Press Rights: An Act of Balancing by the Courts

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The press is under siege! It is being attacked by the highest tribunal, one that supposedly was established to administer justice in our fair land. This seems to be the combined cry of the news reporting agencies across the country and for a good reason. The Burger Court has continued to whittle away the rights and privileges of our nations Fourth Estate. It has seemed at times to be a hatred towards reporters.

This trend is reflected by the Supreme Court's recent decisions. The First Amendment, "Congress shall make no law... abridging the freedom...of the press," has had as much impact on limiting government interference as the 55 mph speed limit has stopped people from going 60 mph. The Supreme Court has run over many parts of the press' freedom, such as:

1. In May, the Supreme Court ruled that government agents, looking for criminal evidence, may obtain a warrant to search a newsroom and examine photographs, notes and research files.

2. In June, the Court decided that, under the First Amendment, the press is not entitled to any rights that ordinary citizens do not share and consequently may be denied access to prisons.

3. In August, a U.S. appeals court ruled that police and government officials, in the course of criminal investigations, may secretly subpoena the long-distance telephone records of reporters and news organizations.

4. In September, the New Jersey Supreme Court upheld the jailing of a reporter who had refused to turn over all his notes to a judge in a murder trial.

5. In October, the Supreme Court heard arguments in a libel case that could lead to a decision re-
quiring reporters to answer questions about what they were thinking when they prepared a story.

Through these and other rulings it is becoming harder for the press to investigate the government.1

The press traditionally plays an adversary role in its relationship to government. It serves as a "watchdog" for the people against the officials in power.2 It provides an additional check in the system. In order for the press to carry out this function, the First Amendment was adopted to provide a privileged status, so the media can be more effective in their role. This privilege is explained by Justice Brennan when he stated in Near v. Minnesota, "The chief purpose of the First Amendment's guaranty is to prevent previous restraints upon publications." But this function has been severely hampered recently by Supreme Court decisions. Two cases that have received public attention in 1978 were the New York Times v. Jascalevich and Zurcher v. The Stanford Daily. The former deals with a reporter's privilege permitting him to keep his sources confidential, the latter deals with an announced police search of a newsroom. It also has argued that a risk is involved in regard to revealing sources' identities. To fully understand these cases, I will provide a brief history on which these cases are built upon. This will lead us to a discussion on shield laws, laws that give a reporter a privilege whereby he is not forced to reveal his sources.

The press is one of the largest sources of information in the country. Freedom of the Press is the right to pub-
lish facts, ideas, and opinions without interference from the
government or private groups. It encourages the populace to
exchange ideas and events without a fear of reprisal. It is
the lifeline to knowledge for the average American. Approx­
mately sixty-one million daily newspapers are sold each day.
The paper continually suggests beliefs and various methods of
judging persons and events that in turn shape our daily lives. To provide this information, we depend on reporters to gather
and develop it into an interesting story. Very sensational
columns, ones that capture the public's interests, most often
depend on sources which the reporter assures will remain con­
fidential. By asking a reporter to reveal a source asks him
to break an oath when he became a reporter, it is like ask­
ing a judge not to uphold the Constitution of the United
States.

Within this constitution freedom of the press was guar­
anteed by the First Amendment. This amendment has been inter­
preted to mean a free flow of information shall not be pro­
hibited from the press or the general public. Seeing this
problem legislatures took up the task of writing statutes
that would protect and provide a privilege for reporters. In
1896 a Baltimore reporter went to jail for contempt of a
grand jury because he refused to disclose the source of his
information which enabled him to predict a pending indictment.
Within three months Maryland enacted the first shield law. Since then, 25 other states have enacted shield laws. Below
is the statute for the state of Indiana, which is comparable
to others:

"34-3-5-1 (2-1733). Newspapers, television, and
radio stations--Press associations--Employees and
representatives--Immunity--Any person connected with or employed by, a newspaper or other periodical issued at regular intervals and having a general circulation, or a recognized press association or wire service, as a bona fide owner, editorial or reportorial employee, who receives or has received income from legitimate gathering, writing, editing and interpretation of news, and any person connected with a licensed radio or television station as owner, official, or as an editorial or reportorial employee who receives or has received income from legitimate gathering, writing, editing, interpreting, announcing or broadcasting of news, shall not be compelled to disclose in any legal proceedings or elsewhere the source of any information procured or obtained in the course of his employment or representation of such newspaper, periodical, press association, radio station, television station, or wire service, whether published or not published or not published in the newspaper or periodical, or by the press association or wire service or broadcast or not broadcast, by the radio station or television station by which he is employed. (Acts 1941, ch. 44-1, p. 128; 1949, ch. 201-1, p. 673; 1973, P.L. 319-1, p. 1731.)"

The next question presented was should it be an absolute or qualified privilege? A qualified would seem to please both the press along with the courts. An absolute would not allow there to be a check on the press from another institution within our system. The courts have argued that shield legislation will weaken their authority since they would lose the power to gain access to necessary evidence in a trial through a subpoena. Secondly, in all classes of privilege the identity of both parties is known, but in the case of a reporters and his source only one party is known. Therefore, it could not be determined if such a relationship exists. Finally and probably their strongest reason, only a small percentage of news is obtained from sources reporters want to protect. Therefore, their news gathering effectiveness is not affected as reporters would like you to believe it is.
To this I would like to submit Professor Blasi's study. It revealed that reporters who classify themselves as "very well qualified," 16.3 percent believed they had already been adversely affected by the threat of a subpoena. (These include those who do in-depth, investigative reporting and the list includes Walter Cronkite, Eric Severeid, Mike Wallace, Dan Rather, and Marvin Kalb.)

The press' response to the courts use of subpoenas is that by forcing disclosure it will shut off further news. Secondly, by reporting crime and corrupt civic or political associations, it aids in administering justice. Third, newspapermen can talk to sources which are reluctant to talk to police. Fourth, libel laws provide adequate protection against careless publication. The pro and con argument hinges on whether the court will exercise its authority and issue a subpoena.

The increased use of subpoenas accompanied by hatred trend towards the press began in the sixties. It was a time of civil unrest due to the Vietnam War. With this unrest came investigations into government operations by reporters. There became a dislike for the press. They were treated as the bearers of bad news. One side argued that the administration of justice required the full power to subpoena records and journalists when necessary. The press contended that the subpoenas were so broad and generally worded that they amounted to harassment, intimidation, violation of confidential ties between reporters and sources and therefore were in conflict with the First Amendment.
protection does not depend upon government's beliefs dealing whether journalists are right or wrong in their judgments. To relieve this predicament, the then Attorney General John Mitchell stated that the Justice Department would issue no subpoena without his approval. His guidelines were:

1. In determining whether to request issuance of a subpoena, the approach must be to weigh any limiting effect on the exercise of First Amendment rights against the public interest to be served by the fair administration of justice.

2. All reasonable attempts should be made to obtain the information from nonpress sources.

3. Negotiations should be attempted in all cases in which a subpoena is contemplated.

4. The attorney general must personally authorize any action leading to a subpoena.

5. In seeking such authorization, the following principles will apply: The information is essential and cannot be obtained elsewhere; subpoenas should be limited to verification of published information under ordinary circumstances; if not, then great caution should be observed when seeking unpublished information or when a claim to confidentiality is made.

His effort seemed to calm the tension for a period of time, but the subpoenas continued to be issued. The Los Angeles Times had been served more than thirty subpoenas threatened with fifty others, and spent more than $200,000 in trying to quash these subpoenas. CBS and NBC were served with 121 subpoenas within 30 months. All subpoenas dealt with the turning over of news materials. These easy-way-out-in-acquiring-information by government law enforcement officials has a damaging effect on the process of reporting news. Justice Douglas captures the effect best when he states,

"The intrusion of government into this domain is symptomatic of the disease of this society. As the
years pass the power of government becomes more and more pervasive. It is a power to suffocate both people and causes. Those in power, whatever their politics, want only to perpetuate it. Now that the fences of the law and the tradition that has protected the press are broken down, the people are the victims. The First Amendment, as I read it, was designed precisely to prevent that tragedy.10

In 1972, the Supreme Court held in a trilogy of cases—Branzberg v. Hayes, et al.; In the Matter of Paul Pappas, and U.S. v. Caldwell—that freedom of press is not abridged when newsmen are required to appear and testify before state or federal grand juries.11 Paul Branzberg, a reporter for the Louisville Courier-Journal, had written several articles about drug usage in Kentucky. The court did not argue whether newsmen need some privilege, but addressed themselves to the question being does a person have the right to ignore a grand jury order, namely a subpoena? It is seen and accepted here that a reporter has an obligation to appear before the legal proceedings. Reporters should appear but need not answer questions dealing with their sources identity. This would be a violation of a pact they entered into with another person; they could claim confidentiality like any other client-professional relationship may. To force them to answer such questions would make them an extension of the governmental investigative agencies. The First Amendment was established to prevent this from occurring. In the following passage, it become evident that the majority saw this predicament and in an ambiguous way tried to embody Mitchell’s guidelines into the opinion. Newsmen should not be forced to either appear or to testify before a grand jury or at a trial until and unless sufficient grounds are shown for believing that the
reporter possesses information relevant to a crime the grand jury is investigating, that the information the reporter has is unavailable from other sources, and that the need for the information is sufficiently compelling to override the claimed invasion of First Amendment interests. The Supreme Court rejects that the burden on news gathering resulting from compelling reporters to appear before a grand jury outweighs any public interest in obtaining the information. But the right to gathering depends on one's ability to hear it. Justice Lewis Powell in his concurring opinion expressed this belief:

"...if he has some other reason to believe that his testimony implicates confidential source relationships without a legitimate need of law enforcement, he will have access to the court on a motion to quash and an appropriate protective order may be entered. The asserted claim to privilege should be judged on its facts by the striking of a proper balance between freedom of the press and the obligation of all citizens to give relevant testimony with respect to criminal conduct. The balance of these vital constitutional and societal interests on a case-by-case basis accords with the tried and traditional way of adjusting such questions."

Thus, through the Burger court's ambiguity on the newsmen's privilege, a qualified privilege was established. Perhaps more importantly, in regard to the cases to be discussed later, a balancing test was born. This test balances the rights and privileges guaranteed by the First Amendment with those guaranteeing the right to a fair trial by the Sixth Amendment.

In the opening paragraph of the dissenting opinion, Justice Stewart, joined by Brennan and Marshall, reflect their views by stating that while it "gives hope of a more flexible future," the Court holds there is "no First Amendment
Justice William O. Douglas argues, "All of the 'balancing' was done by those who wrote the Bill of Rights. By casting the First Amendment in absolute terms, they repudiated the timid, watered down, emasculated versions of the First Amendment."\(^16\)


Myron A. Farber is a 40 year old reporter for the New York Times. In 1975, Farber wrote a series of articles for the Times on the mysterious deaths of 13 patients at Riverdell Hospital in Oradell, New Jersey, during 1965-66. The articles prompted Bergen County, New Jersey, authorities to exhume some of the bodies for autopsy. The corpses contained traces of curare, a powerful muscle relaxant.

Dr. Mario E. Jascalevich, a surgeon at Riverdell at the time of the deaths, was indicted in 1976 for the murder of five of the 13 patients. Jascalevich pleaded not guilty to the charges.

Acting on a motion from Jascalevich's lawyers, Judge William J. Arnold of the New Jersey Superior Court in Hackensack, on June 30, 1978, ordered Farber and the Times to present all the notes, files and tape recordings related to the reporter's investigation of the hospital deaths. Arnold wished to examine the material to see if any of the documents might aid Jascalevich's defense.

Farber resisted the subpoena, claiming that he had
promised anonymity to unnamed sources. The Times backed Farber, saying that it would not, and could not, force the reporter to relinquish those documents in his possession.

Mr. Farber, along with the Times, argued that they were immune to the subpoena because of the First Amendment's guarantee of freedom of the press and because of New Jersey's 'shield law.'

Judge Trautwein of the New Jersey Superior Court found Farber and the Times in contempt of court for failing to respond to the subpoena. Farber was fined $1,000 for civil contempt and sentenced to remain in the Bergen County jail until he surrendered his notes. The reporter was also given an additional six months in jail and fined another $1,000 for criminal contempt. Trautwein fined the Times $100,000 for criminal contempt and in a civil contempt citation, ordered it to pay $5,000 a day until it complied with the subpoena. Thus, began the harshest penalty ever given to a reporter and his paper. When it was all over, the bill registered $285,000 in fines and 39 days in jail for Myron Farber.

Before being levied with his contempt Farber pleaded,

"If I give up my file, I will have undermined my professional integrity and diminished the credibility of my colleagues. And most important, I will have given notice that the nation's premier newspaper is no longer available to those men and women who would seek it out--or who would respond to it--to talk freely and without fear."

Judge Trautwein did not accept this argument. Perhaps Farber said it best with regard to the possible plight of his fellow reporters when he responded on his jail sentence,

"It's been something of an eye-opener to me. It's also something of a disappointment--[to be punished] not for doing anything wrong, but for doing some-
thing that, any way you want to view it, was in the public interest.\textsuperscript{19}

Our judicial system is based on fairness. Therefore, everyone who comes under the law and are subpoenaed should receive the same treatment. But this fails to be what is happening. A number of court decisions have allowed government officials to withhold information subpoenaed on the grounds of secrecy or privacy.\textsuperscript{20} Is not this the case with Farber? He claims to protect the privacy and thus keep his sources identity a secret. Our system should not be based on who you are, but on what you do.

Farber was issued a subpoena (Latin-under penalty). It is a process to cause a witness to appear and give testimony (his notes), commanding him to lay aside all pretenses and excuses, and appear before a court or magistrate therein named at a time therein mentioned to testify for the party named under a penalty therein named (contempt). Farber's contempt was one which arose from matters not occurring in or near the court but which tend to abstruct the administration of justice. Due to the New Jersey "shield law," the action taken by the judge in slapping Farber with contempt citations was unfair, unnecessary and in violation of the statute. The Founding Fathers understood and feared this use of arbitrary power.\textsuperscript{21} It seems the courts are dangerously tipping the scales into their direction. The courts have never acknowledged an absolute privilege for reporters. But 26 states have said it is necessary by enacting them.\textsuperscript{22} Over half of the population of the United States deem it necessary and have drafted and lived under "shield law" legislation.
The court in recent years has acquired vast political clout. The public should be wary of judges personal biases affecting judgments. The public is the institution that must pay for this bill and the end of the judge's feast on the press.

Behind all of the superficial arguments lies the basic constitutional question, When two constitutional rights clash which one takes priority over the other protection? Within the Jascalevich trial arose one of these pressure points. The First Amendment, freedom of the press, was being balanced against the Sixth Amendment, a person's right to a fair trial. Historically, the Sixth has superceded the First due to the possibility of a person, who is innocent, being incarcerated. But, there was an interesting twist in this case. It is usually big government versus free press. In this trial, it was the defense, instead of the prosecution, which asked for Farber's notes. Why did the attorney ask for the notes that had led to his client's indictment? It seems that Raymond Brown, Dr. Jascalevich's lawyer, knew the notes would not help his case. But, he could argue, since he knew a reporter would be reluctant to give away his sources, that it was an unfair trial, pending on a conviction.23

Balancing between the two is exemplified in the following question, Should a reporter be protected from disclosing evidence that may show murder defendant to be innocent? Farber argues a question of procedure which takes precedence in this regard. Judges in various lower courts have said the use of a subpoena in order to gain access to confidential sources and documents, should only be used after three tests
have been met. First, it must be shown that there is a compelling state interest. Secondly, the evidence sought must be shown to be relevant. Third, the materials sought must not be obtainable through other means. This is a very important aspect. Every available means of extracting the information must be exhausted before the powerful use of a subpoena is invoked.

Farber and the *Times* argue that the subpoena was too generally construed. By asking for all notes and recordings, it provided a leak of Farber's sources. Farber never argued that he was immune from the subpoena, only that he was protected against revealing his source's identities. It was seen, through the subsequently futile attempts to quash the subpoena, as though the entire New Jersey judicial system was after the "imperialistic press." Farber was never given a judicial hearing to argue the generalness of the subpoena prior to his jailing, a procedure that might have been awarded him had he not been a reporter. Just Marshall suggested this at the start. Why did the New Jersey court fear this procedure? By granting one ex post facto of the jail term, they admit they were wrong. It is a shame when this happens in a country which has set up standards to prevent such atrocities.

"What is at issue here," Farber states, "is not Dr. Jascalevich's right to a fair trial; he has access to the same people I interviewed and more." Farber has repeatedly insisted that any information he has uncovered can be uncovered by others as well.
Balanced against the usefulness of Farber's notes is a grave risk that the press would be damaged in its First Amendment function of informing the public. The Los Angeles Times ran an editorial which stated, "Without the ability to protect his sources, the reporter could not have produced the information that caused the state to renew its inquiry, yet the state, through its agent, the judge, is seeking to destroy that very process."\(^2^7\) A district court judge in Washington, D.C., quashed 10 subpoenas of reporters. He, by using Powells approach, had balanced the interests and ruled for the First Amendment. It is conceivable that two of the reporters, Carl Bernstein and Bob Woodward, might have been ordered to reveal the identity of Deep Throat.\(^2^8\) Whoever this person was, it would have been very damaging to his lifestyle. Do these third party sources have any rights when they enter into a confidential relationship with a reporter?

As is the case with a penitent-priest, client-lawyer, and patient-doctor, so a source should enjoy the ability to give information to a journalist. There is one difference that needs to be acknowledged. We know the identifies in the former but not what is said. In the case of a source, we know what is said, and not the identity.\(^2^9\)

The court has acknowledged that the right to speak anonymously is protected by the First Amendment through two cases, one in Alabama and the other in Los Angeles. This anonymity is the key to the values protected by the First Amendment. If the government knows the identity of a dis-
sident or source whether involved in illegal activities or not, it can punish him. The *Federalist* papers were published under the name of Publius. Will our country retreat in time where the press will have to use psuedonyms to protect themselves from government proceedings? I hope not.

The point of the confrontation is between anonymity and the right to be confronted with the witnesses against him. Farber is not the witness. He only has access to them. The defense, if worried about losing, has at their disposal the power, through the judicial process, to contact and interview these sources; that is all Farber did for his story. If they do not wish to answer questions they can be subpoenaed to appear in court. One man, because he did a superlative job of investigative reporting, should not be punished for the reason that another man failed to perform his (i.e. the defense attorney) duty. The defense should be compelled to demonstrate to a court that it is essential for the benefit of his client that the identity of a source be revealed. This should be after, and at only this time, he has attempted and failed in every other means of obtaining the information. It is a sad day for journalism to see a reporter punished for what he believes. Farber's obstinence provoked the issue of whether a reporter may claim a privilege in the face of another individual's trial. But as we have already seen, his notes were viewed as worthless by the defense. Therefore, one must view the controversy not as one where balancing is necessary, but one that has taken the aspects of one person under the attack from a judges abuse of available power sprinkled with their own personal biased ideas.
The Zurcher v. Stanford Daily case probably aroused more controversy among the journalistic ranks than the Farber ordeal. Again, the press was the victim. On April 12, 1971, four police officers showed up at the offices of the Stanford University student newspaper. They had with them a warrant authorizing them to search the premises for photographs, film and negatives of a campus demonstration in which nine police officers were injured. For 15 minutes, they rummaged through the paper's darkroom, file cabinets, desks and wastepaper baskets. They did not find what they were looking for.\(^{31}\)

Claiming that its constitutional rights under the First and Fourth Amendments had been violated, they (Stanford Daily) filed suit. A federal district court, and later the United States Court of Appeals, ruled in favor of the paper.\(^{32}\) I believe Judge Robert F. Perkham hit the nail on the head when he ruled "in all but a few instances, a subpoena duces tecum is the proper--and required--method of obtaining material from a third party." He also noted that, due to the high value society places on privacy, intrusions through the execution of a warrant is "simply unnecessary" in most situations involving nonsuspects, since a less drastic means is available.\(^{33}\) The Supreme Court failed to follow this reasoning.

Justice Byron R. White wrote the majority opinion. In it he stated:

"The hazards of such warranty can be avoided by a neutral magistrate carrying out his responsibilities under the Fourth Amendment, for he has ample tools at his disposal to contain searches within reasonable limits."\(^{34}\)

Two questions arise from White's statement. First, where will one find a neutral magistrate. This is a difficult task due
to individuals personal bias inherent by living in society. According to reports of the Administration Office of United States Courts, judges refuse to approve warrants for electronic surveillance in very few cases due to the statute in 1968 permitting it. This case is another decree that will enable abuse of power to take place. Secondly, once the magistrate dictates what he feels is within reason, what is to keep police from going beyond the stated restrictions, which we all know happens. Sure there are remedies in court, but in light of recent cases the press sees what is happening in court to their protection and legal rights. Since the Stanford Daily raid, fourteen warrants have been issued to search newsrooms.35 Hopefully this will not become a trend in our society.

Justice White continued by saying, "Valid warrants may be issued to search any property..." Journalists are afraid this could have an effect on sources, who might choose to remain silent for fear that their names would be found on a stray scrap of paper during a search.36 The ramifications of finding bits and pieces of information along with articles that might shed a bad light on sources are present. People could be questioned, invading their privacy, for no sound reason other than their names appeared on the same pile that the 'evidence' was found on. This will limit what a reporter will be able to write down, thus limiting the effectiveness of a reporter unless he has a photographic memory.

Justice William O. Douglas emphasized in his dissent the intent of the framers when he asserted,
"Those who wrote the Bill of Rights believed that every individual needs both to communicate with others and to keep his affairs to himself. This dual aspect of privacy means that the individual should have the freedom to select for himself the time and circumstances when he will share his secrets with others and decide the extent of that sharing."

Through this case an individual loses this privilege. Justice Potter Stewart explained this danger best when in his dissent he said that,

"it takes no blind leap of faith to understand that a person, giving information to a journalist only on the condition that his identity will not be revealed, will be less likely to give that information if he knows that his identity may in fact be disclosed."

This "drying up" of sources could hamper police investigations. They receive some of their leads through news stories. These news stories would eventually fail to appear.

A possible solution has been introduced in Congress with 48 House cosponsors. It has been titled "The Press Protection Act of 1978." The bill would require that an adversary hearing be held in front of a magistrate before any writ enabling a search could be issued. Further, an ex parte warrant could be issued only if there was probable cause to believe that a news reporter had committed or was committing the crime. I believe the second part is within the boundaries of a test for reasonableness since no man is above the law when they are involved in illegal activities. The first requirement, however, would produce an unnecessary burden upon the already overloaded judicial system.

A feeling of caution has come upon the press due to the harsh treatment they have received from the courts. Is this
an outgrowth of the "Law and Order" emphasis of former President Nixon carried out through his appointees in the courts? An expansion of the search and seizure doctrine and by forcing reporters to appear in court in an attempt to reveal confidential sources has surely proven the hostility of the courts towards the press. "Shield laws" have had no effect in the higher court's rulings. The Supreme Court of the United States did not even address the question in the Stanford Daily case dealing with the possibility of the police uncovering sources identities through an announced police search.

Due to the press misquoting, making errors by assuming, and interpreting the opinion wrong; there naturally developed a bad aura between the Court and the press. The problem is two fold. First, the press must meet deadlines. It is a competitive battle to be the newspaper with the latest "scoup." Secondly, the press must translate the Courts arcane legal language into the normal sixth-grade reading level of newspaper prose. This process lends itself to error. The press should try to develop a better method for informing the public of decisions. The public has a right to be well informed not misinformed.

This possibly could be the reason the courts have taken a dislike for reporters. It could follow that this is the reason why the courts have taken to destroying many press rights and privileges that have stood for years. By developing better relations with the Supreme Court and the lower courts and by developing a better means of covering court decisions, this problem could be solved. There must be a just attempt by the courts themselves in order to correct the injustice
which has already occurred.

I want to be an informed person. One that is able to find one's information through reading which is the best means of obtaining detailed information. I do not want to be able to find only drab articles, such as, "How to groom one's Dog." The police have less drastic methods available to them when they need information. Let us not allow them to take the easy way at the expense of reporters.

Is not the court trend towards stating that government can do to its citizens anything not specifically forbidden by the Constitution? This reasoning is totally the reverse of what the Founding Fathers intended. Indeed, the courts have the power to interpret, but this should not go beyond boundaries and should not go against what society's wants happen to be. Justice Holmes once said that "people should be able to go to Hell if that is what they want." I am reminded of 1984 and Fahrenheit 451 since they were based upon controlling what was known and, therefore, you control the people. Let us not be led into the same situation.

The Supreme Court and the lower courts are able to say what the law means. In the future other people will be in charge of what will be the interpretation. They might decide to overturn today's trends. But precedents are hard to break, therefore, it is likely that these will be around for awhile. So, let the press beware!
ENDNOTES


5 Francois, op. cit., p. 323.

6 Steigleman, op. cit., p. 201.


10 Ibid, p.320.


14 Branzberg, op. cit., p. 2671.

15 Ibid.


18 Friedman, op. cit., p. 40.

19 Ibid.

20 Friedman, op. cit., p. 39.

25 Ibid.
26 Newsweek, op. cit.
27 Griffith, op. cit.
28 Friedman, op. cit., p. 41.
30 Ibid.
31 Friedman, op. cit., p. 42.
32 550 F.2d. 464.
35 Ibid.
38 Ibid.


"Newsmen Have No Privilege to Withhold Information."  American Bar Association Journal, 58 (Sep. 1972), 975.


Newsweek, 7 Aug. 1978, p. 87.


