, the Greek drama—complete with jury-chorus—and the pornographic novel to provide a catharsis on the one hand and on the other a pattern of absolute social values in a society of relative, peer-group determined morality.

Where years ago trials were attended by a society with rigid, absolute values, now trials and pseudo-trials are viewed by many individuals who are perhaps more anxiety-ridden, dependent and flexibly guilty. In both cases there is an overtone of entertainment, but there has been a change. The Constitution granted the accused a right to a public trial. Now there seems to be a motion that the right to view as spectators is in the public—the accused being a performer for the benefit of public emotional reaction and the court scene being a rather archaic stage.

Nevertheless, the courts and the law are intimately part of the society in which they function. The court of former years performed a stabilizing function in punishing offenders, deterring potential offenders—albeit not entirely successfully—and providing a rigid, punitive basis for society. That society probably sought such institution.

Courts today seem to provide a substitute for a father or authority-figure, certain, wise and indulgent, bringing at the same time permissiveness and absoluteness to the spectator and acceptable violence to the "bad-guy" defendant. This society probably seeks such an institution.

If these somewhat doubtful premises have any validity, it is important that the court proceedings be and become more a part of the life of our society, even if somewhat theatrical in influence and effect. Court proceedings provide a stable continuity of social development and growth amid unstable social institutions in an incongruous world.

Conclusions

The real question is not ABA Canon 35 and broadcasts of court room proceedings. The question is the role of mass communication media in relation to litigation. One intelligent answer might be that a code of rules and regulations for editorial and news comment be agreed upon by editors and publishers along the same lines as that of the Denver Area broadcasters. If responsibility is assumed by editors of mass media, the problem loses importance. Exposed to public scrunity honestly, with dignity and taste—where dignity and taste are present—no court need fear for itself or for the judicial process.

Newspapers Severely Chided On Handling Crime News

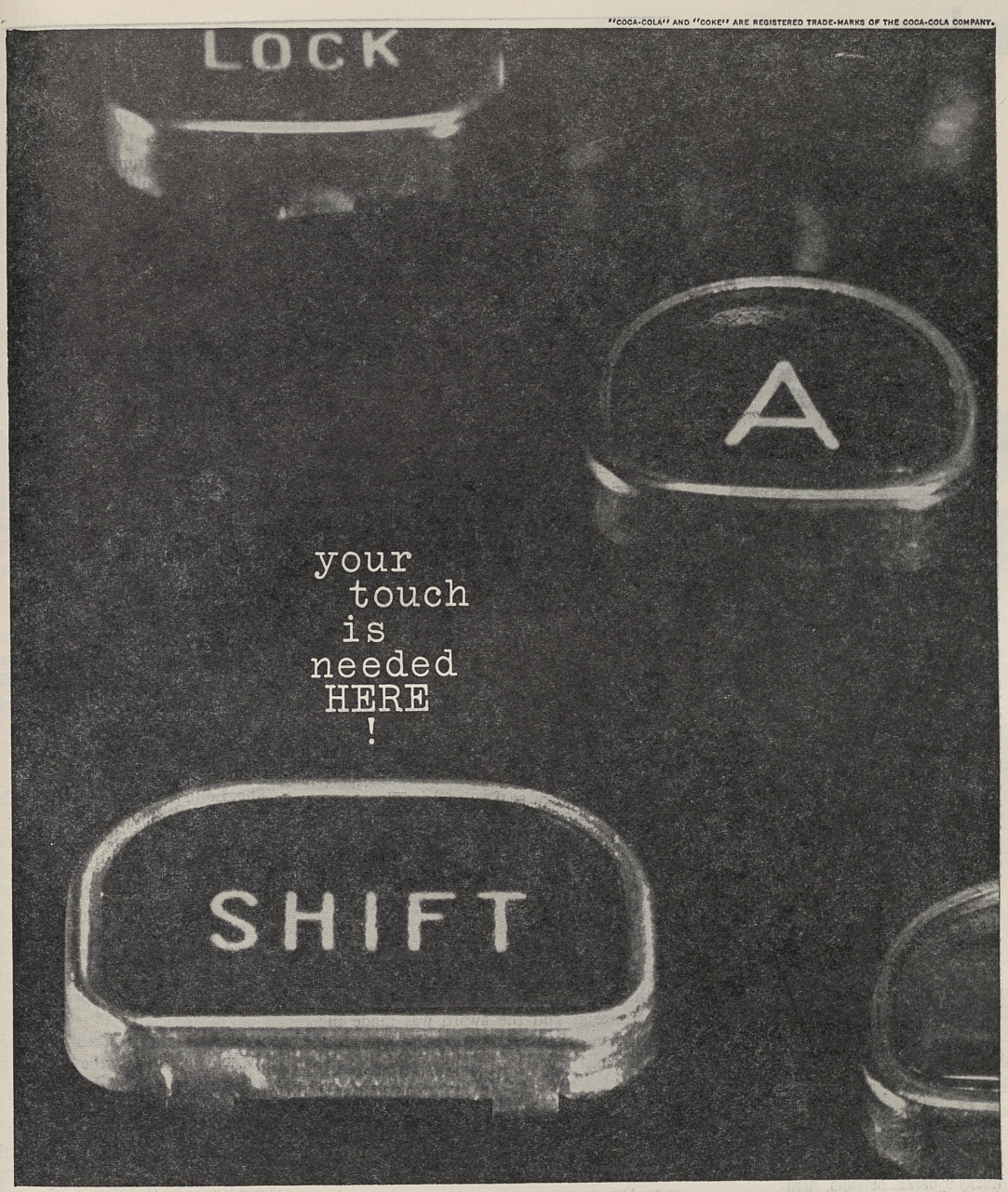
Crime-reporting by newspapers today too often is a crime in itself, charged Norman E. Isaacs, managing editor of The Louisville Times. Newspapers cover police-beat stories the same way they did 25 and 30 years ago, he said, "and it was a rotten job then."

The trouble with the handling of crime news is that the reporting is too shallow and too uncritical, Mr. Isaacs said in the keynote address to a Northwestern University seminar on crime news. The trend toward monopoly of newspapers in cities has done away with the pressures of competition, and enable the newspaperman to "devote himself to higher standards in communication, toward more community responsibility . . . toward more intelligent interpretation of vital news," Mr. Isaacs declared. Yet too few newspapers, he added, have bothered to look at crime in sober, responsible terms.

Dorman Cordell has been transferred from the Lexington bureau of the Associated Press to Atlantic City where he will be the correspondent for the wire service. He was replaced at Lexington by Jim Hampton, who comes from the Louisville bureau.

More than half the daily newspapers in the country now sell for more than 5 cents a copy. A survey by the American Newspaper Publishers Association shows that the single copy price of 917 dailies now range from 6 to 10 cents, 832 sell for 5 cents and only 9 for less than 5 cents.

"COCA-COLA" AND "COKE" ARE REGISTERED TRADE-MARKS OF THE COCA-COLA COMPANY.



"Coca-Cola" and "Coke" are spelled with a capital "C."
We respectfully ask that you spell them this way, too.
We're proud of our trade-marks. And we're proud of the three-quarters of a century we've spent offering a pure, wholesome, refreshing product to the American people.

The familiar trade-marks "Coke" and "Coca-Cola" symbolize our refreshing beverage the world around. We would appreciate your help in safeguarding them.
So please, when you write about our product, remember to touch the SHIFT KEY.
THANK YOU.

Coca-Cola
"Coke"

Ask for it either way ... both trade-marks mean the same thing

a glass of beer is many things to Kentucky

. . . naturally, it means pleasant refreshment all over Kentucky. And it also means some $7 million in tax revenue for our state! Our Brewing Industry's taxes help build Kentucky's parks, schools, highways. Beer plays a valued role in Kentucky's expanding economy.

KENTUCKY DIVISION
U. S. BREWERS ASSOCIATION, INC.
LOUISVILLE

Those were the days . . .

(From the back files of the Kentucky Press)

●

30 Years Ago

A. Robbins, editor and publisher of the Hickman Courier, was unanimously re-elected president of the West Kentucky Press Association for the fourth time, at the regular meeting held in Paducah on April 24. Frank O. Evans, Mayfield Messenger, was elected vice-president and Miss Corine Lowry, College News, Murray State Teachers College, was named secretary-treasurer.

* * * *

Gov. Flem D. Sampson named 11 editors to represent Kentucky at the Press Conference of the World to be held August 10-14 in Mexico City, Mexico. The delegates include George D. Newman, Louisville; John G. Stoll, Lexington; H. R. Chandler, Barbourville; Pryor Travin, Covington; Dulin Moss, Frankfort; J. T. Wilson, Cynthiana; J. M. Alverson, Harlan; W. E. Daniel, Henderson; Vernon Richardson, Danville; W. H. Jones, Glasgow; and Wyley H. Davis, Louisville.

* * * *

Pamphlets entitled "A Constitutional Convention for Kentucky" have been released during the past three months to the press of the state by the Associated Industries of Kentucky at Louisville. These are termed an informative series and are based on the fact that the voters of Kentucky will determine at the election in November, 1931, whether or not they want a constitutional convention.

* * * *

W. E. Daniel, editor of the Henderson Journal, was recently appointed a colonel on the staff of Governor Sampson. Governor Sampson said the award was made in recognition of Mr. Daniel's constructive journalism.

* * * *

The year 1931 bids fair to be a banner period for the advertising schemer and racketeer. Abnormal unemployment in the large centers of population has driven out over the country a large army of people forced to making a living by whatever means possible.

* * * *

The following from the editorial comment column of the Times-Tribune (Corbin), Jess Crawford, editor, is worthy of recognition and reprint in the columns of every Kentucky newspaper:

"We're all chiefly interested in ourselves. Note how little interesting news you can find in a strange city newspaper."

* * * *

Percy H. Landrum, Olaton, a graduate of the department of journalism, University of Kentucky, has accepted a position on the advertising staff of the Hidalgo County News, Pharr, Texas.

* * * *

20 Years Ago

The Bourbon News announced on April 17 that it would discontinue publication as a semi-weekly newspaper and would be issued four times yearly in the future.

* * * *

The Harrodsburg Herald published a splendid Easter edition of 32 pages.

* * * *

A significant notice was printed on the front page of the Paris Kentuckian-Citizen in the issue of April 16. It read, "Subscribers not paid in advance receiving their last Kentuckian-Citizen today."

* * * *

With only three missing, the editors of the Fifth District met with a dinner and informal discussion at Warsaw, Friday evening, April 4, pursuant to a call from Frank Bell, district committeeman.

* * * *

10 Years Ago

The Louisville Courier-Journal has been awarded third honorable mention for excellence in typography, press work, and makeup by judges of the N. W. Ayer annual exhibition of newspaper typography.

* * * *

The Casey County News, Liberty, changed from six to seven columns in April, and during the past four years has grown from four to ten pages per week.

* * * *

State Sen. Dalph Creal of Hodgenville has been appointed Larue County judge by Gov. Lawrence Wetherby.

* * * *

The Park City News, Bowling Green, converted to teletypesetter production last December with the distinction of being the second paper in the state to do so.

* * * *

The Central City Messenger and Times-Argus have purchased a new building and expect to move by September. The shop force has grown in the past four years from two to five full-time employees.

* * * *

Plans are being made for an outstanding program at the Mid-summer meeting of KPA at Cumberland Falls, June 15-17.

"Our Newspapers— Freedom's Guardian"

Since the earliest days of our Republic, our newspapers have been recurrently subjected to attacks by self-serving interests who would restrain the Constitutional guarantees of a free press. These have taken many forms.

Vindictive malcontents often have sought purely punitive legislation. Self-appointed censors have attempted to erect news barriers. Tax-makers have assumed licensing powers that don't belong to them. Countless other harassments have been tried.

But time and again, our newspapers have been victorious because public opinion staunchly backs the freedom of the press.

In years past, trading stamps have likewise been subjected to attacks by those who do not believe in the basic American concept of free private enterprise. That includes the right of any business to use any legitimate promotional tool that will promote sales and good will.

Time and again, S&H has won its battles for freedom in courts and legislatures. Consistently, S&H has received the staunch support of our free Press, which recognizes that — WHERE ONE FREEDOM FALLS, ALL OTHERS ARE ENDANGERED.

SINCE 1896 S&H GREEN STAMPS

America's No. 1 Stamp Plan Since 1896

The Sperry and Hutchinson Company
849 South Third — Louisville, Kentucky

What We're Facing

Second-class mail rates would be increased by about $78 million, or about 79%, effective July 1 under proposed legislation for postal rates increases sent to Congress April 14 by Postmaster General Day. Other classes of mail would also be increased.

Rep. Murray (Tenn.), chairman, House Post Office Committee, April 18 introduced a bill to carry out postal rate increase proposal.

Here is how second-class mail rates would be affected as stated in summary accompanying Post Office Department proposal:

Newspapers and magazines would pay a surcharge of 1½ cent per piece in addition to present zone rates. This would apply to beyond county of mailing. (Postmaster General Day said "the proposed increases would be greatest for publications of lighter weight," which would mean a higher increase to some publishers than the 79% projected by the P.O. Dept.).

Newspapers now delivered free or at a rate of one cent per pound within the counties in which they are published would pay postage at a rate of 1½ cent per pound, plus ¼ of 1 cent per piece. This would affect every community newspaper in the nation as the largest bulk of their mailings are distributed in the counties of publication. This surely will mean that weekly newspapers will face a much higher increase than the 79% aforementioned.

Classroom publications and publications of non-profit groups would pay existing rate plu ¼ of 1 cent surcharge.

The per piece rate of third-class mail would go from three to four cents for the first two ounces and from 1½ cent to 2 cents for each additional ounce.

Proposal also calls for increase in first-class mail from 4 to 5 cents per ounce; airmail from 7 to 8 cents per ounce; post cards from three to four cents each, and airmail post cards from five to six cents each.

Proposed increases would bring an estimated additional annual revenue of $741 million to the Post Office Department. In his letter to Congress, Postmaster General Day said he anticipates a postal deficit of $843 million for the fiscal year beginning July 1. He said the increases he propose, coupled with another $90 million which he expects to trim from the deficit by means of parcel post, special delivery and administrative actions, would put the Post Office Department in the black.

As presented by ANPA at previous hearings, the evidence showed that daily newspapers perform 83.3% of the services that are usually performed by postal employees in second class service while paying full rates. A recent survey reveals the extent of these services performed.

* * * *

Questionnaires returned to ANPA by 1,013 U.S. daily newspapers show that 83.3% of all copies of daily newspapers in second class mail are sorted by newspapers according to local Dispatch Schemes, arranged in sacks or packages of copies going to the same destinations or to the same rural routes, and delivered by newspapers to mail platforms at railroad stations or post offices. This procedure eliminates costly sorting and other handling by postal employees.

Newspapers also deliver 24.9% of all copies going through second class mail at their own expense to outlying post offices. This is a particularly expensive operation for newspapers but it is necessary to insure day-of-publication delivery in many areas where mail trains have been discontinued. On these copies the only service rendered by the post office is delivery to subscribers from the local post office nearest readers.

Another 6.1% of all daily newspaper copies going through the mails are dispatched by "outside" mail; that is, copies are geographically sorted by the newspapers, put on the train and picked up at the destination by dealers, wholesalers, or others. These copies are not handled by the post office at all except that they are carried in a railway mail car.

The survey also indicates that only small city newspapers, as well as community weeklies, still must depend on the mails for delivery to subscribers, while discontinuance of trains and many increases in postal rates have made it cheaper and more efficient for large city newspapers to find other methods of delivery. Small city newspapers, and weeklies, serving rural areas, have no such alternatives.

This exacting distribution system, as imposed on the smaller circulation newspapers, will surely work hardships on these newspapers if the proposed bill is adopted. The PMG is surely aware of this imposition as expressed in his words, "The proposed increases would be the greatest for publications of lighter weight." He should have added, "The smaller newspapers will be assessed much higher rates in proportion to the services rendered." This is why NEA and state associations have fought to retain the "free-in-county" traditional provisions which now seem doomed for all time.

If the proposed bill is passed, the smaller newspapers, without any alternative whatsoever, will be compelled to raise their subscription rates to meet the added postage expense. Further study is indicated.

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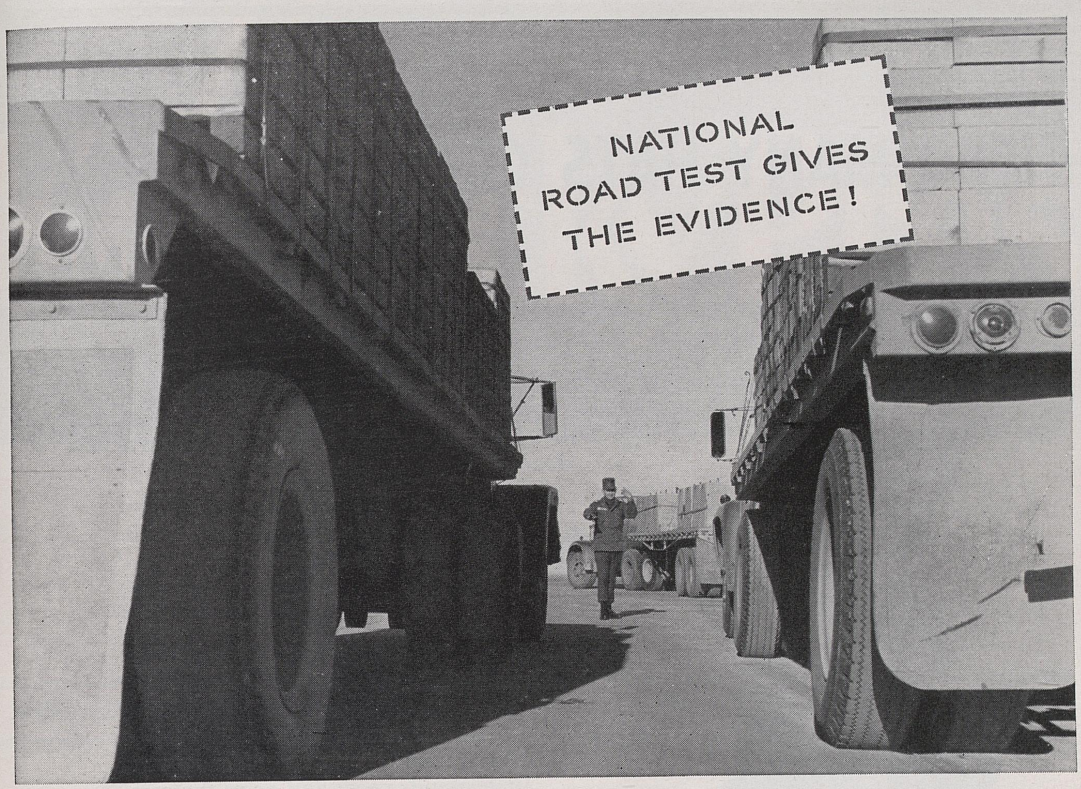
LINOTYPE 75 YEARS
During the 75 years since Ottmar Mergenthaler's invention of the Linotype machine, Mergenthaler Linotype Company has worked consistently to provide the newspapers of America with the World's finest typesetting equipment.
On our 75th Anniversary, all of us at Linotype look forward with pleasure to the next era of continuing service.



Concrete wins over asphalt these basic ways...

Sponsored by The American Association of State Highway Officials (AASHO) . . . directed by the Highway Research Board of the National Academy of Sciences—National Research Council. Here is the most scientific pavement test ever made. Accurate instrumentation checked performance of test sections during 2 full years of traffic. 99 trucks, 19 hours daily, 6 days a week. There were 17 million miles of travel—1,113,762 load applications!

Your state helped finance this test to provide better highways... maximum value from every tax dollar.

1

DURABILITY

A count of pavement sections surviving in the great National Road Test, after two full years of traffic, showed concrete outlasted asphalt 3 to 1! Here is new confirmation that concrete gives more for tax dollars.

2

DRIVING COMFORT

In ratings of how test pavements retained the riding quality they started with, concrete won over asphalt by a wide margin. Only concrete can give lasting driving comfort and do it without excessive upkeep.

PORTLAND CEMENT ASSOCIATION

805 Commonwealth Building, Louisville 2, Kentucky *A national organization to improve and extend the uses of concrete*

HOW MANY HATS CAN A MAN WEAR AT ONE TIME?

That depends on his head. On a good head he can wear a great many. KU is particular about the men it hires. That's why

. . . a KU man is capable in his job, in the field or at headquarters.

. . . a KU man is a good, progressive citizen, ready to help his company give many different kinds of service to his community.

. . . a KU man is friendly. He works with young people or their parents, understands needs and helps the company to supply them.

. . . a KU man generally makes a good boss, enabling KU to make most promotions, including top management ones, from within the company.

You get more than kilowatt hours when you have KU service because KU is *its people.* They're good neighbors, staunch friends, devoted church and civic workers. And so is their company.

GET TO KNOW YOUR LOCAL KU PEOPLE AND YOU'LL KNOW KU

KENTUCKY UTILITIES CO.

An Investor-Owned Electric Company