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54/09/11 Civil Liberties' view of case

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Civil Liberties' View of Case

A statement on the Dr. Sam Sheppard case was made today by Ralph Rudd, chairman of the Cleveland Civil Liberties Union.

He said issuance of the statement was directed by the trustees of the group. Rudd is a lawyer with the firm of Harrison, Spangenberg & Hull. The statement follows:

Bert Winston is reported to have testified in the Sheppard bail hearing yesterday that he and the other members of the Grand Jury had been under enormous pressure.

He seems to have spoken only of the pressure of curious persons seeking inside knowledge, not of any direct pres-

sure to bring an indictment. But it seems very likely that considerable indirect pressure was imposed by the situation.

Have to Explain

The curious persons Winston referred to were myriad, he said. Can the jurors have failed to feel that whatever they did they would have to explain and justify to their friends and neighbors?

And in view of the newspapers' insistence upon Dr. Sheppard's guilt and arrest, in view of the fact that nearly everyone in Cleveland has been talking about the case and in view of the general belief in the suspect's guilt, how can the

grand jurors have escaped a feeling that they must indict?

The pride of American justice is that rights and liabilities are founded upon facts. To weigh the facts carefully, objectively, dispassionately is the goal of most of our elaborate procedures that make up due process of law—the right to jury trial, the right to examine the jurors before they are chosen, the right to present evidence, the right to subpoena witnesses, the right to cross-examine, the right to exclude improper questions and irrelevant evidence. These are only a few of the safeguards that our law has set up.

Bring Silent Witness

But these are thwarted and justice is dead if those who are to decide the facts cannot consider the evidence impartially. If their minds are made up before the evidence is given them in court, or if as they consider it they are fearful of what their friends and neighbors may say or think about their verdict, then they bring to the trial a silent witness more powerful than any who speaks before them and fair trial is impossible.

To protect due process some countries prohibit the publication before or during trial of comments on the facts and opinions of guilt or innocence, and some courts in this country have tried to limit such publications. But in our proper zeal to protect the freedom of the press such restrictions have not been imposed generally here, and should not.

Cites Responsibilities

Yet the right to a free press and the right to freedom of thought impose a responsibility to be fair; a responsibility on the part of newspapers to report objectively, a responsibility on the part of the public to read dispassionately, a responsibility of both to reserve judgment, respect the presumption of innocence, and let facts in litigation be determined upon the evidence.

If members of the Grand Jury were under pressure to indict, then members of the petit jury may be under pressure to convict. To be sure the law has partial safeguards even against such pressures. The honest juror, aware of his own prejudice, will be excused. The entire jury may be locked up and excluded from outside contact during the trial. The entire trial may even be moved to a distant community.

Partial Safeguards

But these are only partial safeguards and it may well be that the conduct of the Cleveland newspapers and the avid vindictiveness of our newspaper readers have created a lynch mob psychology that cannot be excluded from the Sheppard trial even by such measures.

We hope not. We hope and urge that a sober second thought may awaken a sense of the responsibility of fair trial and open the mind of the community so that if Dr. Sheppard is guilty he may be convicted fairly, and if innocent, acquitted.