Your Right to Know is the Key to All Your Liberties

Press-Herald

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GUEST EDITORIAL

The Fight for Freedom

By RAY SPANGLER, PRESIDENT
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In observing National Newspaper Week in 1966, the readers of newspapers should be reassured by at least one substantial gain in the never-ending fight for freedom of the press. That milestone is the passage by Congress and the signing by the President of the federal open records law. This culminates a 12-year campaign by the press under the leadership of that great friend of freedom, Congressman John E. Moss of Sacramento.

Henceforth the burden of defending secrecy will be on those who would withhold information. Heretofore the reporter han had to justify his right to access.

This action once more reflects the eloquent language of California's open meeting law, the Ralph M. Brown Act: "The people of this state do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created."

On the other side of the year's ledger is the Sheppard case in which the United States Supreme Court reversed a 1954 Cleveland murder conviction "since the state trial judge did not fulfill his duty to protect Sheppard from the inherently prejudicial publicity which saturated the community and to control disruptive influences in the courtroom . . . "

We now find press freedom in a head-to-head confrontation with the right to fair trial.

There are those who would minimize this conflict, but it is real and it is dangerous. In this very decision the Supreme Court cited this languange:

"The principle that Justice cannot survive behind walls of silence has long been reflected in the Anglo-American distrust for secret trials' . . . A responsible press has always been regarded as the handmaiden of effective judicial administration, especially in the criminal field. Its function in this regard is documented by an impressive record of service over several centuries. The press does not simply publish information about trials but guards against the miscarriage of justice by subjecting the police, prosecutors and the judicial process to extensive public scrutiny and criticism . . . "

Yet the reversal itself because of "inherently prejudicial publicity" has had reverbrations throughout the nation. Police fear to question suspects, let alone tell the inquiring reporter the pertinent details about a crime. Prosecutors "dummy up" rather than prejudice their own efforts by the threat of reversal. Judges make arbitrary rulings which close the channels of information and justify it all by the Sheppard decision.

At the base of this is the lack of faith of the courts in the integrity of its own people and in the honesty of jurors. It may become the duty of the press to prove to the courts that in this day, the uninformed man is so dangerously out of touch with the mainstream of life that he is suspect—and that a juror, even though prejudiced by pre-trial news coverage, can and will discard that prejudice when so instructed by the court.

Meanwhile the press, the guardian of freedom, must guard its own ways that the right to a fair trial is not unnecessarily prejudiced by the name-calling headlines, or by the fruitless exploitation of information not admissible in the trial.

We who exercise the Freedom of the Press in the name of the public must be ever worthy of the trust imposed upon us.

No on Proposition 16

Among the many ballot measures to be submitted to California voters next month, none is more virtuous sounding, nor probably more dangerous than Proposition 16, the so-called CLEAN initiative which would set up a new set of laws to govern the distribution of obscenity in the state.

While the stated objective of the sponsors was to strike from statutes the qualifying phrase, "utterly without redeeming social importance," in determining obscenities, several dangerous steps in enforcement have been included.

One section vests officials with the power to seize material considered obscene by any complaining citizen. District Attorney Evelle J. Younger has said this would be unconstitutional prior restraint.

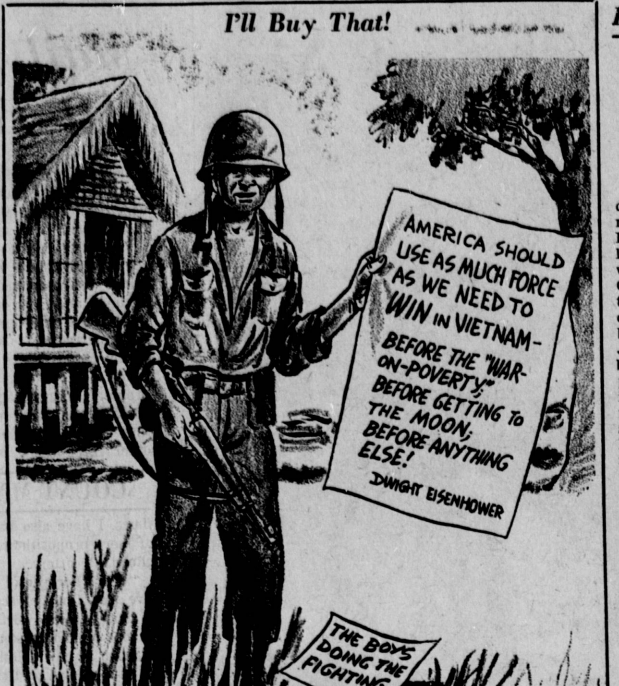
Another section sets up procedure for action to compel a prosecutor to take action on an obscenity complaint. He can be removed from office if he refuses to take the action or fails to "prosecute the same to conclusion within a reasonable time."

Los Angeles Attorney Stanley Fleishman summed this section up for the California Newspaper Publishers Association this way:

This section would give the pressure groups and the censors a powerful club with which to coerce prosecutors into bringing proceedings against films, books, magazines (and newspapers) which are not obscene in law. If a prosecutor did not bring an action after being requested to do so in writing, he might find himself on trial for malfeasance in office. The flight from law and order which is likely to result from any such power being given to a censorship group is truly frightening."

We applaud those who seek means of cutting down the heavy flow of obscene material—particularly that which finds its way into hands of the youngsters of our communities. But this measure introduces new evils in censorship which would have a wide-ranging affect on our personal freedoms. It should be defeated.

I'll Buy That!



DISTRICT ATTORNEY REPORTS

State Law Bans Wild Trips by Auto, Pill

By EVELLE J. YOUNGER
District Attorney

Taking wild trips, whether via pill or steering wheel, is about to pose some new hazards in California.

There are some new laws, part of our 1966 legislative program, which ban use or sale of the drug LSD and discourage drunken driving. These laws became effective last Thursday.

So, to the dangers inherent in the hallucinogens and alcohol, there is now the additional risk of spending a period behind bars or of facing a suspension of driving privileges.

The significant thing about the legislation outlawing LSD, we believe, is that mere possession could mean serving time. We fought hard for that. We were convinced that only by the threat of real penalties for anybody involved with the drug could an affort to ban it be successful.

So now possession of LSD, on a first offense, will be a misdemeanor and could mean a $1,000 fine or one year in jail or both.

Additional offenses could mean tougher penalties. So would selling the drug. That would be a felony, and it could result, even for a first offender, in a prison term running to five years.

And let nobody suppose he can get around this new law through the assistance of a friendly doctor. LSD is just as illegal with a prescription as without one.

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For the man who drinks and drives, the significant new words are "implied consent." This means that his driving privileges could be suspended for six months even if it cannot be proved that he was drunk.

The question until now was whether a motorist who was suspected of drinking too heavily would consent to a chemical test. He might be belligerent toward the police. And sometimes a case might collapse because there just was not enough conclusive evidence without this examination of blood or breath or urine.

The law says now that if a man has a driver's license, one of the conditions implied in the acquisition of it is that he will consent to a test for alcohol.

He will be asked to take one, just as before. But if he refuses, he will be told that unless he submits to the examination, the suspension of his license could result.

Suspension of driving privileges is not automatic. The driver can demand a department hearing to establish whether any of his rights were violated. But it should be noted that proving he was warned about loss of driving privileges is not always required. If he's too drunk to answer, that will be no excuse.

We all know joyriding in this sort of way always could result in a joyless end. The difference now is that we have laws with more anguish built in.

There is a theory in the District Attorney's office that, while many things contributed to Los Angeles' riotless 1966 summer, the Cool Head program was a major factor.

With top athletes and outstanding entertainers making personal appeals for tranquility, local residents saw nothing like the bitter street fighting that erupted in many other places.

The Cool Head movement came at the right time—just as the summer approached. It appealed chiefly to youth —who, being idle, tend to get restless and, in some cases, become belligerent during the hot season. And somehow it induced them to commit themselves on the side of law enforcement.

The success of the program was the more satisfying because its cost was borne not by taxpayer funds but through contributions from many public-spirited citizens.

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A young man who spent the summer working as a senior law clerk in the District Attorney's office left with a parting comment that delighted all who heard it.

"After the first week in the office," said Robert H. Berger, "I felt I'd acquired more useful knowledge than in the entire previous years in law school."

Now he is back at the University of California Boalt Hall. Along with the other clerks—all of whom praised the program—he is gaining the academic knowledge he must have to become a lawyer.

Some of the practical knowledge he has already acquired here. We are happy to have been able to provide it and we hope some of those who benefitted will come back one day as deputies.

In the meantime it is good to have this firsthand report that the program was a success.

HERB CAEN SAYS:

Try Bourbon When the Book Calls for Cream

Games: Once a week, the doctors on the staff of Herrick Memorial Hosp. in Berkeley gather in the staff lounge for a Critical Review Lunch—known as a CRUNCH—but that's not the item. The subject to be discussed is recorded on a blackboard which, Secretary Judy Howes decided, nobody ever looks at. So she posted the subject as "Radical Nasal Otoornithnectomy, by Dr. Robin Byrd"—and sure enough, nobody looked at the title. Just as well. It translates as "The withdrawal of a bird from the ear through the nose." As for Dr. Byrd, he had flown elsewhere . . . My favorite doctor today, besides Dr. Byrd, is Dr. Robert T. A. Knudsen, the distinguished gourmet. In his new cookbook, he recommends that bourbon be substituted for cream with fruit desserts. But only a teaspoon (15 calories) instead of a quarter cup of cream (200 calories).

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Things I hope I never say to my son, now aged 16 months and toddling madly in all directions: "Why, when I was your age, I—" . . . "Why do you go out of your way to make yourself look ridiculous?" . . . "You may call it music, but I call it just a lot of noise" . . . "Don't give me an argument on that, kid, you're still wet behind the ears" . . . "You don't know the meaning of money. Why, when I was your age—" . . . "I don't care if you ARE crazy about her, I say she's not the girl for you" . . . "Do you HAVE to run around with a crowd like that?" . . . "For Heaven's sake, straightenup UP!" . . . "Well, eat it anyway, it's good for you" . . . "No, you CAN'T read 'Ulysses'—

San Francisco

what's the matter with the Oz Books? I swear, I don't know what's wrong with the kids today. Why, when I was your age— . . . (Bang-bang, Daddy, you're daid).

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Add infinitems: Also subscribing to that old Spanish proverb ("Living well is the best revenge") is Kenny Bridgeman, whose apt. is above San Francisco's Parkside Lounge. First, he sleeps late, which is part of the formula. Then, when he awakens with that rocky feeling, he lowers a plastic bucket down the lightwell, and the bartender fills it with royal fizzes . . . Hank Stern, meanwhile, overheard this at the Peppermint Tree, youngish husband to wife: "Hey, that topless dancer looks like the kid next door . . . Ye gads, it IS the kid next door . . . Honey, we gotta get a new baby-sitter. . ."

Note on the wall: No, not all the graffiti appear in men's rooms. Herewith one noted by Mai Norton in the LADIES com at the Forum on Telegraph Ave. in Berkeley: "God Isn't Dead—He Just Doesn't Want to Get Involved" . . . Kiddie korner: Ray Plunkett, mgr. of Tahoe's Cryst. Bay Club, gave his son, Michael, a battery-operated fak, battery-operated gun and battery-operated train—and reports that the kid loves 'em all. He sits aroun all day, making towers of the batteries.

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Love amon the services: Remember when U. S. Air Force planes bombed and staffed the Coast Guard cutter, Point Welcome, off the So. Viet Nam coast, killing two Americans and injuring seven? Well, one of the latter was Lt. (jg) Ross Bell, now a tient at the Marine Hospit here. While he was being flown back, his ambulance plane landed at Clark Field in the Philippines, where Lt. Bell ate breakfast. He now has a fascinating souvir of that stopover — a ll from the Air Force fo 27 cents! "Sure, I'm goin to pay it," grinned the L yesterday. "I'm sure the Air Force needs the mont." It could go into a fund r a course on "How to Recnize Coast Guard Cutters."

ROYCE BRIER

Closing Streets Won't End Traffic Problems

CLOSING STRRTS 3/36 O New York City has a Transportation Council. Most big American cities have already organized analogous bodies, usually comprised of appointed private citizens.

Such functionaries are something like rescuers swimming out to a drowning man, and finding themselves close to drowning. That's the way traffic is. It tries to drown you.

The equation is simple. There are too many motor vehicles, moving and parked, for the thoroughfare, approaches and parking area available. But if the equation is simple, any solution, other than stop-gap or fragmentary, is so complex as to appear impossible.

All solutions are confronted by a stone wall they have not been able to surmount —the motor vehicle is the life blood of the United States. No American citizen, rich or poor, can live tolerably without his own motor vehicle, and those owned and operated by other citizens who serve him.

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This involves fundamental rights of all citizens. The Constitution does not say the right of a person to live tolerably shall not be

World Affairs

abridged, but try to abridge it and learn how many rights you trample.

The New York Council submitted a report to Mayor Lindsay. It says he is "faced with serious proposals by responsible people," and must find an answer or "as a matter of urgency, if not desperation, close the bridges and tunnels to commute cars from 7:30 to 10 a.m. each day."

Let's not try for profundity, just take it o the top. All metropolitan reas have since the war unergone a space revolution. In each case scores or hndreds of thousands have oved permanently to suburbs, whence they travl to the central city. Som use public transit, but this has steadily declined, while private and corporat automobile transit has stadily increased. Most bg cities would stand empty and paralyzed today if the suburban work force wa cut off, or substantially diminished.

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In an overwhelning majority of cases, the total holdings of a suburban worker are invested in his suburban domicile. If these homes are made uitenable, the ensuing property collapse would make 1929 look like a boom. Public transit could not begin to cope with the human load. Citizens would be out of work. How many? Oh, 20 million for a starter.

Obviously you must exempt commercial vehicles —Manhattan would be dead and without food in 24 hours. But how would you define a commercial vehicle? Will you stop an insurance salesman going to town to see a prospect? Or a drummer with samples in a passenger car? Can city stores survive if suburban people can't get to town for a day of shopping? Can restaurants survive, theaters, hotels, gas stations, anything?

The Mayor of course has no power to deny access to his city. He must have a state law. But on its face it would be discriminatory. You can close thoroughfares to all, in an emergency, but hardly to some and not to others. It is inconceivable the New York, or any legislature, would adopt such upheaval legislation. Legislatures think too highly of voters.

Next solution, please.

"Your salary increase will become effective as soon as you do."

WILLIAM HOGAN

Teacher Examines Own Experience in South

Margaret Anderson is a Kentucky-born teacher and guidance counselor at the Clinton, Tenn., high school, one of the first Southern schools to be desegregated after the Supreme Court ruling of 1954. She was there when Clinton High was blown up by dynamite because of that fact. "The trouble" was instigated by an outsider, one John Kasper, who whipped up a howling mob to oppose school integration—then the dynamite.

In "The Children of the South," Mrs. Anderson has written a gallant and human little book, as exciting in its way as Bel Kaufman's story of a northern big city high school, "Up the Down Staircase." It is based on occasional pieces Mrs. Anderson has written for the New York Times Magazine, and in no sense is a strictly "Southern" book. It is something that affects all of us who are interested in children, and the future of the United States.

Mrs. Anderson writes of the children themselves, both black and white, and of her experiences as a teacher, rather than the legal, or moral aspects of desegregation, or civil rights. She writes with a rare insight into the psychology of these students, "tender pioneers" she calls them; Negro children, for example, who started out from home in a state of anxiety, and expressed their fears of desegregation education to

Books

anyone who would talk with them.

She investigates the background of inferiority (social, academic) that Negro students faced; their mental anguish and confusion in the new school, the fact they were never academically "even" at the start, because "separate but equal" facilities before the Supreme Court ruling were never "equal."

This eloquent book hits hard as the author allows the children to speak for themselves; students she has helped, or watched drop out of school because of family or economic pressures; of a girl named Roberta, hungry for knowledge, who got little sleep because she did her homework late at night after her brothers and sisters had been cared for. There is much of the Bel Kaufman atmosphere here, but there is more:

Mrs. Anderson presents some strong, reasonable suggestions on how Southern education can be improved, how the development of Southern Negro children as useful, productive citizens is not only a major responsibility in which we have a part, but a "new frontier" in education, the beginning of a generation free of "mental slavery."

Obviously a dedicated teacher, Mrs. Anderson is also cautionsly optimistic: "I sometimes think," she writes, "that the Negro and white children, in spite of outside appearances, have a closeness to each other which the adult cannot fathom; and they work these things out for themselves. In fact, they are doing a pretty good job of it now."

Morning Report:

Congress is getting restless. It's getting close to that time of the year when they can stop playing at being statesmen and get to work at what they do best—politicking. The elections are almost at hand.

The great democratic principle of compromise will now flower as it does in every election year. This is how compromise works: You pass a law with a tough title like Making Sin Illegal and then put in enough exceptions to satisfy all sinners. Then, on the campaign trail, a Congressman can promise each side that the law will be strengthened as soon as he gets re-elected.

For, after all, what does it avail a statesman if he saveth his soul but loseth his pay check to pay the grocery bill.

Abe Mellinkoff