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news

for the AMERICAN BAR ASSOCIATION



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AMERICAN BAR STATEMENT "DEPLORES"  
PROPOSALS TO TELEVISION RUBY TRIAL

Chicago -- The Board of Governors of the American Bar Association released the following statement through ABA headquarters in Chicago:

The American Bar Association deplures proposals that the trial of Jack Ruby be televised. The related events already have reflected discredit upon certain aspects of criminal justice in this country.

The shocking assassination of President Kennedy and its aftermath have received unprecedented coverage in the news media of the world. The broadcast media and the press performed a worthy public service in bringing to the public, fully and promptly, the essential facts of that tragic and portentous event. In addition to the deep human interest and distress, there was an urgent public concern in knowing that the law enforcement authorities were discharging their duty with all the promptness, thoroughness and faithfulness that the situation demanded. The public certainly was entitled to know the facts about the arrest of Oswald and also to know that the evidence was deemed sufficient to charge him with the crime.

But what occurred in Dallas went far beyond the requirements of this legitimate public interest. It struck at the heart of our fundamental rule of law with its guarantees of a fair trial for everyone, however heinous the crime

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involved. The widespread publicizing of Oswald's alleged guilt, involving statements by officials and public disclosures of the details of "evidence," would have made it extremely difficult to impanel an unprejudiced jury and afford the accused a fair trial. It conceivably could have prevented any lawful trial of Oswald due to the difficulty of finding jurors who had not been prejudiced by these public statements.

Official laxity resulting in excessive and prejudicial publicity reached its climax in the pre-announced removal of Oswald from the city jail and the spectacle of his murder--literally in the arms of police officers and before the eyes of the television audience. This act, in addition to its utter lawlessness, has now forever precluded the determination by judicial process of Oswald's guilt or innocence and perhaps the resolution of important related questions of background and associations.

The American Bar Association commends the appointment of a Presidential Commission to investigate and report publicly on the assassination. But this cannot be and is not intended as an adequate substitute for a fair judicial trial of Oswald.

The American Bar Association also commends the Dallas Bar Association for its solicitude for a fair trial for Oswald and for its prompt tender of legal assistance to him.

Although the excesses in the Oswald case were doubtless influenced by the extreme emotional stress surrounding the assassination of President Kennedy, it must be acknowledged that excessive and prejudicial publicity with respect to criminal cases is not unusual in America. The Judiciary and the Bar have long

been disturbed by a tendency of some law enforcement authorities as well as some defense counsel to try their cases outside the courtroom. Responsible elements in the news media also have recognized that the media have sometimes contributed to such violations of fair trial by sensational and prejudicial stories and pictures relating to accused persons.

The American Bar Association does not suggest the imposition of involuntary restrictions on freedom in news presentation, but recent events have dramatically emphasized the urgent need for voluntary restraints on the part of law enforcement officers, members of the bar, and the news media alike.

The trial of Jack Ruby may afford a partial opportunity to repair some of the damage to the image of criminal justice in America. The judicial process must not be further impaired by additional sensationalism, which would inevitably result if television of the trial were permitted. Such a use of television also would violate Canon 35 of the Canons of Judicial Ethics of the American Bar Association, which provides in part as follows:

"... The broadcasting or televising of court proceedings detract from the essential dignity of the proceedings, distract participants and witnesses in giving testimony, and create misconceptions with respect thereto in the minds of the public and should not be permitted."

Canon 35 recently has undergone the most careful study and re-examination, and was reaffirmed by the House of Delegates of the American Bar Association in February, 1963.

The American Bar Association believes that the paramount interest in the trial of Ruby is a fair trial, conducted with the full dignity of the law. It urges that the public authorities, defense counsel and the news media join in reaffirming by example what is meant in America by justice under law.

### San Francisco Bar Decries News Media in Dallas Case

Special to The New York Times

SAN FRANCISCO, Nov. 27 --The Bar Association of San Francisco called today for a greater degree of self-control by the news media. It said, "We believe that television, radio and the press must bear a portion of the responsibility which falls primarily on the Dallas law-enforcement officials."

"Both press media and law-enforcement officials must seek to protect the rights of accused persons against the damage to them, and consequently to our system of justice, which can come from revealing information concerning the accused at times when the revelation might inflame the public," said a letter signed by Ben. K. Lerer, president of the association.

The letter suggested that a joint committee of news media representatives and law-enforcement officers be set up to work out rules governing such highly publicized criminal arrests as that of Lee H. Oswald, accused assassin of President Kennedy.