

January 1927

Trial by Newspaper Is Doomed

Denver Bar Association Record

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Recommended Citation

Trial by Newspaper Is Doomed, 4 Denv. B.A. Rec. 12 (1927).

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Trial by Newspaper Is Doomed

Recent local editorial comment in the local press on cases pending in state and federal courts makes the following, sent to us by Mr. Albert Vogl, of particular interest:

“FOR a number of years one of the great public evils has been “trial by newspaper.” It has been peculiarly an American evil. It has become every year a more serious menace to our already flabby administration of justice in criminal courts. Comparatively few newspapers have been flagrant in this matter but they have been papers of very wide circulation and they have had a prejudicial influence upon many papers of good manners that merely print reports sent to them by news associations. That the effect on the popular mind has been inexcusably vicious is a reasonable belief. That the offending editors could not reform themselves owing to competition in supplying a public demand has been suspected.

“A few lawyers have profited through this vile practice but the majority has winced and grumbled year after year. And all the time the remedy has been within easy reach. There has always been law to permit courts to protect themselves from the grosser

evils complained of. The turning point in the situation was reached when the Conference of Bar Association Delegates took cognizance of the matter, not without considerable pessimism. A good start was made through analysis, showing that a large share of the evil is participated in by lawyers, prosecutors, police and even judges, to promote their selfish interests and that the first duty of bench and bar is to curb these participants.

“In this number we present with some detail the Baltimore cases in which the court, through Judge Eugene O’Dunne, has asserted its prerogative and boldly restrained not only editors but also a court officer. We devote considerable space to these cases because they are significant and instructive and because they will mark the beginning of a return to sanity on the part of all such offenders.

“The opinions speak for themselves. We have no doubt that they will be a powerful factor in remedying a situation that has been a disgrace alike to officers of the law and to the public press. We wish now merely to comment on a particular phase—the comparative dependence of elective judges upon the good will of editors and their

natural reluctance to assert their power. As to this Judge O'Dunne's recent experience is reassuring.

"Appointed to the Supreme Bench of Baltimore in February, 1926, Judge O'Dunne elected to serve in the criminal court in spite of the fact that his choice was considered prejudicial to his position in the fall when he would be a candidate for election for a full term of fifteen years. Later it was feared that the contempt case against Hearst newspaper men representing interests that published both morning and evening papers in Baltimore would result in his defeat.

"Judge O'Dunne received the highest vote for judges in the primary and became one of twelve candidates for six places in the Supreme Bench in the fall election. He received the highest vote of the entire twelve. His vote of 99,982 was only a little below that of Governor Ritchie who lead the entire ticket with 104,141 votes. This was a verdict by a jury of the entire electorate. The verdict is unappealable. It stands for the reassurance of judges throughout the land."

The Record regrets that it has not sufficient space to reprint in full Judge O'Dunne's decision. It will be found at page 133 of the February, 1927, issue of the Journal of the American Judicature Society and is recommended especially to the committee on cooperation between the Press and the Bar, who should find therein a solution of many of their difficulties.

A lawyer and a doctor were arguing the relative merits of their respective professions.

"I don't claim that all lawyers are villains," said the doctor, "but you'll have to admit that your profession doesn't make angels of men."

"No," retorted the lawyer, "you doctors certainly have the best of us there."

An Appel Blossom

The Record is indebted to Walter M. Appel for the following verse, clipped by one of his clients from the Paris edition of the New York Herald:

The First Attorneys

I used to think the right of might
Prevailed among the ancient races,
That men who simply loved to fight
Required no courts to try their cases.
I thought that to their spears they flew
When there arose the least dissen-
sion
And lawyers were a fairly new
Invention.

But by the borders of the Nile
A shovel-wielding young Egyptian
Has found a time-eroded tile
Which bears, he tells us, an inscrip-
tion
Describing predatory loot
By some contractor, long departed,
And stating that a damage suit
Was started.

The tile is old as old King Tut;
With pits and scars its face is check-
ered,
And as a consequence is but
A very rough and sketchy record.
But we feel sure no man would sue,
When he could fight for satisfaction,
Unless some lawyer told him to
Bring action.

If back so many years B.C.,
When honest men and crooks collid-
ed,
They paid a fat attorney's fee
To have their private rows decided,
Instead of knocking people cold
With prude and primitive aggres-
sion,
The lawyer's must be quite an old
Profession.

Maybe the President figured that if he doesn't go West this summer, the nomination will next summer.—*Norfolk Virginian-Pilot.*