

Impeachment Move In Jury Tapping Hinted

By J. A. O'LEARY

Sensors investigating the tape-recording of jury deliberations hinted today at possible impeachment proceedings against the Federal judges who authorized it.

In a prepared statement Senators Eastland, Democrat of Mississippi, and Jenner, Republican of Indiana, said:

"We believe the Internal Security Subcommittee, being a part of the Senate, could not properly inquire into the official conduct of any Federal judge. We shall recommend that the transcript of our hearings yesterday and today be transmitted to the Judiciary Committee of the House of Representatives for its information."

Senator Eastland, who presided over two days of hearings by the Senate Internal Security Subcommittee, declined to elaborate on the reference to sending the testimony to the House Committee. Under the Constitution, impeachment charges must originate in the House, and if the House entertains them the trial is in the Senate.

Interested in New Law
There also were indications, however, that the Senators may have been thinking more of interesting the House in legislation they intend to propose to make it a crime to eavesdrop on a jury for any purpose.

Chairman Celler, Democrat of New York, of the House Judiciary Committee told The Star today he had not yet seen the report of the Senate subcommittee, but that he wanted to study it very carefully. He said he would not hesitate to start impeachment action if he finds the case "rises to the importance of impeachment."

Mr. Celler said that "regardless of the motives of the University of Chicago researchers, the placing of microphones or 'bugs' in jury rooms is not to be condoned."

Such activities, he said would have the effect of causing all juries throughout the country to be doubtful of the sanctity of their deliberations and in that sense, the matter is of very serious nature.

Called Abuse of Authority

The tape recording of jury deliberations in a Kansas Federal Court last year as part of a survey on how to improve the jury system was called a "flagrant abuse of authority" by the two Senators.

Senator Eastland said he does not intend to invite testimony from the judges who approved of the tape recording.

The two Senators last night renewed their intention of seeking a law in January "making it a crime to eavesdrop on the deliberations of a jury or to record such deliberations in any way."

Purpose Explained

Prof. Edward H. Levi, dean of the University of Chicago Law School, which is studying the jury system under a grant from the Ford Foundation, reiterated last night that the study was carried on under carefully established safeguards and only for

French Trying To Cut Frontier

RABAT, French Morocco, Oct. 14 (AP)—Half a French division pressed an encircling movement along the Spanish-Moroccan frontier today, and also tried to trap a fugitive band of rebels headed that way from the Atlas Mountains.

The French in Eastern Morocco are trying to close off the Spanish-Moroccan frontier, over which they say most of the recent rebel attacks have come. It is a country of mountains and plateaus, cut by gullies offering hideouts for the rebels sniping at French troops.

The rebels still hold one border post, Bou Zineb. The French drive stalled just over a mile from the mountain position when a rebel patrol picked off five troops in a snuff.

Patrol Trails Rebels

From Tizi-Quizil, recaptured several days ago, other French troops advanced three miles north to heights from which they can control routes across the frontier.

To the south, along the main Casablanca-Algeria highway across North Africa, French patrols searched for a band of 125 rebels from the central Atlas section. These are believed to be seeking refuge in the Spanish Moroccan zone after having had a part in the sack of the French outpost of Immuzeur-des-Mar-mouches, where 11 French men, women and children were killed in a night raid October 1-2.

The government announced via the official Radio MAROC that the highway was closed for 125 miles to the east of Taza. Meanwhile, surrendering tribesmen in the area turned in nearly 150 guns, including a few light and heavy machineguns.

Terrorism Continues

Nearly 1,000 miles to the east, small but widespread terrorist attacks continued in Algeria. In the region of Bone, one of Algeria's important cities, small bands swept through orchard country cutting down orange and olive trees.

Near Ouled Selim an Italian truck driver was killed. Near El Madher the brother of the local chief and another Moslem were kidnapped, probably to be murdered. Near Meriel two Moslem boys were found with their throats cut and two who were kidnapped earlier in the week were still missing.



PAUL KITCH
Promoted Recordings
—AP Photo

the purpose of improving the jury system.

Prof. Levi's statement continued:

"It has the approval of many outstanding lawyers, judges and legal scholars in all parts of the country, including the Hon. Charles E. Clark, senior judge of the 2d Circuit, the president, the president-elect and five of the living past presidents of the Association of American Law Schools; Howard L. Barkdull, past president of the American Bar Association, and Albert J. Harbo, dean of the Law School of the University of Illinois and president of the American Judicial Society. I very much hope the American Bar Association, as the organization most representative of the bench and bar, will make a careful study of this subject and of the proper role of basic research in helping to preserve and strengthen American institutions."

But in their closing statement Senators Eastland and Jenner said the claim that the sanctity of the jury room was violated only for research purposes was beside the point.

Poses Threat

"We consider it immaterial also whether this eavesdropping on juries was done with the consent of judges or lawyers," the Senators added. "Perhaps it could not have been done so readily without such consent. But that it was done at all, and that it has become known, is what poses the threat to free deliberation in all subsequent cases."

"A juror must know that within the walls of the jury room he may speak freely, if his true and proper function as a juror is to be performed. This is a right which may not be transgressed by either attorneys or judges; it rests on a constitutional guarantee."

Referring to the use of Ford Foundation funds for the jury research project, the two Senators continued:

"That a grant of tax-free dollars should have contributed toward undermining freedom of jury deliberations raises the question of what is the fundamental purpose of a foundation. That the original grant was augmented by a second grant two and one-half times as large after the facts of what had been done to invade the privacy of juries, had been made known to officials of the Ford Foundation, raises the question of whether the foundation has gone beyond the proper bounds of any purposes it has the right to claim."

The testimony was to the effect that the tape recording of a limited number of jury cases in Wichita was approved by Senior Judge Orrie Phillips of the 10th Federal Circuit and by Judge Delmas C. Hill of Wichita.

Took Initiative

Paul Kitch, a Wichita attorney, told the subcommittee yesterday that he took the initiative in interesting the University of Chicago Law School in making the tape recordings as part of its survey of the jury system. He defended it as one way of finding out how juries understand the legal instructions given them by judges and how these instructions may be improved.

He admitted that in the early stages he thought it might be necessary to tape record about 500 jury cases, but said this idea was dropped because of the cost factor. He said his estimate of 500 was based on a belief that a fair sampling would require about 10 recordings in each of the 45 States.

Listening Approved

The American Civil Liberties Union, through its Washington director, Irving Ferman, went on record yesterday against any intrusion on the privacy of jury rooms. Mr. Ferman told the subcommittee the jury room should "remain tightly closed forever."

There was considerable testimony about the fact that an edited version of one of the jury room recordings was played to a large group of judges and lawyers at a conference of the Tenth Circuit Judges at Estes Park, Colo., last July. Mr. Kitch testified that Judge Phillips who knew about the project asked him if arrangements could be made to bring one of the recordings to Estes Park to let the judges hear and discuss it. It was testified that all names and geographical locations were edited out of the tapes to avoid disclosing identity of the cases which had been recorded.

Scott Back on Duty

Deputy Police Chief Edgar E. Scott, absent from his post as commander of the Detective Bureau for two months because of illness, returned to duty today. Inspector Scott said he underwent treatment at George Washington University Hospital for a slipped spinal disc.

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