FROM THE CENTER OUT

In December, the Center released a short report called "The Gannett Conundrum: Keeping the Courts of North Carolina Open to the Public." The report was written by Fred Harwell and distributed free of charge to the press, government officials, members of the Center, and the public. It focused on the effects of the U.S. Supreme Court's ruling in the case of *Gannett Co. vs DePasquale*, which was announced on July 2, 1979. In that case the Court held, by a vote of 5-4, that members of the public have no Sixth Amendment right of access to some criminal court proceedings. The Center's report concluded, however, that in North Carolina the public has a right of access to trials and pretrial hearings, irrespective of the Supreme Court's interpretation of the Sixth Amendment, because of language in the North Carolina Constitution.

The report got wide publicity and received a number of responses both in letters to the Center and in newspaper editorials across the state.

The report also received an official response from Thomas S. Watts, President of the North Carolina District Attorneys Association. The letter from Mr. Watts appears below.

Dear Mr. Harwell: Re: "The Gannett Conundrum"

I received a copy of the above captioned document, authored by you, on November 29, 1979.

On behalf of the 33 District Attorneys of North Carolina, I take extreme issue with your unsupported assertion regarding the existence of "a judicial conspiracy" between the Judges and prosecutors of this state to exclude the public from criminal Court matters. The conclusion you assert is without any basis in fact!

The "rights" granted to every criminal accused under the State and Federal Constitutions, the General Statutes of the State and Federal and State appellate decisions create a narrow pathway for a prosecutor to tread as he seeks to convict those who prey upon our society. The rapid expansion of the "rights" of the accused, to the detriment of the "rights" of the victims of crime, has been vigorously pursued by organizations such as yours for a number of years. It is ironic that these expanded privileges of the criminal defendant are now confronted directly by what you term as the business of the "public", i.e. society. If nothing else, this confrontation should remind many people of the old and valuable lesson that one cannot have one's cake and eat it too!

The District Attorneys of North Carolina welcome open, public trials in the belief that every conviction, with resulting punishment, serves as a deterrent to those who would plan committing similar crimes. Media reports of criminal proceedings, although often inadequate and incorrect, serve to widely disseminate and greatly multiply the deterrent factor; however, there is no deterrent to a conviction which is reversed on appeal because of prejudicial publicity which prohibited the accused from receiving a fair and impartial trial.

Budgetary and other logistical restraints frequently inhibit changes of venue or the use of special jury venires to eliminate the impact of pretrial publicity. I believe that your organization would better serve the citizens of North Carolina by seeking viable solutions to such problems, rather than attacking able trial Judges, our fine Chief Justice and North Carolina prosecutors with meritless assertions.

I was amused to note that you did not include the defense bar in your conspiracy allegation along with the Judges and prosecutors of the State; it appears to me that they are the people who initiate closure motions. Defense attorneys take the same oath quoted in your paper upon their admission to the practice of law.

November 30, 1979 Thomas S. Watts

On January 2, 1980, the Center officially moved from its old quarters on Morgan Street to offices located in the Insurance Building in downtown Raleigh. Please note our new address and new telephone number:

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