

# JERSEY PAPER YIELDS TO COURT ON TAPES

## Abandons Plan to Resist Demands on Constitutional Grounds

By ROBERT HANLEY

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HACKENSACK, N.J., Nov. 28—The Record abandoned today its constitutional and statutory fight to keep possession of its tape recordings of a jailhouse interview with a suspected murderer, Harry De La Roche Jr., and complied with a court order to surrender the tapes.

Two cassettes containing 2 hours and 40 minutes of conversation between the suspect and John Banaszewski, a Record reporter, were turned over to Judge James F. Madden of Superior Court at about 4 P.M. This was four hours after the deadline the judge had set last Wednesday when he ruled that the afternoon daily had no legal right under the Constitution or the state's newspaperman's privilege or shield law to resist the Bergen County Prosecutor's demands for the tapes as evidence.

The Record said last week that it would appeal the ruling to higher courts. The newspaper's attorney, Peter G. Bania, said that it had dropped those plans to prevent any delay of next Monday's scheduled start of Mr. De La Roche's trial in Camden.

### Murders Laid to Brother

In Mr. De La Roche's tape-recorded conversation with Mr. Banaszewski last Oct. 20, the 19-year-old former military school student denied that he murdered his parents and two younger brothers a year ago today. He contended that his 15-year-old brother Ronald had committed three of the murders. Mr. De La Roche told Mr. Banaszewski that he had killed Ronald after finding the bodies.

In the aftermath of the murders last year, Mr. De La Roche is thought to have admitted to the police in his hometown of Montvale that he committed all four murders.

The day after a Sunday front-page article in The Record on Oct. 23 extensively quoted Mr. De La Roche's new version of the murders, Roger W. Breslin Jr., the County Prosecutor, subpoenaed the tapes used to write the article. The Record refused to comply, arguing that the tapes were protected from forced disclosure by the First Amendment freedom of the press rights and by a new amendment to the state's shield law.