

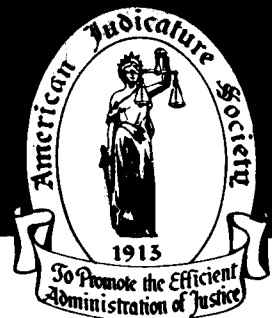
October, 1964

J *Journal of the American*
JUDICATURE
2-59 *Society*

VOLUME 48 NUMBER 5



The Warren Commission report recalls this scene. See editorial, CANON 35 IS NOT ENOUGH; and Milton R. Wessel, CONTROLLING PREJUDICIAL PUBLICITY IN CRIMINAL CASES.



AMERICAN JUDICATURE SOCIETY • CHICAGO, ILLINOIS

*Journal of
The American*
JUDICATURE
Society

Vol. 48, No. 5
October, 1964

GLENN R. WINTERS, *Editor*

Robert E. Allard, *Assistant Editor*
Rae N. Selig, *Editorial Assistant*

HEMEROTECA
SALA 224
ESTANTE 224
TABLA 59



CONTENTS

Canon 35 Is Not Enough, *Editorial* 85

Henry L. Woolfenden Elected President
of Society 85

*A Better Way to Select Judges,
by Samuel I. Rosenman 86

Project Effective Justice—
A Third Year Report of Activities 93

*Controlling Prejudicial Publicity
in Criminal Trials, by Milton R. Wessel 105

*Reducing the Cost of Appeals,
by Harry G. Fins 110

Judicial Improvements Go to the
Voters in Three States Next Month 113

Mediation Team Works Toward Settlement
of Alaska Court-Bar Dispute 113 !

Plans to Implement the Criminal Justice
Act Move Ahead 114

Literature of Judicial Administration 115

"Boy Wanted" Quotation and Photograph 116

Canon 35 Is Not Enough

| | |
|-----------------------------------|----------------|
| BIBLIOTECA DE LA CORTE SUPREMA | Res. <i>WJ</i> |
| NO. DE ORDEN | 34747 |
| UBICACIÓN | |

PUBLIC interest in the Warren Commission report during its first days as a runaway best seller has dwelt chiefly on its vivid retelling of the events of the tragedy, the revelations it has made regarding the prior lives of Oswald and Ruby, and its hindsight observations as to how the Secret Service, the F.B.I. and others might have prevented the assassination. It is not unlikely, however, that in the long run the greatest significance of the document may be in its impact on the administration of criminal justice in the United States. This derives in part from the character of the inquiry itself and in part from certain of the comments and recommendations, chiefly those having to do with pre-trial publicity.

Lee Harvey Oswald, if he had lived, certainly would have been tried for the murder of President Kennedy. The work of the Commission, although in theory only an investigation, to answer the question "Who killed President Kennedy?" quickly became judicial in nature as the question shifted to "Did Oswald kill Kennedy?"

The Commission thus found itself in the anomalous position of doing the thing for which our legal system makes no provision—conducting a posthumous trial of Oswald. This posed formidable problems, such as the necessity of making extensive use of hearsay evidence and protecting, in his absence, all of the accused's legal and constitutional rights. In fairness to the