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Report of Committee on Press and Bar

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J. Roach, James T. Burke, Albert J. Gould, Graham Susman, Horace Hawkins, Hamlet J. Barry and Fred Y. Holland.

The people of Denver and Colorado are indebted to these men who worked so constantly and so effectively for the passage of the amendment.

Much was done, too, by every member of this committee. Meetings were held and the work planned so effectively that through this committee and the state committee, Denver came through with a handsome majority in favor of the amendment.

The raising of funds was in charge of the state committee, which obtained the necessary money to carry on the campaign, from the legal profession in Denver and Colorado.

The chairmen of both political parties in Denver County, Joseph P. O'Connell for the Democrats and Leroy J. Williams for the Republicans, aided very materially by marking their sample ballots for Amendment No. 1. This service is here gratefully acknowledged by the committee.

Thanks for this excellent piece of work are due the state committee, the press of Denver, the members of the bar and bench, the speakers bureau and all who assisted in passing this amendment.

HAMLET J. BARRY, *Chairman*
 FRED Y. HOLLAND, *Secretary*
 ARTHUR H. FRIEDMAN
 THOMAS H. HOOD
 SAMUEL M. JANUARY
 JOHN LYNCH
 WAYNE C. WILLIAMS

April 5, 1929.

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REPORT OF COMMITTEE ON PRESS AND BAR

Frequent complaints are made that the Denver newspapers "try" cases, criminal or civil, in their columns long before these matters reach the courts or juries. Complaints are also made that accounts of trials frequently are written from editorial, or theatrical, rather than from a news standpoint. The result, according to critics, is that it increases the difficulty of obtaining a fair trial in Denver, especially in a criminal case of major importance.

Officers of the Bar Association requested this Committee to discuss with the newspaper managements the advisability of

avoiding partisanship and flippancy in accounts of trials.

An excellent article recently published in the American Bar Association Journal, entitled, "How Should a Criminal Trial be Reported in a Newspaper", which dealt with this suggestion in an intelligent way, was discussed with the management of one Denver journal, but the article found little favor. "It is hardly the province of the Bar Association to suggest the newspapers' policies in such matters, since these policies are necessarily influenced by our desire to sell papers". This was the journalistic attitude, tersely expressed.

It is doubtless true that, even if the newspapers are assuming functions which belong to the courts, this Committee cannot prevent them from doing so. It sometimes seems that the old-time trial by ordeal is giving way to trial by journalists, and when that fails, we can still resort to "trial by petition".

A lady slays a former admirer and a jury decides that she is guilty of murder—notwithstanding the fact that one newspaper had ruled that she was blameless, long before she was tried. Immediately petitions for a new trial are circulated among the public. Thousands who know nothing about the case, and care less, decide that the jury which has heard the evidence is all wrong, and sign a lengthy protest. Thus trial by petition is established.

If conditions are to be changed, there is one simple method which has sometimes been overlooked. The judges might tell the newspapers where liberty of the press ends, and where interference with the impartiality of courts and juries begins. The editors might also be enlightened as to what constitutes contempt of court. Until these steps are taken by our judges, the newspapers may be expected to run their affairs as they see fit. Possibly the Denver Bar Association should encourage the courts in this direction.

In this connection the case of Judge O'Dunn of Baltimore is of interest. He fined the Hearst papers \$5,000.00 and put the managing editor in jail for taking a photograph of a bandit against the court's order. The paper then started a tremendous campaign against O'Dunn, who shortly thereafter ran for re-election. There were eleven candidates, and Judge O'Dunn, like Abou Ben Adhem, "led all the rest" to an impressive victory.

LUKE J. KAVANAUGH, *Chairman*