

New Report About Family Murder Causes Delay in Teen-Ager's Trial

By ROBERT HANLEY

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HACKENSACK, Oct. 24—The murder trial of Harry De La Roche Jr., the 19-year-old former military student accused of slaying his parents and two brothers last November, was postponed indefinitely today amid a flurry of subpoenas over a weekend newspaper article in which the teen-ager was quoted as saying his younger brother, not he, had committed three of the murders.

The Bergen County Prosecutor's office served a subpoena at the Hackensack office of The Record, demanding that the paper surrender the tape recordings of a four-hour jailhouse interview in which Mr. De La Roche purportedly said he had killed his 16-year-old brother Ronald in a fit of rage after finding his father, Harry Sr., 44; his mother, Mary Jane, 50, and youngest brother, Eric, 12, murdered in the family's home in Montvale.

The newspaper refused today to comply with the subpoena, contending that the tape recording was privileged material and thus was legally protected from forced disclosure by a three-week-old amendment to the state's so-called "shield law." The 12-year-old law prohibits courts, the Legislature and other official bodies from forcing newsmen to reveal anonymous sources.

The amendment on which The Record is relying was signed into law Oct. 5 by Governor Byrne. It broadened the law's protective provisions to include any news or information a newsman gathers, irrespective of whether the source is identified and regardless of whether all that news is disseminated to the general public.

Argument Is Cited

Before that amendment became law, a newspaper had no statutory protection, once subpoenaed, to withhold news gathered from a source who had been publicly identified by the newsman.

Peter G. Banta, attorney for The Record cited that argument when he appeared in the Bergen County Court chambers of Judge James F. Madden at 10 A.M., the hour the Prosecutor's subpoena was returnable.

"I just announced that we were no

going to respond," Mr. Banta said after the private hearing in chambers.

Judge Madden immediately imposed an order on both Assistant County Prosecutor Richard E. Salkin, who is trying the case, and Mr. De La Roche's defense attorney, John R. Taylor, ordering them not to discuss the case with the press. Judge Madden also ordered an indefinite delay in jury selection, which had been scheduled for this morning.

The judge later said in a brief statement that he had ordered the delay "so both the defense and the state could file certain motions."

No Further Steps Taken

After The Record's original refusal to comply with the subpoena, no further steps were taken by either side.

County Prosecutor Roger W. Breslin Jr. suggested that he and Mr. Salkin expected that Mr. Banta would now file a motion to quash the subpoena.

Mr. Banta said he had no immediate plans to do so, and expected Mr. Breslin's office to first file a motion with Judge Madden to force The Record to comply with the subpoena.

Although Mr. Taylor refused to discuss the case because of what his office called Judge Madden's "gag order," he is known to have asked that he, too, be given the tape-recordings of the interview between his client and John Banaszewski, The Record reporter who interviewed Mr. De La Roche last Thursday in the Bergen County Jail annex, where he is being detained without bail. Mr. Banaszewski wrote a story in the Sunday paper quoting the suspect as saying he killed his brother Ronald after Ronald killed the three other members of the family.

Mr. Taylor denied in Mr. Banaszewski's article that he had agreed to permit the interview so it would generate enough pre-trial publicity to win Mr. de La Roche a mistrial.

Mr. Taylor was said to have argued before Judge Madden this morning that the reporter violated an agreement that his interview with Mr. de La Roche would be limited to reports of several inmate reprisals against the thin, introverted suspect recently for spurning the advances of a homosexual inmate.



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