In re: JENKINS K. Z. B. SCOTT, Minister of Justice and Dean of the People's Supreme Court Bar, and **ALETHA J. ROBERTS,** Editor-in-Chief, "New Liberian" Newspaper, Respondents.

CONTEMPT PROCEEDINGS

Heard: October 9, 1984. Decided: November 22, 1984.

1. To constitute contempt there must be improper conduct in the presence of the Court, or so near thereto as to interrupt or interfere with its proceedings; or some act must be done, not necessarily in the presence of the Court, which tends to adversely affect the administration of justice.

2. Any act which tends to belittle, degrade, obstruct, interrupt, prevent, embarrass or interfere with the Court in the administration of justice is contemptuous. However, it is not essential to the existence of contempt for the conduct to actually obstruct justice; it is sufficient if the conduct tends to obstruct the administration of justice.

3. Contempts are of two kinds: Civil and criminal. Contempts for which punishment is inflicted for the primary purpose of vindicating public authority are denominated criminal, while those in which the enforcement of civil rights and remedies is the ultimate object of the punishment are denominated civil contempts.

4. The object of the Court's power of contempt is not to stifle its critics, and not every criticism of the Court or its officials constitutes or is treated as contempt.

5. Criticism of a court's ruling or decision is not improper, and may not be restricted confine their criticism to the facts and base them on the decision of the court, they commit no contempt, no matter how severe the criticism may be.

6. When criticism goes beyond the facts of a case and charges that judicial conduct was influenced by improper, corrupt, or selfish motives, or that such conduct was affected by politics, prejudice or interest, the tendency is to create distrust and destroy the confidence of the people in their courts.

7. The fact that one holds an important public office does not, merely by virtue of that office, render him immune from punishment for contempt, even though he would not be liable civilly for acts done or statements made in the course of his official duty.

8. The Supreme Court will punish for contempt any deceptive practice which might have the tendency to reflect discreditably upon the Judicial Branch of the Government, or which might tend to belittle it or its decision, or which might embarrass it in the performance of its duties, or which might show disrespect to it or its judge, or which might defy its authority.

9. The power to hold a member of the Bar in contempt is an inherent power of the Supreme Court, and cannot be questioned by international organizations or foreign states; nor does the Court have power to answer questions from any source as to what it considers contemptuous.

10. It is the prerogative of the Court, based on all surrounding circumstances, to determine whether a contemnor should be purged.

11. Generally, contrition and apology do not absolve a contemnor but merely suffice to ameliorate the offense and to mitigate the punishment therefor.

12. The want of intention is no excuse to purge a party of contempt.

13. It is contemptuous for a counsellor of the Supreme Court or for any person to make opprobrious imputations to the Court.

14. No one can be punished for criminal contempt unless the evidence is clear that he intended to commit the act.

15. A disclaimer or disavowal of a contumacious intention or design to embarrass the due administration of justice is not a valid defense to a charge of contempt, especially where the facts constituting the contempt are admitted; nor can it, by itself, absolve a publisher of the charge of contempt.

16. Intent, in contempt, is subjective and not objective, and it must be ascertained from all the acts, words, and circumstances surrounding the occurrence.

17. Before utterances can be punished for contempt, and viewed as constituting a clear and present danger, working a substantial evil to the administration of justice, the substantial evil must be extremely serious, and the degree of eminence extremely high.

18. Freedom of speech or of the press should not be interpreted as a license to exceed

the constitutional liberty a citizen should enjoy.

19. The liberty of the press is the right to publish the truth with good motives, and for justifiable ends, though reflecting on government, magistracy or individuals.

Counsellor Jenkins K. Z. B. Scott, Minister of Justice and Dean of the Supreme Court Bar, after reportedly losing a case in the lower court, called a press conference at which he accused the Liberian Judiciary of being corrupt. In his pronouncement at the press conference, the Minister alleged that public confidence in the Liberian Judicial System was at its lowest ebb ever due to the unprofessional tendency of judges in the handling of cases; that lawyers and judges were soliciting payments from clients but failing to deliver services; that it was easier to prosecute a poor man successfully than to convict a rich man because of the unprofessional practice of most judges; that no rich person of recent times was known to have lost a case in the Liberian courts due highly to monetary considerations; and that a lot would be uncovered regarding jury tampering if the government had the funds to keep the jurors under surveillance.

The utterances made by the Minister were carried in the government owned newspaper, "The New Liberian".

The Supreme Court considered the utterances and the publication thereof to be contemptuous to the Judicial Branch, and it cited both the Minister of Justice and the Editor-In-Chief of the New Liberian Newspaper in contempt of Court.

In their returns, the Minister of Justice and Editor-In-Chief of the New Liberian Newspaper asserted that the utterances and publication were never intended to cast aspersion upon, malign, impugn, ridicule, degrade or attempt to bring the Court into national and international disrepute. They therefore apologized to the Supreme Court, pleaded for mercy, and prayed to be purged of the contempt.

The Supreme Court rejected the plea and the prayer of the respondents. Citing both Liberian and United States decided cases in support of its position; the Court held the acts of the Minister and the Editor of the newspaper to be contemptuous. The Court stated that the acts were not only an affront to the Judicial Branch, designed to belittle and ridicule the Liberian Judicial System and to interfere with the administration of justice, but that the said acts presented a clear and present danger to the entire judicial system and the national good. The Court reiterated its inherent contempt power and opined that in the exercise of that power it could not be questioned by any international organization or foreign state.

The Court opined further that it was not necessary that the respondents actually obstructed the administration of justice to be held in contempt. It was sufficient, the Court said, if the conduct of the respondents tended to obstruct the administration of justice. Moreover, the Court said, the fact that the respondents did not intend to ridicule or degrade the Court and that they had apologized for their acts were insufficient to relieve them of contempt.

In addition, the Court observed that the fact that the Minister was a government official did not render him immune from contempt or from punishment for contempt even though he would not be liable civilly for acts done or statements made in the course of his official duty.

The Court therefore held that for the utterances made by the Minister, and the publication thereof by the New Liberian Newspaper, the Minister and the Editor be held in contempt of the Court. As punishment for the contempt, the Court ordered the Minister disbarred from the practice of law for a period of two years and fined the Editor-In-Chief of the Newspaper Five Hundred ($500.00) Dollars, to be paid within seventy-two (72) hours or be committed to the common jail for seventy-five days.

E. W. Smallwood, J. Emmanuel R. Berry and *H. Varney G. Sherman* appeared as *amici curiae*. *Jenkins K. Z. B. Scott,* Pro se, *Abraham Kromah* and *Momolu Kiawu* appeared for the respondents.

MR. JUSTICE GBALAZEH delivered the opinion of the Court.

Based upon a citation issued from this Bench, and upon briefs filed by both the *amici curiae* and the respondents in this case, the pertinent facts presented for our ruling are as follows:

Shortly after losing a criminal case as the chief prosecuting counsel for the Republic of Liberia against one Benjamin Collins, former Commissioner of Insurance, the Honourable Minister of Justice, Counsellor Jenkins K. Z. B. Scott, who is also Dean of the Supreme Court Bar, called a press conference in his office, at which he made the following pronouncements:

"Public confidence in the Liberian Judicial System is at its lowest ebb ever due to the unprofessional tendency of most judges in the handling of cases; that recent daily reports reaching me from clients of several lawyers speak of lawyers and judges soliciting payments from clients but failing to deliver services. It is easier today in Liberia to prosecute a poor man successfully against government and win the case as a result of the unprofessional practice of most judges, than to convict a rich man in the court of law. Never in recent times has a so-called rich man lost a case before our courts, due to the high rate of monetary and

individual interest among lawyers. If funds were available to keep surveillance on jury tampering, bribery, among others, a lot would be discovered involving some well known judges. Judges have a tendency to individualize things; and there are very few professionals in the country today."

On September 21, 1984, the New Liberian Newspaper, a government owned paper, carried in its volume 7, No. 94 issue, at pages 1 and 6, a coverage of said press conference. Incidentally, the New Liberian Newspaper was the only one in the entire nation to publish coverage of said press conference, and it quoted the Minister verbatim.

It was the quoted utterances of the Justice Minister, published in the aforesaid Newspaper, that the Justices of this Court, as the head and guardian of our judicial system, read and determined to be unduly contemptuous of this Court and the entire judicial family of this country.

Consequently, this Court caused to be issued a citation against the Minister of Justice, Counsellor Jenkins K. Z. B. Scott, who had made said outrageous utterances, and Miss Aletha J. Roberts, Editor-In-Chief of the New Liberian Newspaper, Ministry of Information, who had caused said utterances to be published nationwide. The citation commanded both respondents to appear before this Court, sitting in its October A. D. 1984 Term, and to show cause why they should not be attached in contempt of Court. Both were duly ordered to file their returns and to appear. Count four of the citation specifically charged thus:

"That the utterances, publication and circulation of these derogatory, defamatory, ridiculous and impugning remarks made and published by you, respondents herein, are regarded as an ultimate and direct attempt on your part to bring the Judiciary of Liberia into national and international disrepute, drive away investors who must rely on the courts to protect their investments, and by so doing, you, respondents, are clearly bent on subverting the economy of the Republic of Liberia by inciting the public against the courts of Liberia so that the government in power will be discredited and the business community and investors abroad would reach the conclusion that the rule of law does not exist in Liberia."

In obedience to said citation, respondents jointly and duly filed a three-count returns, which reads thus:

"1. Because your humble respondents say that the statements made by them which were reported in volume 7, No. 94, pages 1 and 6 of the "New Liberian", dated September 21, 1984, were never intended to cast aspersion upon, malign, impugn, ridicule, degrade and attempt to bring into national and international disrepute the Honourable the Supreme

Court of Liberia nor the Judicial System of this Republic.

2. That the respondents in both their official and private capacities would spare no effort to uphold the rule of law within Liberia, and protect and defend the dignity and integrity of the courts as well as all judicial officers, especially of this Honourable Court.

3. That respondents respectfully submit that this Honourable Court, having considered the aforementioned statements to be contemptuous, hereby regret any perceived embarrassment to the Judiciary and beg Your Honours to accept their humble apology in the premises and mingle mercy with justice and purge them of these contempt proceedings for which they most humbly pray.

Wherefore, and in view of the foregoing, respondents most respectfully pray this Honourable Court to purge them of these contempt proceedings and to quash the charges levied against them and to continue to recognize them as arms and friends of this Honourable Court."

The *amici curiae* on the other hand, after having filed their briefs, argued that in order to vindicate the dignity of this Court, the Minister of Justice should not be merely attached in contempt of court, but he must be attached criminally. They cited other instances of former Justice Ministers, then called Attorney Generals, and other prominent government officials who were held in contempt of court. They prayed that Jenkins K. Z. B. Scott, Justice Minister and Dean of the Supreme Court Bar, having made the contemptuous remarks on bare hearsay, should be held to a higher degree of contempt than Miss Aletha J. Roberts, Editor-In-Chief of the New Liberian, who happened to be of a different class of profession-i.e. journalism. Notwithstanding the plea for different standards, it was acknowledged that Miss Aletha J. Roberts was grossly unprofessional when she failed to verify the authenticity of Minister Scott's charges against the Judiciary before publishing same, which act also amounted to an abuse of press freedom as guaranteed by our laws.

From the foregoing facts, the salient issues demanding our attention and ruling appear to be the following:

1. Whether or not in view of our laws, the acts complained of by the Court, that is, the statements uttered by the Minister of Justice and published in the New Liberian Newspaper by the Editor-In-Chief, and admitted to by the respondents, are by themselves contemptuous.

2. Whether or not contrition and apology would purge a contemnor if such acts complained

of were committed with impunity.

3. Whether or not it is a defense to a charge of contempt based on contumacious statements and publication that the contemnor had no subjective intention that the statements and publication would result in interference in the administration of justice.

4. Whether or not said utterances by the Minister of Justice worked a substantial evil, or were extremely serious and of the degree of imminence so extremely high as to warrant punishment for contempt.

Starting with the first issue, it is important that we first analyze what is contempt of court. This Court has from earliest times held that to constitute contempt there must be improper conduct in the presence of the Court, or so near thereto as to interrupt or interfere with its proceedings; or some act must be done, not necessarily in the presence of the Court, which tends to adversely affect the administration of justice. *King v. Moore*, 2 LLR 35 (1911). It is also held that any act which tends to belittle, degrade, obstruct, interrupt, prevent, or embarrass the court in the administration of justice is contemptuous. *In re C. Abayomi Cassell, Attorney General, R. L.*, 10 LLR 17 (1948).

The earliest recorded case of contempt came up in 1885 when this Court held an Attorney General of the Republic of Liberia in contempt for advising the Secretary of the Treasury against paying costs in a *habeas corpus* proceeding where a government officer holding the bodies of two girls could not be located. The Attorney General was therefore made to apologize in open court and to pay said costs of court, or alternatively, to pay a fine of One Hundred and Fifty Dollars or be imprisoned in the common jail of the County of Montserrado. *In re Proceedings upon a Writ of Habeas Corpus issued by the Chief Justice, Republic of Liberia*, 1 LLR 190 (1885). Other cases include that of a counsellor of the Supreme Court Bar, and a former Attorney General of the Republic of Liberia, who, while attending a gathering of jurists and lawyers in Nigeria, presented a paper which was highly contemptuous of the Liberian Judiciary and caused immense embarrassment to the then Chief Justice of Liberia who happened to have attended said conference also. The said Counsellor ended up with a suspension from the practice of law for a considerable time. *In re C. Abayomi Cassell*, 14 LLR 391 (1961).

In jurisdictions similar to ours, it has been held that absent any statute to the contrary, any act or conduct is contemptuous which obstructs, or is calculated to embarrass, hinder or obstruct the court in the administration of justice, or which is calculated to lesson its authority or dignity, or to bring the administration of law into disrespect or disregard, or any conduct which in law constitutes an offense against the authority and dignity of a court or

judicial officer in the performance of judicial functions. 17 C. J. S., *Contempt,* § 8. However, it is not essential to the existence of contempt for the conduct to actually obstruct justice, it is sufficient if the conduct tends to obstruct the administration of justice. 17 AM. JUR. 2d., *Contempt,* § 3

Contempts are of two kinds: civil and criminal. But, suffice it to say here that in general, contempts for which punishment is inflicted for the primary purpose of vindicating public authority, as in the present case, are denominated criminal, while those in which the enforcement of civil rights and remedies is the ultimate object of the punishment are denominated civil con-tempts. 17 C. J. S., *Contempt,* § 5(2).

The object of the court's power of contempt is not to stifle its critics, and not every criticism of the court and its officials is treated as contempt. And we subscribe to a ruling in a contempt case in a jurisdiction similar to our, which maintained that criticism of a court's ruling or decision is not improper, and may not be restricted after a cause has been finally disposed of and ceased to be pending. As long as critics confine their criticism to facts and base them on the decisions of the court, they commit no contempt no matter how severe the criticism may be; but when they pass beyond that line and charge that judicial conduct was influenced by improper, corrupt, or selfish motives, or that such conduct was affected by political prejudice or interest, the tendency is to create distrust and destroy the confidence of the people in their courts. *Grimm v. State,* 162 NE 2d 454(1959), cited in 17 C. J. S., *Contempt,* § 25.

In light of this expose of our law of contempt, do the utterances of the Minister of Justice, as published by the "New Liberian" Newspaper, not appear contemptuous? Certainly it is. The Minister did not merely criticize the rulings of a particular court after a cause had been disposed of, nor have his criticisms been restricted to facts based on the decisions of some courts. What he did was to criticize the entire Liberian Judiciary as one family, including this Honourable Court. He accused judges and lawyers of receiving bribes, and attributed rampant jury tampering to our courts and our lawyers. He referred to our judges as unprofessionals whose conducts are being marred by criminal propensities which have made our Judiciary to be at its worst. He further charged that public confidence in our judicial system is at its lowest ebb ever; and he accused our judges of individualizing things and living by favouritism. In the face of all these inglorious charges against the Judiciary, we found, to our absolute surprise, that the Honourable Minister of Justice, Counsellor-At-Law and Dean of the Supreme Court Bar, had based all his charges on hearsay and rumours, and upon his own whims and caprices. He did not rely on a single piece of evidence to substantiate his case. We are therefore most disposed to side with the *amici curiae* when they charged that the Justice Minister was infuriated after losing the *Ben Collins* case. Instead of

blaming his Ministry for the poor preparation of cases, he rather singled out the Liberian Judiciary for a suitable scapegoat, to calumny and to belittle the Judicial System of Liberia.

We should add here that in seeking to achieve his goal, the Justice Minister had recruited the connivance of the Editor-In-Chief of the New Liberian Newspaper who, without any justification, and in complete disregard for the truth, had said noxious materials boldly published and circulated nationwide, being unmindful of the damage it sought to do to our judicial system and to the country. This Court is of the opinion that the statements and publication made by respondents were not accidental, for the said respondents are mature individuals, are of age and are rational beings who possess all the faculties of reasonable human creatures. Hence, they knowingly made and published said statements, and did so without fear of the consequences. The said statements and publication were therefore deliberate and felonious, and cannot by any stretch of the imagination be assessed as being accidental.

For these salient reasons, and in due consideration of our laws of contempt, we are of the candid opinion that the utterances of Jenkins K. Z. B. Scott, Minister of Justice of the Republic of Liberia, Counsellor-At-Law, and Dean of the Supreme Court Bar, were grossly contemptuous; and that the unprofessional publication of those utterances by Miss Aletha J. Roberts, Editor-In-Chief of the New Liberian Newspaper, in the September 21, 1984 issue of the said Newspaper, was similarly contemptuous to this Court, which is the head and guardian of the judicial system of this nation.

This brings us to another facet of the first issue in this case; that is, who in the Republic of Liberia can be held in contempt. In other words, is there anyone in this Republic, besides the Head of State or the President, who is above the law of contempt? The answer to this question is simply NO. Generally, any person interfering with judicial function is punishable for contempt. 17 C. J. S., *Contempt,* § 33. And it has been held that public officers are not, merely by virtue of their office, immune from punishment for contempt. *Land v. Dollar,* 190 F 2d 623, 344 US 806 (*cert. dis.*). Indeed, public officers have been held punishable for contempt where they fail or refuse to comply with an order requiring them to turn over property in their possession to its owner. *Ibid.* Moreover, it has also been held that the fact that one holds an important public office does not render him immune from punishment for contempt, even though he would not be liable civilly for acts done or statements made in the course of his official duty. *Ex Parte Craig,* 282 F. 138, 68 L. Ed. 293.

This Court has in the past held in contempt of court such government officials as the Attorney General, now Minister of Justice (*In re Proceedings Upon a Writ of Habeas Corpus Issued by the Chief Justice, Republic of Liberia,* 1 LLR 190); the Secretary of State, now Foreign Minister

(In re C. Abayomi Cassell, Attorney General of Liberia, 10 LLR 17); and the Secretary of the Treasury, now Finance Minister (*In re Proceedings Upon a Writ of Habeas Corpus Issued by the Chief Justice, Republic of Liberia,* 1 LLR 190). This Court has also held several others, including distinguished members of the Liberian Bar Association, in contempt of court. *In re D. C. Caranda, Counsellor-At-Law*, 8 LLR 249 (1944).

In an effort to establish forever the power to hold in contempt and how that power was derived, this Court held in the *Cassell* case that the Supreme Court would punish for contempt any deceptive practice which might have the tendency to reflect discreditably upon the Judicial Branch of the Government, or which might tend to belittle it or its decisions, or which might embarrass it in the performance of its duties, or which might show disrespect to it or its judges, or which might defy its authority. *In re C. Abayomi Cassell, Counsellor-At-Law*, 14 LLR 391 (1961). In that same opinion, this Court also pointed out that the power to hold a member of the bar in contempt is an inherent power of the Supreme Court of Liberia, and cannot be questioned by any international organization or foreign state; nor does the Court have power to answer questions from any source as to what it considers contemptuous. *Ibid.*

Other authorities in jurisdictions similar to ours have held that the power of courts to punish for contempt is inherent as an essential auxiliary to the due administration of justice. It extends to all classes of contempts, and is frequently said to inhere in all courts. 17 C. J. S., *Contempt,* § 43. It has likewise been held in another similar jurisdiction that the power to punish for contempt is inherent in the very organization of all courts and is essential to the functioning of our judicial system. *State v. Moquin*, 191 A 2d 541. In fact, it is sometimes said that every court of record has the power to adjudicate a person in contempt. 17 AM JUR 2d., *Contempt,* § 62.

We will now proceed to the next issue in this case, which is to determine whether or not contrition and apology can purge a contemnor or have the charges against him quashed if the acts complained of were committed with impunity. We will not belabour the point here, but proceed to say that it is the prerogative of the Court, based on all the surrounding circumstances, to determine whether a contemnor has been purged. Generally however, contrition and apology do not absolve a contemnor but merely suffice to ameliorate the offense and to mitigate the punishment therefor. Accordingly, a witness' recantation or retraction of false testimony, before the closing of the case does not absolve him from the criminal contempt committed by him, although such fact may be considered in mitigation. 17 C. J. S., *Contempt,* § 37. The so-called doctrine of purgation, whereby the filing of a verified categorical denial of the charge of indirect criminal contempt disposes of the case and leaves the contemnor punishable if his answer is false, does not obtain in Liberia

because, in this jurisdiction, the court decides whether a contemnor has been purged. Said doctrine, as that of purgation, also does not obtain in similar common law jurisdiction like the United States of America. 17 C. J. S., *Contempt,* § 2.

This brings us to the third issue in this opinion, in which we are to consider whether or not a disclaimer of intent can afford a contemnor a good defense to a contumacious statement and publication. In considering the disclaimer of intent in general, this Court once held that for the future guidance of persons who have to come before it, it is necessary to emphasize that want of intention is no excuse to purge a party of contempt, and re-emphasized that it is contemptuous for a counsellor of this Court or for any person to make opprobrious imputations to the Court. *In re D. C. Caranda. Esq. Counsellor-At-Law*, 8 LLR 249 (1944).

The question of intent, however, is an important element in criminal contempt, and no one can be punished for criminal contempt unless the evidence is clear that he intended to commit the act. *United States ex rel. Porter v. Kroger*, 162 F 2d 168. Concerning the effect which a disclaimer of intention embodied in a sworn answer bears on the conclusiveness of such answer, we note that as a general rule, a disclaimer or disavowal of a contumacious intention or design to embarrass the due administration of justice is not a valid defense to a charge of contempt, especially where the facts constituting the contempt are admitted, or where a contempt is clearly apparent from the circumstances surrounding the commission of the act. Thus, it is ordinarily not a valid defense to a charge of contempt that the intentions of the alleged contemnor were good; or that he did not intend to violate the decree or order on which the charge is based, provided the terms of the decree or order are clear and unambiguous; or that he acted in good faith. 17 C. J. S., Contempt*,* § 42. The rationale is that if the rule were otherwise, one held in contempt might always purge himself by an assertion of good intention. *Wood v. State*, 370 US 375, 119 S. E.2d 261 (1961); *State ex rel. Hurley v. District Court of Seventh Judicial Circuit,* 246 P 250.

In a case involving contempt by publication, it has been held that if a defendant in his verified answer denies any contemptuous intent, he must be discharged unless the language used, without the aid of innuendos, is clear and not susceptible of a construction consistent with innocent intent. *Le Grange v. State,* 153 NE 2d 593; 69 ALR 2d 668 (1958). Another case holds that it is no defense to a charge of contempt based on a contumacious publication that the contemnor had no subjective intention that the publication would result in an interference with the administration of justice. However, both cases end up saying in effect that a mere disclaimer of intention cannot by itself absolve a publisher of a charge of contempt, and that the contrary can he gathered from the circumstances of the offense.

Intent in contempt is subjective and not objective. 17 AM. JUR. 2d, *Contempt*, § 8. The intent

or purpose must be ascertained from all the acts, words, and circumstances surrounding the occurrence. *State v. Goff,* 228 SC 17, 88 SE 2d 788, 52 ALR 2d 1292 (1955).

This Court is convinced that the respondents in this case intended to belittle and ridicule the Court and the entire Judicial System of Liberia. The words, strong as Minister Scott had used them, the publication of those words, without verification or some second thought by Editor Roberts, coupled with the circumstances of the case, being a press conference held in Minister Scott's office shortly after losing a criminal case, all fit together perfectly to reasonably impute intent to the contemnors. There is no doubt as to this conclusion when one considers that Minister Scott is a Counsellor-At-Law, Justice Minister and the Dean of the Supreme Court Bar, and that Miss Aletha J. Roberts is Editor-In-Chief of a leading government newspaper, whom none should doubt at least understands some elementary aspects of the law of defamation, and of contempt of court. Indeed, a reasonable and literate person, not bring forced, could imagine and conclude, under the circumstances surrounding this case, in light of the utterances of Minister Scott, that a contempt of court was committed. Other prudent newspaper representatives at the news conference held by the Minister refused to carry the story. It is not surprising that only Miss Aletha J. Roberts' paper, the "New Liberian", carried the story.

Finally, we come to the fourth issue: whether or not the utterances of Minister Scott and the publication thereof worked a substantial evil, were extremely serious and were of the degree of imminence so extremely high as to warrant punishment for contempt. It has been held that before utterances can be punished as contempt, and as constituting a clear and present danger working a substantial evil in the administration of justice, the substantia1 evil must be extremely serious, and the degree of imminence extremely high. 17 C. J. S., *Contempt,* § 8. This view is referred to as the clear and present danger doctrine in contempt and it particularly applies to out-of-court statements. Some courts appear to emphasize the imminence of the danger and have said that freedom of speech and of the press should not be impaired through the exercise of the power to punish for con-tempt of court unless there is no doubt that the utterances in question constitute an imminent, not merely a likely, threat to the administration of justice. 159 ALR 1389; 2 L Ed. 1718.

Under the common law system, the publication of scandalous matters concerning a court constitutes contempt irrespective of whether the publication relates to a case pending; but unless it does relate to a cause before the court, it is treated as contempt only because it tends to bring the court into disrespect, or in other words, to scandalize the court. *State ex rel. Metcalf v. District Court*, 155 P 278.

In relating the foregoing conditions to our present case, we wish to remind ourselves of a

note that was sounded by this Court in an earlier contempt case when it said that the judiciary is the anchor which holds stabilized governments in balance; without it, vested interest might suffer, sacred rights might be violated, constituted authority might be challenged, and in fine, administrative chaos could result. *In re C. Abayomi Cassell*, 14 LLR 391 (1961). Consequently, in count four of our citation summoning the respondents to these contempt proceedings, we charged "that the utterances, publication and circulation of these derogatory, defamatory, ridiculous and impugning remarks made and published by you, respondents herein, are regarded as an ultimate and direct attempt on your part to bring the Judiciary of Liberia into national and international disrepute, drive away investors who must rely on the courts to protect their investments, and that by so doing, you, respondents are clearly bent on subverting the economy of the Republic of Liberia by inciting the public against the courts of Liberia so that the government in power will be discredited and the business community and investors abroad would reach the conclusion that the rule of law does not exist in Liberia.

Indeed, the situation analyzed in the charge of contempt is the imminent danger that makes the respondents in this case punishable for out-of-court contempt, without in any way prejudicing their rights to freedom of speech and of the press. This Court has held that freedom of speech or of the press should not be interpreted as a license to exceed the constitutional liberty a citizen should enjoy. The liberty of the press is the right to publish the truth with good motives, for justifiable ends, though reflecting on government, magistracy or individuals. *In re C. Abayomi Cassell, Counsellor-At-Law,* 14 LLR 391 (1961).

The fact that the Minister of Justice of the Republic of Liberia, Counsellor-At-Law, and Dean of the Supreme Court Bar, made the utterances which are the subject of these proceedings, and because the utterances were published only by the Government Newspaper, the "New Liberian", put the Judiciary and the entire nation in imminent danger. Those utterances presented a clear and present danger, especially because they were made by none other than the Minister of Justice of the Republic of Liberia, and were published by the Government Newspaper, which facts gave them substantial credence. We recall that this nation has been making serious efforts to repatriate some of her citizens from abroad to stand trial on criminal charges. We are therefore struck with awe that the Minister of Justice, by his utterances, has already given evidence to foreign governments to cause them to believe that our citizens, whose repatriation we seek, will not receive a fair trial since the Minister of Justice implied by his utterances that the rule of law does not obtain in Liberia. This implication regarding the Minister's utterances and the publication thereof, offered a clear and present danger to the national good. In a sense, the said utterances went a long way to lift up the "anchor", the judiciary, which holds the state in a balance. This Bench is convinced that the aforesaid utterances and their publication have done substantial damage

to the good name of our judicial system and the entire national entity, and that this has been done without any justification. Consequently, the respondents in this case are guilty of criminal contempt of a very serious kind, needing some equally very serious punishment to correct or reform the contemnors, while at the same time serving as a lesson to others who might be tempted to attempt the example set by the respondents.

In view of the foregoing, we find both the Justice Minister, Jenkins K. Z. B. Scott, and the Editor-In-Chief of the New Liberian Newspaper, Miss Aletha J. Roberts, guilty of criminal contempt of court. As punishment therefor, said Counsellor Jenkins K. Z. B. Scott is hereby suspended from the practice of law, directly and indirectly, within this Republic, for a period of two consecutive years, as of the date of this judgment. Miss Aletha J. Roberts, Editor-In-Chief of the New Liberian News-paper, is hereby fined the sum of $500.00 (FIVE HUNDRED DOLLARS) to be paid into the government revenue within seventy-two hours from now, and ordered to present a receipt therefor to the Marshal of this Court; or, failing that, the Clerk of this Court shall issue a commitment to be placed in the hands of the Marshal for her imprisonment in the common jail of Montserrado County for a period of seventy-five consecutive days. And it is hereby so ordered.

Respondents adjudged in contempt.