to convictions (compared to 73 percent of serious cases handled in the traditional manner), plea bargaining was substantially reduced, the average prison sentence was 15.4 years, and the average elapsed time between arrest and disposition was 106 days. Two years ago, the Bronx Supreme Court had 105 long-term detainees jailed and awaiting trial for more than a year. As of July 1, 1978, it had none.

Defense lawyers view the MOB concept with suspicion, Noble notes. Conviction figures are high, they say, because MOB units only take sure cases. They say the system relies on "hanging" judges, often involves excessive haste that precludes a fair trial, and is unfair to the first-time offender who becomes involved with hardened criminals.

Nevertheless, Noble concludes, the MOB concept can have significant crime-reducing effect, if only by letting potential felons know what to expect. Setting priorities and concentrating on cases of widest social benefit is common sense, he says; "what is surprising is that it took [police and prosecutors] so long to realize this."

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Gloomy Portents

"Without a Champion" by Lyle Denniston, in *The Quill* (Sept. 1978), 35 E. Wacker Dr., Chicago, Ill. 60601.

The Supreme Court term which ended on July 3, 1978, was a near disaster for the nation's news media. In seven major rulings and most of the two-dozen brief orders rejecting appeals in press-related cases, the Court ruled against First Amendment claims and displayed deep skepticism about fundamental press rights, argues Denniston, Supreme Court reporter for the *Washington Star.*

While the press did not lose every test, it registered few gains. In *Zurcher v. Stanford Daily,* the Court refused to read the First Amendment as a special check on government authority and granted police permission to search newsrooms. In *Houchins v. KQED* (testing the right of TV newsmen to get inside a California jail to report on conditions), the Court flatly rejected the claim that there is a public "right to know" about all government actions and policies. The Court also placed further restrictions on the media's "right to gather news" by denying broadcasters access to the Nixon tapes played at the 1975 Watergate cover-up trial (*Nixon v. Warner Communications*).

Other negative signals appeared in the Supreme Court's refusal to interfere with orders of judges barring media access to some court sessions, sealing records, and issuing "gag" orders to lawyers, witnesses, and others in criminal cases.

There was one victory for the news media: an endorsement of the press's right to publish, without fear of prosecution, the facts about

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secret investigations of the fitness of judges (*Landmark v. Virginia*). But the Burger Court showed characteristic caution in refusing to go further and rule on the constitutional theory that the press can never be punished for publishing truthful information about government.

Overall, says Denniston, the Court displayed a testiness about the press's role in society but produced no consistent view of the limits of press freedom. No single Justice can now be relied upon in every case to offer a firm defense of First Amendment rights—boding ill for future constitutional claims of the press.

Self-Regulation or Else!

"The Power of the Press: A Problem for our Democracy" by Max M. Kampelman, in *Policy Review* (Fall 1978), 513 C St. N.E., Washington, D.C. 20002.

The relatively unrestrained power of the news media may be a greater challenge to American democracy than the power of Congress and the Presidency, contends Kampelman, a Washington attorney, prominent Democrat, and former professor of political science at the University of Minnesota.

As the major media organizations have grown more powerful, they have also become more business and profit-oriented and enormously lucrative. Meanwhile, the restraint of competition is disappearing as a result of acquisitions and mergers; 60 percent of the 1,775 U.S. daily newspapers are now owned by chains, compared to 30 percent in 1960.

The press, like other powerful institutions, says Kampelman, must be accountable to the public. But instead, the media enjoy virtual immunity from prosecution for libel or invasion of privacy. Press and television compete for audiences by emphasizing the sensational while ignoring important policy issues; they indulge in bias and selective morality (e.g., by ignoring massacres in Cambodia while playing up minor misdeeds elsewhere); and they distort the political process by bestowing attention on some candidates while ignoring others.

"The cumulative effect of these shortcomings," says Kampelman, "is a diminishing confidence in journalism . . . that, in itself, is a danger to democracy." A Harris survey in March 1977 found that public confidence in TV news fell from 35 percent in 1975 to 28 percent in 1977, and confidence in newspapers fell from 26 percent in 1975 to 18 percent in 1977.

Self-regulation is preferable to governmental restraint. But at the moment, no procedures exist to assure that the media adhere to professional standards. Such leading newspapers as the *New York Times* and the *Washington Post* have refused to cooperate with a National Press Council established by the Twentieth Century Fund to help resolve disputes arising from alleged unfair press treatment. Journalists need a code of ethics to deal with the problem of personal bias. In addition, Kampelman writes, new laws should minimize the unfair advantages the press enjoys in libel litigation and restrain the growth of communications conglomerates.