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# Press Reports of Judicial Proceedings

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## PRESS REPORTS OF JUDICIAL PROCEEDINGS

One of the most truthful things that can be said with regard to many of the causes which draw the attention of the general public is, that much has been said. No one has the least bit of criticism for a just and intelligent discussion of the causes by the public press and the citizenry. In fact, there are some who hold,—and it would seem that the stand may be well defended, that discussion in the newspapers is part and parcel of the modern conception of a public trial.

Whether that statement is true or not, it is nevertheless a certainty that many of the press reports of judicial proceedings are anything if judicious; that they do not sound of the Commentaries as much as they do a commentary of the journalist who wrote them; that they do not reflect the proper proceedings as much as they magnify the improper proceedings. In other words, while it may be thought necessary to have a specialist to write on the condition of the stock market and an expert to discuss the various phases of the sports world, it does not seem to have occurred to the newspapers that it might be well to have a man in the court to report just what was taking place there in an intelligent fashion.

Why this action or reaction on the part of those who control the destinies of the press has not taken place is a perplexing problem. The law, in common with all sciences, is necessarily technical. The trial of any *cause celebre*,—or of any case for that matter, is an important matter and carried on in a manner regulated by well defined principles designed to protect the rights of the parties to the action.

It may be a well founded opinion that "Gas House Mike" is guilty. But that does not condone the adoption of summary methods with regard to his trial. That he be convicted speedily and properly punished is important; but not nearly as important as to preserve the constitutional rights and guarantees of every citizen who may be the subject of a court proceeding. For what is done in the case of this man must be done in the case which has as its principal a citizen who is wholly innocent, but who might be convicted if his rights under the constitution are

denied him. There can be no difference made arbitrarily between persons. No one would wish that there be, but this is too often completely lost sight of why those into whose hands falls the province of reporting the action.

That misconceptions can be broadcast to a degree not conducive to the retention of trust in the courts by the public,—and even to a point affecting international relations,—was graphically demonstrated in the recent Sacco-Vanzetti case. We have only to note that certain conservative and usually well-informed foreign papers held and promulgated erroneous conceptions with regard to the case of the State of Massachusetts against the two men, to realize that facts were sadly garbled by news agencies. It has been asserted that paid propogandists were at the root of some of this error but the fact that the opinion of persons who were perhaps experts in any line save that of the law was given such credance shows that the papers on the whole might have been responsible for having placed themselves in a position to be deceived.

Surely no case of late has been so heralded with misconceived notions of the legal machinery and in downright error. In a manner it may be taken as the extraordinary case,—as it certainly was in this manner, that will bring the people to a realization that a trial at the bar deserves more than that the sentimentalists be given their day.

All of this is not intended to be a mere stricture of the public press. Rather it is an appeal for a saner method of reporting criminal cases that will do as much for the papers themselves as for the legal profession. Recently certain criticism have emanated from the American Bar Association with regard to this matter, and many of the leading papers have found these to be in the main temperate and well-based. There has also been the suggestion that newspaper reporters be barred entirely from the courtrooms during the progress of criminal trials. This will be recognized at once as a reaction,—no doubt radical but a natural one, to the treatment that has been given cases in the proximate past.

That the publication of accounts of trials by the leading journals constitutes a major part of the modern conception of a public trial appeals to us as sound. In order to protect this

idea of a public trial then, the flamboyant treatment should be eliminated, because it in no way can be held to be at all in place in the fair presentation of the case. We appreciate that all of the citizens can no longer attend court to appraise the workings thereof, but that they must depend upon the newspapers for their information as to how justice is being administered; but it is just because we believe this, that we insist that the people be given an accurate and intelligent account of the proceedings.

Trials are technical. They must be if the rights of citizens are to be protected. Therefore why not have a writer who is versed in the law,—or one who can at least understand the various moves, do the reporting in such cases. If this course were followed such suggestions as we have called attention to would not be made because the need for them would not exist.

—J. P. M.

## **INDEX TO LAWYER**

An Index to the first and second volumes of the Notre Dame Lawyer is now being prepared by Mr. John H. A. Whitman, Librarian of the University of Notre Dame College of Law and will be mailed to all subscribers as soon as it is published. This index will be printed in such a manner that it can be used by persons wishing to bind it along with their copies of the first two volumes.