ASSEMBLY JUDICIARY COMMITTEE
58th NEVADA ASSEMBLY SESSION

MINUTES

March 27, 1975

This meeting of the Assembly Judiciary Committee was called to order by Chairman Barengo at 8:05 a.m. on Thursday, March 27, 1975.

MEMBERS PRESENT: Messrs. BARENGO, BANNER, HEANEY, HICKEY, LOWMAN, POLISH, SENA, Mrs. HAYES and Mrs. WAGNER.

MEMBERS ABSENT: NONE.

Guests present for this meeting included Assemblyman Steve Coulter; Dean Smith, Reno Newspapers, Inc.; Karen McDaniels, Sigma Delta Chi; Warren Lerude, Reno Newspapers; John Huether, Reno Newspapers; Mark E. Oliva, Reno Newspapers; Bill Farr, Los Angeles Times; Ron Einstoss, Visalia Times-Delta; Tad Dunbar, KOLO-TV; Jim Thompson, Chief Deputy Attorney General; and Grant Bastian, State of Nevada Highway Engineer. A Guest Register is attached to these Minutes.

First to be considered by this Committee was A.B.381, and first to testify regarding it was Assemblyman Steve Coulter, the introducer of the bill. Mr. Coulter read from a prepared statement, which is attached to these Minutes. Mr. Coulter stated that "Up until June of 1972, there would have been little need for . . . something called a shield law. Until then, the First Amendment to the Constitution guaranteeing freedom of the press was generally considered inviolate." After that, the Supreme Court ruled that a newsman had no right to refuse to reveal his confidential sources to a grand jury. Mr. Coulter went on to inform the Committee of the problems newsmen and journalists face at the present time.

Mr. Coulter distributed to this Committee a copy of current legislation in regard to newsmen, which copy is attached hereto. Mr. Coulter received many responses to this proposed legislation from newspapers throughout the state. Mr. Coulter stated that often newsmen are the only link between politicians and the public. Mr. Coulter was questioned by this Committee and was asked why a "former" newsman would need protection as proposed by A.B.381. Mr. Coulter explained why this was necessary.

Next to testify regarding A.B.381 was Mr. Warren Lerude, Executive Editor of the Reno Evening Gazette and Nevada State Journal. He explained why he supported the bill. Many stories the public reads were given to the reporter on a confidential basis, and if the reporter does not respect this confidentiality, the people who furnish these stories will not do so in the future. Then, the public's knowledge as to news stories would be very limited. He then gave some examples of stories which related to the Reno area and which came out and were brought to the attention of the newsman by confidential sources. These sources can be obtained only be an independent press, and this situation is not without threat in this country. Attached is a written statement from Mr. Lerude, as well as a copy of an article entitled "Confidentiality of News Media Sources". Mr. Lerude also presented this Committee with a booklet entitled "Freedom of the Press--The Threats and The Washington Post". Because of the length of the booklet it will be attached only to the original Minutes. Mr. Lerude said that passage of A.B.381 would not become a special privilege for journalists--it is the public's right to know what is going on. This Committee then questioned Mr. Lerude. Mr. Lerude pointed out that 7 states have adopted shield laws, and out of them 4 have gone to the protection of all records.

Next to testify in favor of A.B.381 was Mark Oliva, who is a newsman with the Reno Evening Gazette and Nevada State Journal. Attached to these Minutes is his statement. Mr. Oliva stated that he is particularly concerned with the language " ' . . . any note, photograph, film, tape recording or other document acquired or prepared by him in his professional capacity . . . etc. . . . ' ". Mr. Oliva stated that the bill as it now stands does not fully protect. Mr. Oliva gave the Committee his background as a journalist and told of the times he received subpoenas for his written work. He then presented these subpoenas to this Committee, and they are attached only to the original Minutes. Mr. Oliva then gave examples of the types of stories which came from confidential sources. He also stated in response to a question from Mr. Hickey that none of the subpoenas he received came from Nevada.

Next to testify was Bill Farr, a reporter with the Los Angeles Times, who is in support of A.B.381. Mr. Farr was formerly with Los Angeles Herald Examiner, and experienced numerous problems when he refused to reveal confidential sources which arose in connection with the Charles Manson murders. In regards to this particular matter, he stated that it was true that he was the only

journalist in the United States who was confronted with prosecution for not revealing sources after he had left his job as a journalist with the Herald Examiner. After the case began, the law did not request any information from Mr. Farr as to his confidential sources; however, about 7 months after he left his job, his confidential sources were again requested and when he did not cooperate by revealing them, he was prosecuted. This is why request is made for A.B.381 to include all former newsmen. He then gave an example of a recently released story which originally came to him through confidential sources. He detailed the circumstances of his meeting with the source and the precautions that were taken so his meeting with Mr. Farr would not be discovered.

Mr. Farr told this Committee that this bill is an extension of what is already on the books--this bill broadens it so that there are no loopholes. A reporter should not have to worry about going to jail in order to do his job. The Committee proceeded to question Mr. Farr at length. Presently there are multiple bills for Congressional study and approval in regards to what A.B.381 is concerned with, but the Senate Subcommittee which studies this is headed by Senator Sam Ervin, and he and other senators have been preoccupied by other national crises for the last few years.

Next, Mr. Ron Einstoss, who has been for 3 years the Managing Editor of the Visalia Times-Delta. He is in support of legislation covered by A.B.381. He submitted to this Committee a prepared statement, which statement is attached to these Minutes. He stated that he previously held Mr. Farr's present position with the Los Angeles Times. He then gave statistics regarding his present newspaper. Mr. Einstoss has appeared before Congress and other states in support of passage of legislation such as A.B.381. He urged the Committee to consider amending A.B.381 to include unpublished information, tape and film. He stated that California's laws in regard to this subject are among the best in the nation. He told the Committee of the necessity of taking notes on various information presented to the newsman, even pertaining to information which is not to be published. He stated, "It is very difficult, . . . for a reporter . . . under the pressure of deadline or several weeks or months later, to remember exactly which information can be used without attribution. The notes of most reporters . . . clearly reflect this."

Mr. Einstoss said he feels that Congress is not acting immediately on this type of legislation because the

newspapers, radio, television, wire services, etc. cannot get together on just what should be passed. They are, however, unanimous on one thing--they shouldn't have to disclose sources. Chairman Barengo pointed out that he felt the wording "work product" should be used in A.B.381 when referring to the tapes, film, photograph, notes, etc. This term would be "all encompassing". Mr. Einstoss said that he believes 26 or 27 states have passed shield laws. In their intent and premise, they are basically the same, but some states did not include unpublished information.

Mr. Banner was excused from the meeting at this point to chair a meeting of the Assembly Labor Committee.

Next to testify regarding A.B.381 was Tad Dunbar, a newsman with KOLO-TV, Reno. He stated that he wanted to give this Committee the television point of view on the bill. He asked the Committee not to go away with the impression that laws like this are needed to protect only "high-level, national attention-getting" stories. This is necessary to protect the smaller, local area newsmen, also. Mr. Dunbar then cited examples of local Reno-area stories which came out and were controversial. He gave the Committee an idea of how a small, unimportant fact may be jotted down by one newsman on a piece of paper or recorded on tape. Then, the file grows and two full-time newsmen may be working constantly on the story. Mr. Barengo questioned Mr. Dunbar about using the term "work product" in A.B.381. Mr. Dunbar replied that the broader the bill was made, the better. He said he could not think of anything which was not covered, but sometime someone will. This Committee questioned Mr. Dunbar.

Next, A.B.382 was considered. Jim Thompson, Chief Deputy Attorney General for the State of Nevada, reviewed the basic history on a bill such as this. His first thought after seeing the bill was that it was a rather innocuous bill. He noted that there was no fiscal note on it. He then told the Committee of the financial effect this bill would have on a state treasury. He said the State of Nevada at present is party to 435 civil law suits, 233 of which total the sum of $116,000,000. Many of these suits involve land. He gave some further statistics. He said the State's liability is growing daily. He believes that this State will win most of these law suits. This bill encourages litigation, particularly in land areas. It is difficult to forecast what the attorneys' fees will be. And, if you are talking about $116,000,000, you are

talking about a lot of money. He feels that A.B.382 treats the State more unfavorably than it does a private party. There is no limit on action against the State. Mr. Thompson said that if recovery of $1,000,000 was made, a couple hundred thousand dollars in attorneys' fees would result. This Committee then questioned Mr. Thompson, and he urged this Committee to reject this bill.

Grant Bastian, State of Nevada Highway Engineer, supplemented Mr. Thompson's remarks regarding A.B.382. His department is doing a lot of road work. He gave examples of how they can make settlements. He said he endorses Mr. Thompson's proposal that the bill not be passed. The Committe questioned Mr. Bastian.

(In regards to Mr. Thompson's and Mr. Bastian's testimony, attached is a copy of a Transmittal 52 relative to the Federal-Aid Highway Program Manual.)

Mr. Robert Guinn, Nevada Motor Transport Association, said that they are opposed to A.B.382. He cited a situation in Oregon with similar legislation. When people knew they had nothing to lose in going to court, the number of suits increased by the hundreds.

Chairman Barengo noted that there was no one in the audience to testify in regards to S.B.214. Therefore, it will be considered at a later date.

Mr. Coulter requested that this Committee consider a Committee introduction of a bill which provides for regulations and procedures in regards to access to public records. Mr. Heaney moved for a Committee introduction of this bill, and Mrs. Wagner seconded. There were 8 votes in favor of Committee introduction. Mr. Banner was not present for this vote.

Mr. Hickey asked if Chairman Barengo would allow discussion on A.B.285, and discussion was had as to whether to amend this bill or indefinitely postpone it. Mr. Hickey moved DO PASS, and Mr. Sena seconded. Mrs. Wagner amended the DO PASS motion to make the first offense a misdemeanor, the second offense a gross misdemeanor, the third offense a felony and to limit possession to one-half ounce. Mr. Barengo requested further amendment of the original motion, and further discussion was had. It was then decided that these various amendments be drawn up and presented to the Committee for review. Mr. Hickey withdrew his original motion.

It was moved and seconded that this meeting be adjourned, and seeing no further business before this Committee at this time, Chairman Barengo adjourned the meeting at 10:00 a.m.

ASSEMBLY JUDICIARY COMMITTEE

GUEST REGISTER

DATE: March 27, 1975

NAME	BILL NO.	SPEAKING	REPRESENTING
Steve Coulter	381	—	Assembly
Dean Smith	381		Reno Newspapers, Inc.
Karen McDaniels	381		Sigma Delta Chi
Warren Levude	381	✓	Reno Newspapers
John Huether	381		Reno Newspapers
Mark E. Oliva	381	✓	Reno Newspapers
Bill Farr	381	✓	Los Angeles Times
Ron Einstoss	381	✓	Vesalia Times-Delta
Tad Dunbar			
Jim Thompson	382	✓	AG
Grant Bastian			State of Nevada Highway Engineer

Statement of ASSEMBLYMAN STEVE COULTER

Assembly Judiciary Committee
March 27, 1975

FEW ISSUES IN RECENT TIMES HAVE SO ATTRACTED PUBLIC ATTENTION AS THE QUESTION OF HONESTY IN GOVERNMENT. MUCH OF THE REASON FOR THAT INTEREST AND THE PUBLIC CONCERN, HAS BEEN THE NEWS MEDIA, REPORTING WHAT THE GOVERNMENT DOES OUT IN THE PUBLIC AND SOMETIMES BEHIND CLOSED DOORS. THESE NEWS MEN AND WOMEN ARE IN BUSINESS OF PRESENTING INFORMATION, NOT HIDING IT.

YET TODAY, WE ARE HERE TALKING ABOUT THOSE FEW TIMES WHEN IT IS NECESSARY FOR THE REPORTER NOT TO TELL EVERYTHING HE KNOWS. IF HE WERE FORCED TO, SOME GOVERNMENT LEADERS MIGHT START CONDUCTING MORE OF THEIR own BUSINESS THAN THE PUBLIC'S, AND NO ONE WOULD PROBABLY EVER KNOW. FOR THE INVESTIGATIVE REPORTER, MUCH OF WHAT HE DOES DEPENDS ON WHAT OTHER PEOPLE TELL HIM. THROUGHOUT MUCH OF THIS NATION'S HISTORY, THE NEWS MEDIA HAS BEEN EXPOSING WRONGDOING IN GOVERNMENT, LABOR AND BUSINESS. THE EXPOSURE THAT RESULTS OFTEN LEADS TO CRIMINAL PROSECUTIONS OR REFORMS TO PREVENT FUTURE ABUSES. BUT THE SOURCE OF THE INFORMATION IS OFTEN THE DISGRUNTLED EMPLOYEE WHO PASSES ON INFORMATION--CONFIDENTIALLY--TO JOURNALISTS. IF THE SOURCE FEELS THE JOURNALIST MIGHT BE FORCED TO REVEAL HIS SOURCES, HE WON'T TALK. CERTAINLY ON OCCASSION THE PRESS HAS ABUSED ITS AUTHORITY, BUT OVERALL, I THINK IT HAS SERVED THE COUNTRY WELL.

UP UNTIL JUNE OF 1972, THERE WOULD HAVE BEEN LITTLE NEED FOR A HEARING SUCH AS THIS OR OF SOMETHING CALLED A SHIELD LAW. UNTIL THEN, THE FIRST AMENDMENT TO THE CONSTITUTION GUARANTEEING FREEDOM OF THE PRESS WAS GENERALLY CONSIDERED INVIOLATE. THEN THE US SUPREME COURT, IN A 5-4 VOTE, DID ITS OWN EDITING JOB ON THE FIRST AMENDMENT AND RULED THAT A NEWSMAN HAD NO RIGHT TO REFUSE TO REVEAL HIS CONFIDENTIAL SOURCES TO A GRAND JURY. BUT AT THE SAME TIME, THE HIGH COURT VIRTUALLY INVITED CONGRESS TO ENACT NEWSMEN'S SHIELD LEGISLATION. CONGRESS IS STILL DEBATING THE QUESTION, BUT OVER HALF THE STATES HAVE TAKEN UP THE CHALLENGE. NEVADA HAS BEEN ONE OF THEM.

more----

OUR CURRENT LAW IS SIMILIAR TO THAT IN MANY STATES. THE CHANGES I AM PROPOSING HERE ARE SIMILIAR TO WHAT CALIFORNIA HAS DONE TO MEET OBVIOUS SHORTCOMINGS IN THE LAW.

AB 381 PROPOSES TWO MAJOR CHANGES:

1). TO EXTEND THE PROTECTION OF NON-DISCLOSURE TO FORMER NEWSMEN FOR STORIES THEY WERE INVOLVED IN WHILE ACTIVELY EMPLOYED IN THE MEDIA.

2). TO PROTECT THE NEWSMAN'S TOOLS SUCH AS NOTES, PHOTOS, TAPE RECORDINGS AND LIKE ITEMS. TO FORCE A REPORTER TO REVEAL HIS NOTES FROM AN INTERVIEW IS OFTEN ABOUT THE SAME THING AS FORCING HIM TO NAME HIS SOURCE.

BOTH OF THESE PROVISIONS ARE COVERED IN THE CALIFORNIA LAW.

IN THE PAST COUPLE OF WEEKS, I HAVE RECEIVED RESPONSES FROM NEWSMEN THROUGHOUT NEVADA. I WOULD LIKE TO LOOKS AT SOME OF THEM BRIEFLY.

CAL SUNDERLAND, EDITOR OF THE HUMBOLDT SUN IN WINNEMUCCA, WROTE ME: "YOUR AB 381 BILL TO AMEND NEVADA'S SHIELD LAW HAS MY WHOLEHEARTED SUPPORT AND I TRUST THE LEGISLATURE WILL ENACT IT WITHOUT DELAY."

THE NEVADA STATE JOURNAL SAID IN AN EDITORIAL: "SUCH STRENGTHENING IS IMPORTANT TO NEWSMEN AND PUBLIC ALIKE. THE MERE ACT OF RESIGNING FROM A NEWS POSITION SHOULD CERTAINLY NOT STRIP FORMER NEWSMEN OF THEIR SHIELD RIGHTS FOR STORIES COVERED BY NEWSMEN. AND PHOTOGRAPHS, FILMS AND TAPE RECORDINGS ARE OFTEN AS MUCH A PART OF THE REPORTER'S TRADE AS HIS NOTEBOOKS.

THE EDITORIAL CONTINUES: "THE LAW IS VITAL TO THE PUBLIC BECAUSE NEWSMEN ARE FREQUENTLY THE ONLY WINDOW ON HIDDEN OR ILLICIT PEOPLE AND SITUTIONS. IT'S A WINDOW THAT COULD BE SHUT ON THE PUBLIC IF SHIELD LAWS DO NOT REMAIN STRONG."

A.D. HOPKINS, JUNIOR, MANAGING EDITOR OF THE [redacted] VALLEY TIMES IN NORTH LAS VEGAS WROTE: "THE NEED...IS GREAT IN LAS VEGAS BECAUSE OF THE LARGE NUMBER OF NEWSMEN WHO ENTER OTHER BUSINESSES, SUCH AS HOTEL PUBLIC RELATIONS, AND WHO MAY THEN BE SUBJECT TO SUBPOENAS, PERHAPS POLITICALLY INSPIRED SUBPOENAS. IT SHOULD BE NOTED THAT IN A STATE AS SMALL AS NEVADA, WITH SMALL CIRCULATION NEWSPAPERS, EVEN CUB REPORTERS MAY HANDLE BLOCKBUSTER STORIES."

GERALD ROBERTS, EDITOR OF THE TONOPAH TIMES BONANZA, TOLD ME IN A PHONE CONVERSATION: " I KNOW THE KINDS OF PROBLEMS NEWSMEN FACE, PARTICULARLY IN THE LARGER CITIES. I FAVOR THESE KIND OF CHANGES."

THE NEWS DIRECTOR OF KOLO TV, JOHN HOWE, WROTE ME: "OFTEN, WHEN THE PUBLIC NEEDS PROTECTION (AS FROM IT'S OWN GOVERNMENT) THE BEST SOURCES ARE OFTEN AFFRAID TO BE IDENTIFIED. IF SUCH PEOPLE THINK THE REPORTER IS LEGALLY UNABLE TO PROTECT THEM, THEY WON'T TALK."

IN AN EDITORIAL, THE LAS VEGAS REVIEW JOURNAL SAID OF AB381: "THIS KIND OF LAW IS ESSENTIAL SO THE PUBLIC CAN READ ACCURATE, IN-DEPTH ARTICLES ABOUT SENSITIVE TOPICS. NEWSMEN OFTEN ARE THE ONLY LINK THE PUBLIC HAS WITH SITUATIONS THAT POLITICIANS WISH WOULD REMAIN HIDDEN. NEWSMEN MUST BE PROTECTED FROM VINDICTIVE OFFICIALS OR JURIES. AND PHOTOGRAPHS, TAPE RECORDINGS AND FILMS MUST BE KEPT CONFIDENTIAL, ALL IN THE LINE OF PROTECTING SOURCES WHO PROVIDE SO MANY INSIDE STORIES."

THE EDITORIAL CONTINUES: "IN ORDER TO GATHER NEWS, REPORTERS MUST FEEL THEY WON'T BE HARASSED LATER BY GRAND JURIES AND COURTS. EVEN WHEN THEY QUIT NEWS JOBS, THEIR SHIELD RIGHTS SHOULD REMAIN WITH THEM. WE URGE PASSAGE OF AB381 FOR ALL THE PEOPLE."

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An agreement entered into between a school district and a private corporation, providing for performance by the corporation of research and development work and services for a fee, could not be said to require the district to violate Gov. Code, § 6253, requiring generally that public records be open to inspection during an agency's office hours, but giving the agency the right to adopt regulations stating the procedures to be followed when making records available, where the agreement specifically permitted the disclosure of any confidential material for which there was a reasonable and proper need, on the condition that the person receiving the material agree not to publish or sell it. Moreover, Gov. Code, § 6254, provides that nothing in the Public Records Act shall be construed to require disclosure of records exempted by provisions of the Evidence Code relating to privilege, and, under Evid. Code, § 1060, the owner of a trade secret is privileged to refuse to disclose, and to prevent another from disclosing the secret. California School Employees Asso. v Sunnyvale Elementary School Dist. (1973) 36 CA3d 46, 111 Cal Rptr 433.

§ 1070. Newsman's refusal to disclose news source

(a) A publisher, editor, reporter, or other person connected with or employed upon a newspaper, magazine, or other periodical publication, or by a press association or wire service, or any person who has been so connected or employed, cannot be adjudged in contempt by a judicial, legislative, administrative body, or any other body having the power to issue subpoenas, for refusing to disclose, in any proceeding as defined in Section 901, the source of any information procured while so connected or employed for publication in a newspaper, magazine or other periodical publication, or for refusing to disclose any unpublished information obtained or prepared in gathering, receiving or processing of information for communication to the public.

(b) Nor can a radio or television news reporter or other person connected with or employed by a radio or television station, or any person who has been so connected or employed, be so adjudged in contempt for refusing to disclose the source of any information procured while so connected or employed for news or news commentary purposes on radio or television, or for refusing to disclose any unpublished information obtained or prepared in gathering, receiving or processing of information for communication to the public.

(c) As used in this section, "unpublished information" includes information not disseminated to the public by the person from whom disclosure is sought, whether or not related information has been disseminated and includes, but is not limited to, all notes, outtakes, photographs, tapes or other data of whatever sort not itself disseminated to the public through a medium of communication, whether or not published information based upon or related to such material has been disseminated.

Amended by Stats 1971 ch 1717 § 1; Stats 1972 ch 1431 § 1; 1974 ch 1456 § 2.

Amendments:

1971 Amendment: (1) Added "while so connected or employed" in the first paragraph; (2) deleted "and published" after "publication" in the first paragraph; (3) added "or any person who has been so connected or employed" in the second paragraph; and (4) substituted "while so connected or employed" for "for and used" in the last paragraph.

1972 Amendment: Amended the first paragraph by (1) substituting "judicial, legislative," for "court, the Legislature, or any"; (2) adding "or any other body having the power to issue subpoenas,"; and (3) adding ", in any proceeding as defined in Section 901,".

1974 Amendment: (1) Designated the first and second paragraphs to be subdivs. (a) and (b), respectively; (2) amended subd (a) by adding (a) "magazine or other periodical publication," wherever it appears; and (b) ", magazine or other periodical publication, or for refusing to disclose any unpublished

information obtained or prepared in gathering, receiving or processing of information for communication to the public"; (3) added ", or for refusing to disclose any unpublished information obtained or prepared in gathering, receiving or processing of information for communication to the public" at the end of subd (b); and (4) added subd (c).

Note—Stats 1974 ch 1456 also provides: § 3. It is the intent of the Legislature, if this bill and Senate Bill No. 1858 are both chaptered and amend Section 1070 of the Evidence Code, and this bill is chaptered after Senate Bill No. 1858, that the amendments to Section 1070 proposed by both bills be given effect and incorporated in Section 1070 in the form set forth in Section 2 of this act. Therefore, Section 2 of this act shall become operative only if this bill and Senate Bill No. 1858 are both chaptered, both amend Section 1070, and Senate Bill No. 1858 is chaptered before this bill, in which case Section 1 of this act shall not become operative.

Senate Bill No. 1858 was enacted as Stats 1974 chapter 1323.

Punishment of any person, except those referred to in this Section, for unauthorizedly receiving, etc., certain criminal records of the State Department of Justice: Pen C § 11143.

Witkin Evidence 2d pp 826, 827.

4 Cal Practice, Discovery Proceedings § 20:286.

5 Cal Practice, Witnesses § 41:33.

Subpoenas of news reporters to compel disclosure of confidential information. 49 LA Bar B 133.

Newsman's privilege: Government investigations, criminal prosecutions, and private litigation. 58 CLR 1198.

Review of Selected 1972 Code Legislation. 4 Pacific LJ 387.

Newsman's privilege—Survey of law in California. 4 Pacific LJ 880.

Newsman's immunity statute. 8 San Diego LR 110.

Inadequacy of newsman's immunity. 11 Santa Clara Law 56.

Evid Code § 1070, providing immunity from contempt for a reporter who refuses to disclose the source of any information procured for publication and published in a newspaper, did not protect the author of a newspaper report that (apparently in violation of an Order re Publicity issued by the trial court in a mass murder trial to restrict news releases by counsel, court employees, attachés, and witnesses) related some particularly gory and prejudicial material contained in a prospective prosecution witness' statement, copies of which, in advance of her testimony in court, had been circulated by the district attorney's office to prosecuting counsel, defense counsel, and the court, and much of which was excluded from evidence at the trial. Although the author stated that he had solicited and received three copies of such statements from the forbidden sources, including two of the six attorneys of record, he refused to identify them by name, and all six counsel denied that they were the source of the leak; to construe the statute as granting immunity to the author under such circumstances would be to countenance an unconstitutional interference by the legislative branch with an inherent and vital power of the court to control its own proceedings and discipline its own officers. Farr v Superior Court (1971) 22 CA3d 60, 99 Cal Rptr 342.

An ex-newspaperman who was adjudged in contempt of court for refusing to reveal the sources of an article published in a newspaper under his by-line containing the statement of a prospective witness in a mass murder trial, which statement was apparently obtained from two of six attorneys of record in violation of a court order prohibiting news releases by counsel, court employees, attaches and witnesses, was not denied due process of law by a Court of Appeal decision on a writ of review from the initial contempt adjudication holding that the reporter's exemption from contempt and Evid. Code, § 1070, was unconstitutional as applied to the facts where, after the decision became final, the reporter was afforded an opportunity to comply with what had become the law of the case, which he refused to do, and it was only after the refusal, when there could no longer be any question of the reporter's legal obligation, that the trial court ordered the reporter's incarceration until he revealed the source of the story. Farr, In re (1974) 36 CA3d 577, 111 Cal Rptr 649.

Reno Newspapers, Inc.

Publishers of RENO EVENING GAZETTE and NEVADA STATE JOURNAL (Morning and Sunday)

Reno, Nevada
89504

March 27, 1975

Members of the Judiciary Committees--Nevada State Legislature --and Guests.

My name is Warren Lerude. I am Executive Editor of the Reno Evening Gazette and the Nevada State Journal.

I wish to testify in support of Assembly Bill 381.

Two days ago, we at the Gazette and Journal had placed in our hands on a confidential basis a bill prepared to be introduced into this very legislature which would gut Nevada's right-to-work law and create a union shop.

The person who gave us this document did so on one provision --that we never identify the source.

I gave my word.

I took notes during the confidential conversation with this person to learn more about how this bill might be brought before the legislature.

Then I called in three editors and the four of us studied the confidential document and my notes of a confidential conversation.

This helped our reporters pose questions for legislators and labor officials.

All this enabled us to ferret out for the public and the legislature alike this latest raising of the right-to-work issue, which affects every Nevadan.

So, there you have the need for Assembly Bill 381--the reporters either get certain kinds of information on a confidential basis or the public doesn't get the news.

Confidentiality is, simply put, a working tool of the news reporter and the news source who, together, get information to the public.

Assembly Bill 381 is needed to strengthen this tool, Nevada's present shield law, by including within the privilege of confidentiality the journalist's notes, tape recordings, unpublished film and other background information.

This is vital if the public is to be served by an independent press.

And it is this independence we focus on today.

For if a reporter can be forced by the state to turn over such information, the news sources will not trust the reporters and will cease to provide the bits and pieces of information that eventually make for news stories.

News stories such as the following--all obtained through use of confidential news sources putting background materials into the hands of reporters:

--The fact a Reno councilman's firm obtained $40,000 in real estate commission from vice figure Joe Conforte in a controversial land deal.

--The fact that the City of Reno planned secret negotiations with airlines on landing fees, already among the lowest in the United States.

--The facts involving serious problems in the Wells Avenue Overpass in Reno.

--Circumstances leading to the Sparks city government being investigated by the Washoe County Grand Jury.

--Alien movements toward Las Vegas being connected with Mafia activities.

--The fact that Reno's city government could not account for thousands of dollars' worth of parking tickets.

--The fact that security had been notoriously lacking at the Nevada State Hospital.

These major stories are but a few of the thousands printed by newspapermen in this state as a result of confidential sources coming forward with information.

These stories can be obtained only by an independent press.

And that independence is not without threat in this country. I need remind no one of the episode we have just witnessed between the presidency and the press in the matter of Watergate.

But imagine for one moment the disruption in that public service--journalism--if President Nixon and/or the Committee to Re-elect the President had been successful in obtaining the notes and background information being used by the probing reporters of The Washington Post.

All the President's men could have stayed one step ahead of the pursuing reporters and the coverup might never have been uncovered.

Let me, however, give you an example of the need for this press independence closer to our own homes here in Nevada.

This is the story, in way of background, of how Nevada's basic shield legislation was enacted into law.

We at the Reno Evening Gazette knew in 1969 that a good number of young people were smoking pot and that some were going on to the dangerous drugs such as speed, LSD and heroin.

But we had never really informed the community in depth on the subject.

So we set out to do so--by interviewing everyone concerned, including doctors, judges, attorneys, psychologists, psychiatrists, policemen, young people, their parents, everyone.

Including pot smokers, who told us their story on a confidential basis.

We knew if the story were to truthfully inform the public of this problem, we would have to go to the offenders and get their views.

The district attorney at that time quickly reminded me that the marijuana smoking sources of ours were criminals, felons.

And the district attorney told me he could seek out the names of those criminal/sources of ours. And should we, as newspapermen, refuse to reveal our sources, we could end up in jail.

The reason: Nevada had no shield law.

This moved us to obtain California's shield law and have it introduced in the Nevada State Senate.

Addressing himself to the subject at that time, and I quote from a Carson City-datelined story moved on the wires of The Associated Press, Senator Warren Monroe of Elko County stated:

"This makes it possible for newspaper people to obtain information more readily and under the protection that they don't have to place their sources in jeopardy."

The bill, of course, was enacted into Nevada law.

But such law is never free from assault. Honorable men disagree and some find flaws in this privilege.

To them, I refer the remarks in 1973 of then Washoe County District Attorney, now Nevada Lieutenant Governor, Bob Rose.

To quote Lieutenant Governor Rose:

"A newsman gets a great deal of his information from tips or leads from people in all walks of life. Often these tips are given by city or county employes and involve activities of government agencies and the employe is willing to give this information only to a newsman who is independent from the government system."

Again, the point being made, this time by the lieutenant governor of Nevada, that we must have an independent press.

This is the role of the press in our country--a heritage of public service reaching back to the John Peter Zenger case in 1734--some 42 years before the very birth of our nation.

And just as we in journalism police ourselves to guard against our own jeopardizing of this independence, we need shield legislation such as Assembly Bill 381 to guard against encroachments by the state.

And we in the profession do police ourselves.

During the conflict at Wounded Knee, a photographer for The Associated Press was identified as having given information to the FBI about the Indians and to the Indians about the FBI.

Such action, of course, could put a journalist in a position of compromising the independence of the news gatherer.

The photographer was fired for it.

Here is the view of the news executive doing the firing.

I give you the words of Wes Gallagher, president and general manager of The Associated Press:

Quote:

"My primary concern is, of course, for the integrity of the news report but even more than that in this case (the photographer) acting as an informant for the FBI placed in jeopardy not only other Associated Press men covering Wounded Knee.

Gallagher continued in an April 30, 1974 memo to the world wide news staff of The Associated Press:

"There is a definite line a journalist must follow in the pursuit of his profession and he cannot act as an agent either for the police or any side in the controversy."

In closing, let me address a couple of points raised by opponents who argue against this confidentiality.

Ernest Newton, who writes a column, incidentally, for our newspaper, the Gazette, as well as many others in Nevada, has argued in a Nevada Taxpayers Association newsletter that an exemption is needed in the shield law to require disclosure of sources of information received as the result of theft or embezzlement of information by a reporter or ex-reporter.

The laws against theft in this country are well established. We need zero in on no profession as being more vulnerable to thievery than another--lest we have such special burglary legislation for lawyers, doctors, priests and perhaps even people who publish taxpayers association newsletters.

My colleague at the typewriter also talks of inaccurate information and damages it can do.

I think this is an important point.

Confidentiality of news sources and background information do not change the laws of libel one whit.

A newspaper is responsible for what it prints, whether it names its sources or not. Truth and/or malice are still the determinants of libel, not shield laws.

And I can assure you as a newspaper editor that newspaper editors are very cognizant of the risks of libel should they tread errant paths.

I leave you with the reminder that Assembly Bill 381 is not a special privilege for newspapermen.

This is the public's protection of its right to get at certain information, through its independent press, that otherwise would never surface.

We simply need such legislation if the press is to fully serve the public.

Thank you.

Attached exhibits:

Examination by Ben Bradlee, executive editor, The Washington Post, of the trends in the United States today toward greater governmental interference with the independence of the press.

Eighteen specific examples of such conflict, cited in the December-January Newsletter of the Reporters Committee for Freedom of the Press, Washington, D.C.

The Reporters Committee for Freedom of the Press December-January Press Censorship Newsletter No. VI, published in January, 1975.

State Executive

1. CALIF. POLICE USE NO-NOTICE WARRANTS TO SEARCH MEDIA FILES AND TO AVOID SHIELD LAW PROTECTION

In 1972, in a case involving the *Stanford* (University) *Daily*, a federal judge in California ruled that no-notice police search-warrant raids of news offices violated the First and Fourth Amendments (see *PCN II*, p. 14 and *PCN V*, p. 33). He said that police should pursue the less drastic alternative of the subpoena process because it would give the news organization notice and an opportunity to raise First Amendment objections in court before producing the material and would preclude the danger of police sifting at will through confidential news files.

In addition, California has a strong law barring subpoenas for confidential news sources—a law which is completely useless if police decide to use search warrants to obtain what they can't get by subpoena.

Despite the clear holding of the *Stanford Daily* decision and the state shield law, police in California continue to conduct no-notice searches of news offices. There have been at least four such searches in the past year of the *Los Angeles Star*, the *Berkeley Barb* (two warrants served on the *Barb's* attorneys) and of radio stations *KPFA-FM* in Berkeley (see *PCN IV*, p. 25), *KPFK-FM* in Los Angeles and *KPOO-FM* in San Francisco.

The searches of the radio stations were all directed against stations with strong informational links to the radical community and with known policies of protecting confidential news sources. Two of the searches —of *KPFK* and the *L.A. Star*—were prolonged, massive searches of news offices where police also seized documents apparently unrelated to their investigations.

2. LOS ANGELES POLICE CONDUCT NO-NOTICE SEARCH OF RADIO STATION FOR 8 HOURS AND SEIZE FILES

In October, Los Angeles Pacifica station *KPFK-FM* received a communique from the "New World Liberation Front" relating to a recent bombing of the Sheraton Airport Hotel in Los Angeles. *KPFK* broadcasted portions of the communique as a news item and released the full text to other news organizations.

Los Angeles police officials demanded the station turn over the original of the communique. Station officials gave the police a copy of its contents but refused to turn over the original, citing the First Amendment and the California shield law.

On October 10, representatives of the Los Angeles Police Department arrived at *KPFK*'s studios with a no-notice search warrant and, for over eight hours, conducted a complete search of all the station's files and facilities. Although the police did not find the original communique, they rifled the files and seized documents belonging to the station.

The *Los Angeles Times*, the Los Angeles Press Club and Sigma Delta Chi have joined *KPFK* in condemning the search. The station is planning to file suit against the police.

34. US DISTRICT COURT QUASHES SUBPOENAS FOR CONFIDENTIAL INFORMATION FROM NBC AND ABC NEWS EDITORS IN CBS LIBEL CASE

In June 1973, Henry Buchanan, brother of former White House aide Patrick Buchanan, filed a $12 million libel suit against *CBS*, Walter Cronkite and *CBS* affiliate *WTOP-TV* in Washington, D.C. (see *PCN IV*, p. 6 & *PCN V*, p. 7).

The suit contended that a May 8, 1973 *CBS Evening News* broadcast, which said Buchanan's accounting firm had been used to "launder" campaign contributions to the Nixon presidential campaign, was false and malicious. *CBS* retracted its story three days after it was originally broadcast. *ABC* and *NBC* did not air broadcasts containing the charges. *CBS* reportedly based its story on an *AP* dispatch. *AP* was also sued as was *AP* reporter Stephen Cohen.

In May 1974, attorneys for Buchanan subpoenaed *ABC Evening News* producer, William Lord and *NBC Nightly News* associate producer, Herbert Dudnick. The subpoena sought "testimony, records, memorandums and documents" related to their handling of the Buchanan story.

In September, U.S. District Court Judge Thomas Flannery quashed the subpoenas against Dudnick and Lord saying that "the information sought" by the plaintiffs did not go to "the heart of their case." In addition, Flannery said Buchanan had failed to show that the information sought was not available from other sources.

The underlying libel cause against *CBS* is still pending although no court date has been set.

CALIFORNIA PASSES ABSOLUTE SHIELD LAW; PROTECTS BOTH SOURCES AND CONTENT OF UNPUBLISHED INFORMATION 10

California's current shield law (Section 1070 of the California Evidence Code) provides that a reporter cannot be held in contempt by any judicial, administrative or legislative body for refusing to disclose "the source of...published" information. The law, however, does not appear to protect newsmen who refuse to reveal the source of unpublished information.

On March 13, state Sen. Alfred J. Song (D-Monterey Park) and 11 co-sponsors introduced S.B. 1858 to extend existing protection to cover the source and content of all unpublished materials, including newsmen's notes, film, and tape recordings. The bill passed in the final weeks of the legislative session and signed by Gov. Ronald Reagan in late September. The new law will take effect in January 1975.

CALIF GIVES SHIELD LAW RIGHTS TO MAGAZINE REPORTERS 11

A second amendment to California Evidence Code Section 1070 was A.B. 3148, which extends reporters' privilege to persons "connected with or employed upon a magazine or other periodical publication." The bill, introduced by State Assemblyman Alan Sieroty (D-Beverly Hills), was approved both by the Assembly (64-0) and Senate (21-13) and was signed by Gov.Ronald Reagan in late September. This was done because the existing law, even with the Song amendment, did not protect writers for periodical publications.

The California law now reads:

"A publisher, editor, reporter, or other person connected with or employed upon a newspaper, magazine, or other periodical publication, or by a press association or wire service, or any person who has been so connected or employed, cannot be adjudged in contempt by a judicial, legislative, administrative body, or any other body having the power to issue subpoenas, for refusing to disclose the source of any information procured while so connected or employed for publication in a newspaper, magazine or other periodical publication, or for refusing to disclose any unpublished information obtained or prepared in gathering, receiving or processing of information for communication to the public.

"Unpublished information" includes information not disseminated to the public by the person from whom disclosure is sought, whether or not related information has been disseminated and includes, but is not limited to, all notes, outtakes, photographs, tapes or other data of whatever sort not itself disseminated to the public through a medium of communication, whether or not published information based upon or related to such material has been disseminated."

20. TWO DAYTON REPORTERS SUBPOENAED FOR SOURCES IN STATE CORRUPTION PROBE

In August, Dayton (Ohio) *Journal Herald* investigative reporters Andrew Alexander and Keith McKnight wrote a series of articles documenting alleged corruption in the Bureau of Vocational Rehabilitation, a state agency funded 20% by the state and 80% by the federal government.

In September, representatives from the state prosecutor's office contacted the reporters about the stories and asked who their sources were. Alexander and McKnight refused to disclose their sources and the Mahoning County grand jury in Youngstown issued a subpoena Sept. 25 to Alexander.

The subpoena required Alexander to appear before the grand jury Oct. 7 with his notes and testify regarding the source of his stories. Alexander refused to appear and the subpoena was subsequently quashed due to a technical defect.

It was later reissued to Alexander, again requiring him to testify before the grand jury with his notes. Subsequently prosecutors learned that Alexander had turned his notes over to *Journal Herald* publisher Charles Alexander (no relation to Andrew).

The grand jury then issued a subpoena to publisher Alexander requiring him also to appear before it with the notes along with reporter Alexander. Their appearance before the grand jury has been set for early December.

21. FLORIDA JUDGE QUASHES SUBPOENA SEEKING WIRETAP INFORMATION FROM NEWSMAN

Defense attorneys for a convicted marijuana smuggler, Ron W. Laughlin, subpoened Marathon, Fla. weekly *Keynoter* reporter Ronald Edward Mason in an attempt to get information from him about alleged illegal wiretapping of Laughlin by federal or county law enforcement agents. Defense attorneys hoped to use the information to get a new trial.

In July, a Florida Circuit judge cited the First Amendment in quashing the subpoena. The judge said that the defense had failed to show that Mason had information bearing on the case and concluded that "to require Mason to disclose his source would amount to nothing more than forcing the press to disclose its method of seeking out the news and its sources of information, clearly an infringement upon First Amendment freedoms."

40. SAXBE DEFENDS JUSTICE DEPARTMENT RECORD ON MEDIA SUBPOENAS; SAYS NEWSMEN COOPERATE

In a September 12 speech to the Radio-Television News Directors Association meeting in Quebec, Attorney General William Saxbe discussed his order to quash the first subpoena issued to reporter Tom Blackburn (see above) and elaborated on the Justice Department's use of the "Guidelines for the Issuance of Subpoenas to Newsmen" (see *PCN III*, p. 21).

"A subpoena," Saxbe said, "is issued to a newsman only as a last resort—after all other attempts by the Department have failed to obtain the desired evidence from other sources. Even when those efforts fail, and we go to the news media, we seek voluntary compliance."

Saxbe noted that in his eight month tenure as the Attorney General, he had authorized 15 subpoenas to reporters. "In most of those instances," he said, "newsmen were willing to cooperate—but requested the subpoena first be served."

Saxbe also noted that the Guidelines provided a "final check and balance within the Department" by requiring subpoenas against newsmen to be specifically authorized only by the Attorney General. "The final safeguard," Saxbe said, "for anyone receiving a subpoena is that he can go to court and contest our position."

Media observers have construed Saxbe's statement to be an acknowledgement that the news media may raise deviations from the Guidelines as an affirmative defense in the courts against the issuance of subpoenas.

38. TWO REPORTERS CLAIM JUSTICE DEPT. IS VIOLATING SUBPOENA GUIDELINES; SAXBE SAYS GUIDELINES FOLLOWED

Based on the following article concerning a Justice Department subpoena issued to reporter Tom Blackburn and the Will Lewis subpoena reported above (p. 38), it appears the Justice Department may be violating the 1973 Guidelines for the Issuance of Subpoenas to Newsmen (see *PCN III*, p. 21 for a discussion of the substantive provisions of the Guidelines, especially the provision that the Department "attempt meaningful negotiations with the reporter before a subpoena is served").

JUSTICE DEPT. VIOLATES ITS GUIDELINES IN SUBPOENA TO COLLEGE REPORTER 39

In March 1973, Long Beach State *Forty-Niner* reporter Tom Blackburn spoke by telephone from California with Indian leader Roger Ironcloud in Wounded Knee during the takeover there.

Based on the interview, Blackburn published an article March 22. The article was cited for an "Achievement Award" from the Long Beach Chapter of the Los Angeles Newspaper Guild and was instrumental in the Guild's choice of Blackburn as the outstanding "Journalist of the Year".

On August 26, Justice Department officials subpoenaed Blackburn to testify in Lincoln, Nebraska at the Wounded Knee trial with all "records, notes, and documents" relating to conversations with Ironcloud on trial there.

First Subpoena

The Reporters Committee protested the subpoena to Attorney General William Saxbe on the grounds that the U.S. Attorney who had obtained the subpoena had not gotten the Attorney General's specific approval as required by the 1973 "Guidelines for the Issuance of Subpoenas to the News Media."

Justice Department officials said that special U.S. Attorney Duane Nelson, who sought the subpoena, apparently had not realized that the Guidelines extended to members of the college press and that no harrassment of Blackburn was intended.

Second Subpoena

The subpoena was quashed and subsequently reissued later the same day with Saxbe's specific approval.

The second subpoena was withdrawn the following week and Blackburn was not required to testify at the Ironcloud trial.

An official in the prosecutor's office explained the withdrawal by noting that Blackburn's testimony was "irrelevant" to their case against Ironcloud. Blackburn's attorney, Peter Young, said that Justice Department officials told him they wanted Blackburn's testimony to link Ironcloud to the Wounded Knee area on April 27, five weeks after Blackburn's only conversation with Ironcloud.

Young said that the second subpoena appeared to violate at least four substantive aspects of the Guidelines including provisions requiring that:

- "reasonable attempts" be made to obtain information from non-media sources before subpoenaing newsmen;
- subpoenas be "directed at material information regarding a limited subject matter";
- there be reasonable grounds to believe the information is "essential";
- there be "negotiations with the media" when subpoenas are contemplated.

13. MIAMI HERALD REPORTER SUBPOENED FOR INTERVIEW WITH RAPE VICTIM

The Miami Herald published an interview on December 23, 1973 describing the experiences of an alleged rape victim, "Lisa," as told to Bea Hines, a *Herald* reporter.

The state charged Austin I. Stoney in connection with the alleged rape. Lawyers for Stoney then sought to subpoena Hines to require her to testify at the trial and to produce "all notes, memoranda, news articles and all other writings" concerning "Lisa," whom they said would be the principal prosecution witness.

The defense lawyers said they were planning to show at trial alleged inconsistencies between various statements made by the alleged rape victim. For that purpose, they said they would first call another witness, who had been present at Hines' interview with "Lisa." But they said Hines' testimony would be needed if the first witness' testimony was impeached on cross-examination.

On August 13, a Florida state court judge granted Hines' motion to quash the subpoena.

The judge relied primarily on First Amendment grounds. He said there had been no showing of a compelling need for the reporter's testimony and notes, and no indication that the information sought was not available from other sources.

Therefore he ruled that the First Amendment prevailed, protecting a reporter's right in a criminal case not to reveal sources and unpublished information unless evidence is "so important" that its non-production would violate the defendant's constitutional rights.

14. FLORIDA REPORTER SUBPOENAED OVER FAULTY BUILDING REPORT

The October 29, 1974 issue of *The* (Jacksonville, Fla.) *Times-Union* carried a story by reporter Randolph Pendleton about a downtown Jacksonville building which was then the subject of a civil lawsuit. Pendleton quoted named federal government housing officials as saying a portion of the building had been condemned because of cracks and other structural damage. The building's owner, claiming the damage had been caused by the recent erection of an adjacent building, was suing the contractors responsible for its construction.

A defense attorney in the civil action served Pendleton with a subpoena directing him to testify by deposition about his October 29 article and to produce all of his notes relating to the article.

The subpoena did not indicate the scope of the planned questioning, and the reporter's story had not referred to any unnamed confidential sources. There were indications, however, that the defendants in the lawsuit wanted to learn who put Pendleton on to the story about the government condemnation proceeding.

One hour before the scheduled deposition of November 1, a Florida state court judge granted Pendleton's motion to quash the subpoena.

Describing the subpoena as an apparent attempt "to inquire into the gathering of news and the sources thereof," a judge ruled that no showing had been made to justify "what would appear on its face to be a violation of the First Amendment freedoms of the news media."

The judge said that even in criminal cases, a compelling need for the information sought from a reporter must be shown under the Supreme Court's *Caldwell* decision, and he noted that this was a civil case.

NEW YORK TIMES REPORTER SUBPOENAED FOR POLICE HOMICIDE STORY 15

On April 28, 1973, a 10-year-old Queens, N.Y., boy was shot to death by Police Office Thomas J. Shea, after the boy and his stepfather had allegedly fled when Shea and his partner sought to question them about the nearby holdup of a cab driver. The shooting was followed by scattered violence in the neighborhood, and formal protests by community and civil rights leaders.

Two days after the shooting, *New York Times* reporter Ronald Smothers published an interview with the boy's stepfather, Add Armstead, who gave his account of the incident.

Officer Shea was charged with murder in the boy's death. Armstead was the chief prosecution witness at Shea's four-week trial in May and June of 1974.

Toward the end of the murder trial, defense attorneys subpoenaed Smothers to testify. They claimed that the reporter's testimony was needed to bring out alleged discrepancies between Armstead's published account of his stepson's shooting more than a year earlier, and his testimony at trial.

Sources Not Sought

One of the defense lawyers argued he was "not asking for his notes or sources but only if what he wrote was said to him by Mr. Armstead."

A *Times* lawyer moved to quash the subpoena on First Amendment and on technical grounds. He also argued that Smothers' testimony would damage his usefulness as a reporter, since it could harm his established ties with the community as a newsman who had specialized in civil rights and community issues.

The judge quashed the subpoena, announcing that the reporter's testimony did not meet the technical requirements for "proper evidence."

Officer Shea was acquitted of the murder charge but was later dismissed from the force after a departmental verdict that the boy's shooting was "wrongful and without just cause."

16. WILLIAM FARR REFUSES AGAIN TO DISCLOSE HIS SOURCES; NEW SUBPOENA EXPECTED; CONTEMPT STILL PENDING

In 1971, reporter William T. Farr was found in contempt for refusing to identify two attorneys who gave him information for a story he wrote during the 1970 Charles Manson murder trial. Farr spent 46 days in jail before he was freed in January 1973, pending federal appeal.

A California appeals court last January ruled that Farr could avoid further imprisonment if there was a "substantial likelihood" that he would never reveal his sources.

After holding a hearing on the issue, Superior Court Judge William H. Levit ruled on June 20 that "there is no substantial likelihood that further incarceration" would force Farr to reveal his sources. The judge limited future incarceration of Farr to a maximum of 5 days or $500 fine or both for each count of contempt.

In June, Farr refused to answer certain questions asked by the Los Angeles County grand jury during its investigation into possible perjury charges against a prosecutor and a lawyer who allegedly gave Farr his information.

Farr was initially held in contempt by Superior Court Judge Raymond Choate for refusing to answer the questions, but the judge later reversed his ruling.

In late September, Farr was called to testify in the case of Vincent Bugliosi, the prosecutor who was indicted for perjury by the L.A. grand jury.

On October 2, Superior Court Judge Earl C. Broady ruled that Farr could not be held in contempt for refusing to answer questions about his sources. The judge cited Section 1070 of the California Rules of Evidence, which protects a reporter against contempt for refusing to divulge the sources of confidential information received for publication.

On October 3, the charges against Bugliosi were dropped. On November 18, however, the perjury trial of Dave Shinn, a defense attorney in the Manson trial, is set to begin. It is likely that Farr will again be subpoenaed.

Still pending in the U.S. Court of Appeals for the Ninth Circuit is Farr's federal appeal of the 1971 contempt citation.

18. MASS. COURT SAYS SELF-INCRIMINATION CAN BE USED TO PROTECT NEWS SOURCES

Earlier this year, *Lowell* (Mass.) *Sun* city editor Kendall Wallace and investigative reporter Frank Phillips wrote several articles exposing an alleged extortion scheme involving four town officials. District Attorney John Droney said that the reporters could have obtained the information from a grand jury leak and that they were consequently open to charges of obstruction of justice and criminal contempt. In response to a petition from Droney who sought to question the newsmen regarding their source, Wallace and Phillips pleaded the First and Fifth Amendments.

Judge Joseph Ford rejected the First Amendment argument but upheld the journalists' claim that they need not divulge their source if it would tend to incriminate them under the 5th Amendment.

Droney did not appeal the ruling.

As far as The Reporters Committee is aware, this is the first time newsmen have pleaded the Fifth Amendment in response to an order to disclose sources.

The problem with using the Fifth Amendment is that the judge could grant immunity from prosecution. In that event, if the reporters still refused to divulge the identity of their source, the judge could have found them in contempt of court. However, prosecutors did not ask the judge to grant immunity and, when asked why, declined to explain their action.

26. HOUSE BILL TO PROTECT MEDIA TEL RECORDS

Rep. Edward I. Koch (D-N.Y.), introduced a bill (H.R. 14981) May 22 which would prohibit the surrender of newspersons' telephone and telegraph records except in response to a court order.

Under the proposed "Newsmen's Right to Privacy Act," such an order could be issued only after a court hearing in which the newsperson involved would have a right to participate. A court would be authorized to order disclosure only if it made one of two findings: (1) that the disclosure "will not reveal or threaten to reveal" a news source or (2) that disclosure will serve "a compelling and overriding national interest" (See *PCN V*, p.37).

The bill remains pending before the House Interstate and Foreign Commerce Committee, but Koch aides are hopeful that expected House action on a broad-based privacy bill (see this *PCN*, p. 51) will set a precedent in favor of the privacy concept that will result in action on the news media privacy bill in the 94th Congress.

31. JACK TAYLOR REFUSES TO ANSWER FEDERAL GRAND JURY QUESTIONS

Daily Oklahoman reporter Jack Taylor was subpoenaed September 9 by a federal grand jury in Oklahoma City probing the affairs of Oklahoma governor David Hall. The subpoena was issued at the request of the jury foreman who briefly questioned Taylor September 10 about the source of secret grand jury information contained in Taylor's stories about the Hall investigation.

Taylor refused to answer three questions concerning the source of his information, each time answering, "I respectfully decline to answer on the grounds of the First Amendment to the Constitution of the United States." The 17 member jury then dismissed Taylor and declined to take any other action on the matter.

32. TEXAS MEDICAL ASSOCIATION LOSES MOTION TO GET CONFIDENTIAL SOURCES

This year, Jackie (J.L.) Cox, a Texas free-lance reporter has been writing a series of articles critical of the Texas Medical Association, some of which appeared in the *Texas Observer*. The articles concerned the internal workings of the Association and often quoted anonymous members of the group regarding harrassment of physicians who disagree with the Association's political philosophy. Cox also testified about these matters before Senate and H.E.W. committees.

Meanwhile, the Association filed suit in U.S. District Court in Texas challenging certain H.E.W. regulations which require the establishment of an organization to review the professional standards of the medical profession in Texas.

In July, the Association subpoenaed documents, financial records and information concerning confidential sources belonging to Cox. The Association claimed that Cox had information concerning the method by which the H.E.W. regulations were promulgated.

Later in July, Cox moved to quash the subpoena, claiming it was "burdensome and oppressive in its breadth and scope" and that it "seeks to inquire into matters that are privileged" under the First Amendment.

Since then, an agreement between the parties and the court has been worked out in an off the record session. The court stated that Cox could not be required to testify about her secret sources or her actual work product. The Court said, however, that she could be required to testify about matters which she discussed before the Senate and H.E.W. committees.

With this agreement in effect, Cox's deposition was taken, and the motion to quash was declared moot.

Reno Newspapers, Inc.

Publishers of RENO EVENING GAZETTE and NEVADA STATE JOURNAL (Morning and Sunday)

Reno, Nevada
89504

Gentlemen:

I am here today to testify in support of Assembly Bill 381 and, in particular, to that portion of the bill which states in part that no reporter may be required to disclose:

"...any note, photograph, film, tape recording or other document acquired or prepared by him in his professional capacity...etc..."

In passing Nevada Revised Statute 49.275 as it now exists, the state legislature affirmed its belief that the public is entitled to an unimpeded flow of information.

Unfortunately, the statute, as it now stands, does not fully protect that entitlement.

A shield law that says, in effect, a reporter doesn't have to take the stand and reveal his confidential news sources, but a police officer or district attorney can obtain a search warrant to rifle his files and, perhaps, find that confidential source's name, really isn't much of a shield law at all.

If the Nevada legislature truly believes--and I certainly hope it does--that the public is entitled to know as much as possible about what is happening in this state, then the legislature must make this bill law, to keep the channels open.

People who have information vital to the public well-being, but who do not want to be publicly identified with that information, simply will not make it available if they know their identities may be readily available to any district attorney with a search warrant in hand or grand jury that decides to issue a subpoena duces tecum.

Some of you may erroneously view this as a press protection law. It is not. God help us if we ever pass laws to protect the press or any other special interest group.

This is a law to protect only the public, to give a shield not to me or the other newsmen here today or working throughout this state, but to the public's right to know. Newspaper, radio and television people are involved in this only to the extent that they are the primary agents who make information available to the public.

Jack McCloskey, in a recent issue of the Hawthorne Independent, wrote:

"We prefer to let our public officials set their own ground rules--then beat them at their own game."

This is a troubling statement.

It's selfish. It talks about newspapers against government, a situation which shouldn't exist, and when it does, we are looking at a newspaper that serves itself, not the public.

It's an easy statement, for a newspaper that's never had to beat public officials at their own game, because it never has investigated anything to determine whether a given agency or program is serving the public as it should.

Most of all, it's troublesome because it's morally delinquent and so workable...and so much a growing practice today.

It's easy to beat a search warrant for notes, films or almost any kind of material.

If a newsman wants to be a little bit immoral, he can destroy such material as soon as it's done being used. He can keep all his confidential documents where bearers of search warrants aren't likely to look.

Most of us in this profession don't think such methods should be necessary. More than that, even when it is necessary, we don't think it's completely moral. It's sort of like destroying or concealing evidence in advance.

It may not be against the letter of the law, because the material isn't evidence at that point yet. But it is against the spirit of the law.

If a newsman wants to be a little more immoral, he can destroy the material after the subpoena duces tecum arrives, and say he destroyed it earlier. In this case, he's violating the letter of the law--destroying evidence--and he becomes a potential perjurer. Probably no one will be able to prove it, though.

asem. Judic. 3/27/75

If he really wants to be immoral, he can hide the material and say he destroyed it earlier.

All of this will really beat 'em at their own game. But why should any of it be?

Unfortunately, this type of thing is happening more and more and all too frequently these days, as newsmen decide their principal duty is to protect their news sources, the public's source of information.

Too many times, already, I have seen negatives and notes go into a wastebasket and be put to flame.

If this legislature wants to preserve the public's sources of information, it will pass Assembly Bill 381 and outlaw not the press, but these ludicrous situations.

I entered the newspaper business in 1962, in Appleton, Wisconsin. After two and a half years there, and four and a half years in the Army, I moved to Southern California, where I again worked as an investigative reporter for five years, before joining the Reno newspapers in September, 1974.

In these eight years of journalism, I have produced countless stories that I believe have served the public good demonstrably, based on information originally provided by confidential sources who would have said nothing had they not trusted in me to preserve their anonymity.

And in these eight years of journalism, my person, and in some cases my notes, have been subpoenaed a total of nine times, in seven cases before trial courts and in two cases before grand juries.

I still have copies of five of these subpoenas. I have been seeking some way to make good use of them. I can think of nothing more fit than to donate them now to this committee.

When questions of press responsibility in relation to shield laws arise, I think the track record established by my employing newspapers in these nine cases is exemplary of the American media standard.

In six of these cases, based primarily on shield laws, I did not testify, because the subpoenaing parties were in pursuit of information which would identify confidential sources of public information.

In two trials and in one grand jury hearing, however, I did testify, despite the prosecutor's acknowledgment that I could refuse legally under the California shield law.

Both my publisher and I agreed that there was no need to preserve any confidentiality in terms of the information elicited. Most of the information sought already had been published, and the remainder was deemed publishable, even though it was not used. In these cases, we felt it was our responsibility as citizens to accept subpoena service, appear and answer.

I want to give you an example of the type of stories I've been able to produce, because shield laws have given the initial news sources the assurance that they could make their information available to the public without having their own welfare jeopardized.

--In 1961, I was able to expose attempts at postal bribery by an aide to a Wisconsin governor.

--In 1970, I was able to demonstrate, with published reproductions of the checks used, that three county supervisors had accepted money from the developer of a controversial land project. One of the three subsequently was indicted by the local grand jury, and none of the three is in office today.

--In 1971, I was able to show how a dishonest grand juror had convinced his fellow jurors to accept a phony investigative report accusing a public official of dereliction of duty. As a result, the grand jury rescinded its findings, and an honest and dedicated public servant maintained his job.

--In 1974, I was able to outline in detail a broad operation out of Switzerland and the Bahamas, fraudulently selling thousands of square miles of worthless desert to suckered European investors. The first prosecutions were filed last month in Los Angeles.

More recently and more specifically, in Nevada, I was able to tell how members of the Santo Trafficante organized crime family are attempting to set up a cocaine distribution system in the Las Vegas area, and how initial attempts are being made to infiltrate the Culinary Workers Union.

Your own state agencies can verify the information included in my reports.

Aaron Judic. 3/27/75

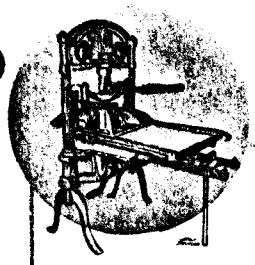
My primary sources for these reports, law enforcement agents, must be kept confidential. Even to explain in any detail why would tend to identify them.

One of these sources, who generally is wary of speaking to newsmen, voluntarily explained to me one day why he has confided in me over the past five years:

"I can trust you. I know you're the kind of guy who'd go to jail before he'd shaft me."

He's right. I would. But I don't want to.

My one and only reason for doing my job is to give the public information to which it is entitled. To do that job, I have to be able to obtain that information. I've never understood why that should be an offense meriting imprisonment.



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Times Delta Square - West and Oak Streets - Phone 734-5821 - P. O. Box 31 - VISALIA, CALIFORNIA 93277

[redacted], Publisher

March 27, 1975

Mr. Chairman and members of the committee:

My name is Ron Einstoss.

For the last three years I have served as managing editor, and since January 1 of this year as editor and publisher of the Visalia Times-Delta.

Prior to that I spent 10½ years covering the criminal courts, district attorney's office and grand jury for the Los Angeles Times.

I am proud of my newspaper career, but no more proud than I am to say that I was graduated from the University of Nevada, Reno -- a school which boasts one of the most distinguished journalism departments in the nation.

The Times-Delta is a daily newspaper of 17,200 circulation published in Central California. Like the Nevada State Journal and Reno Evening Gazette, it is a

member of the Speidel Newspapers group, headquartered in Reno.

I appreciate the opportunity to testify here today -- as I have previously before a committee of the U. S. House of Representatives in Washington, and a committee of the California State Legislature -- in behalf of legislation designed to guarantee the public the right to receive that portion of news and information procured for its general benefit through the use of pledges of confidentiality to sources of information.

I am familiar with the Nevada shield law as it now stands and urge that it be amended to extend the newsmen's privilege to all unpublished information, photographs, tape and film -- a protection vitally needed if Nevada journalists are to properly perform their function of providing a free flow of information to their reading, viewing and listening public.

I can tell you that California's laws protecting newsmen in the area of confidential information are among

the best in the nation -- and it is partly because of these laws that the citizens of our state have such a high regard for the integrity of their public officials.

Nevada, too, has a strong law, except in the aforementioned area of unpublished information. And this troubles and exposes those engaged in this state in the general newsgathering processes.

The right of confidentiality cannot be denied to the unpublished portion of a reporter's notes or the unused portion of a cameraman's film without violating the basis of confidentiality which underlies Nevada's existing shield law.

Unpublished notes are as much a part of a confidential conversation or an off-the-record interview as are the published portions. To shield one and not the other is like installing a costly security lock on the front door, but leaving the back door wide open.

News sources can and do express the same sentiment in many different ways at different points in the same

conversation or interview.

The journalist, whatever his medium of communication, will select the passage or portion which he believes makes the pertinent point most effectively.

He will mot select other passages, not because they are not important, or not confidential, but because they may be repetitive or duplicatory.

Now, as far as a news source or interviewee is concerned, the stipulation of confidentiality applies to the entire conversation, not only to portions selected by the reporter for publication.

It is difficult for us to understand why information obtained from a single source should be handled so differently -- why that information published should be protected while the information not published, which remains in note form, is not protected.

The existing situation has the obvious effect of discouraging frankness and candor and, in fact, of destroying the basis of a reporter's confidential relationship.

When a source of information is not able to feel that his trust in the reporter is complete, there can only be a chilling effect on the flow of vital information to the public.

And that is what happens when a reporter, while not required to disclose the source of information published, could be compelled to identify the source of unused material.

Aside from the fact that this situation makes it more difficult for the reporter to obtain information, this is another way it actually effects his ability to perform his function on a day-to-day basis:

During the course of an interview, a news source quite frequently will use the expressions "this is off the record" -- which means it is not to be used, but is for background purposes only -- or "you can use this information, but don't identify me as the source." To me, this means just what it says -- and don't those expressions sound familiar to you?

In either case -- with the "off-the-record" or "don't identify me as the source" information -- the information imparted in this manner usually is that which often finds its way into a reporter's notes.

Why? Because it is vitally important to a reporter that he not violate the confidence of news sources if he is to continue to perform his job in an effective and responsible manner.

This can be done only if he accurately records that information which is off-the-record, or which is not to be attributed to its source.

It is very difficult, as you can imagine, for a reporter, when sitting down to write a story, particularly under the pressure of deadline or several weeks or months later, to remember exactly which information was cleared for use and which information can be used without attribution. The notes of most reporters -- the good, responsible ones -- clearly reflect this.

For that reason it is important that his notes -- his

reference material -- be protected from forced disclosure.

I am not sure that it is possible for a responsible reporter to guarantee confidentiality if his notes are not protected -- unless he disposes of them after use, and that deprives him of an important source of reference material for use in the preparation of future articles.

To the editor, this causes some problem. Many of our young reporters, in an effort to protect the integrity of their notes, say -- and I suppose I would have said the same thing when I embarked on my career fresh off the Nevada campus -- "let's make them take us to court to get our notes."

This presents a dilemma which is difficult to explain to these fledgling journalists who believe the Founding Fathers meant what they said about a free press.

Fighting these threats can jeopardize the economic health of small newspapers -- like the Times-Delta and many of those you have in Nevada.

For the press to remain free, it also must remain

financially strong. Prolonged and frequent defenses in court weaken the ability of newspapers, small ones in particular, to do their job -- providing a free flow of imformation to their readers.

What happens when in deciding whether to cover a story we face the possibility of a real legal donnybrook which could cost several thousands of dollars?

Should we pursue the story and fight the possible court battle which might ensue, or should we lie down and play dead -- not cover the story?

As attractive as the latter course would be, it also could be disastrous. Just as you, as legislators, must retain the confidence of your constitutents, newspapers -- large and small -- must keep the confidence of their readers.

If we duck every potentially dangerous issue, that confidence soon would dissipate and with it would go the need for our existence.

As it was stated by Associate Justice Potter Stewart of the U. S. Supreme Court:

"The right to publish is basic to the existence of a constitutional democracy...but it depends on the right to gather news. Anything which would curtail the free flow of information dangerously curtails the right to publish."

The current situation, which finds Nevada journalists without protections for their unpublished information, curtails that free flow of information. I'm sure you don't want that.

Thank you, ladies and gentlemen, for permitting me to testify today before your august body.

b. When costs are incurred in conformity with State law and Federal Highway Administration (FHWA) directives.

c. When costs are recognized and recorded as an obligation in the accounts of the SHD.

d. Federal-aid participation may not exceed the statutory limitation for the particular Federal-aid funds used.

e. On projects financed under 23 U.S.C. 120(d) for the elimination of hazards of railway-highway crossings, participation in the right-of-way cost may not exceed 70 percent, with no increase in public land States.

f. On public land highways and on defense access roads as defined in Title 23 U.S.C. 101a and 210, the extent of Federal participation will be in accordance with specific agreements between FHWA and the SHD.

g. Reimbursement of costs shall be made only after the project agreement has been executed.

5. REIMBURSEMENT POLICY

a. Real Property Acquisition

Federal funds may participate in payments made by the SHD for real property or interests therein acquired in accordance with applicable State and Federal law and FHWA directives. Unless otherwise provided, Federal funds may not participate in the costs of real property not incorporated into the final highway right-of-way.

b. Incidental Expenses

(1) Federal funds may participate in any expenditure of a type normal to the operation of the SHD and incidental to the acquisition of rights-of-way, whether the acquisition is by negotiation or condemnation.

(2) Federal participation will not be allowed in charges for the administrative and overhead expenses of either the headquarters or field offices of the SHD or other publicly maintained land acquisition organizations. When a supervisory or administrative employee is engaged in work chargeable to a specific project, Federal participation may be allowed in claims for salary and related expenses on that project in accordance with Volume 1, Chapter 4, Section 5, of the Federal-Aid Highway Program Manual.

(3) *Federal funds may participate in the usual costs and disbursements chargeable to a condemning authority under State law has part of a valid bill of costs approved by a court in a condemnation proceeding. However, whether or not the costs are included in court judgments or awarded as court costs in litigated cases, Federal participation will not be permitted in the cost of a property owner's attorney fees, appraiser fees, expert witness fees, or similar costs which are paid by the SHD in connection with acquisition of rights-of-way, with the following exceptions:*

(a) *Where the final judgment is that the property cannot be acquired by condemnation, or*

(b) *the proceeding is abandoned by the acquiring agency, or*

(c) *an inverse condemnation proceeding is successfully maintained.*

In any of the foregoing exceptions, participation will be limited to such sum as will in the opinion of the court or the head of the agency on whose behalf the proceeding was instituted, reimburse the owner for reasonable costs, disbursements, and expenses he actually incurred, including reasonable attorney, appraisal, and engineering fees.

(4) *Federal funds may participate in payments by the SHD to a property owner for the following costs necessarily incurred in transferring property to the State:*

(a) *Recording fees, transfer taxes, and similar expenses incidental to conveying real property.*

(b) *Penalty costs for prepayment of the preexisting recorded mortgage entered into in good faith.*

(c) *The pro rata portion of real property taxes paid which are allocable to a period subsequent to vesting of title in the SHD or effective date of possession by the SHD, whichever is earlier.*

Dated July 30, 1974

By F F Lenn

~~Deputy District Attorney~~
~~District Attorney Investigator~~
~~Deputy Public Defender~~
~~Public Defender Investigator~~
Defense Counsel
(Strike inapplicable titles)

(OR)

Judge of said Court
(OR)
By order of the Court

J M Laycock

Clerk of said Court

"Disobedience to a subpoena, or a refusal to be sworn or to testify as a witness may be punished by the Court or Magistrate as a contempt."

SUBPOENA (Criminal)

Std. Ct. Form Crim 3 Rev. 3/73

DOUGLAS J. SORENSEN
FRANKLIN P. GLENN

Attorney for Jack T. Bronaugh

Address

723 Hacienda Drive
Riverside, California

Telephone 683-8150

IN THE MUNICIPAL **COURT** RIVERSIDE **JUDICIAL DISTRICT**

COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

The People of the State of California

Plaintiff

vs.

JACK T. BRONAUGH, BEVERLY ROELLE, and CONSTANCE BENNETT LAWTON

Defendant

No. 402693

SUBPOENA

(Criminal)

RECEIVED
MARSHAL'S OFFICE
RIVERSIDE, CALIFORNIA
JUL 30 4 17 PM '74
BY WILLIAM T. SCHMIDT, MARSHAL
DEPUTY

THE PEOPLE OF THE STATE OF CALIFORNIA,

To MARK OLIVA

Press-Enterprise Office
14th Street
Riverside

YOU ARE HEREBY COMMANDED to appear before a Judge of the above entitled Court of Riverside Judicial District, County of Riverside at the Court Room of said Court at 10th and Orange Streets on August 13, 19 74, at 10:00 A M., as witness in a Criminal Action prosecuted by the People of the State of California against the above named defendant.

And you are required, also, to bring with you the following:

Name, Address and Telephone Number of Attorney(s)

LEN W. HOLT
1175 Blaine Street #95
Riverside, California 92507
781-9998

Attorney(s) for Zurebu Gardner

Space Below for Use of Court Clerk Only

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,

vs.

Gary W. Lawton, Sr. & Zurebu Gardner
Defendant.

CASE NUMBER
CR. 9138 & CR. 9485

SUBPENA
(CRIMINAL)

THE PEOPLE OF THE STATE OF CALIFORNIA,

TO: Mark Oliva, Reporter
Press-Enterprise
3512 14th Street
Riverside, California

You are commanded to appear before a Judge of the Superior Court of California, County of Riverside, in Department No. 4 of said Court, in the Courthouse of said County of Riverside, at Riverside, California, on July 26, 1974, at 1:30 P .M., as a witness in the above entitled criminal action on the part of ☐ Plaintiff ☒ Defendant.

In lieu of appearing at the time above specified, you may agree with Len W. Holt (Name of Attorney or Party Requesting this Subpena) at 781-9998 (Telephone Number) to appear at another time or upon such notice as may be agreed upon. Any failure to appear pursuant to such agreement may be punished as a contempt.

And you are required to bring with you the following (describing intelligibly the books, papers, or documents required):

RECEIVED
MARSHAL'S OFFICE
RIVERSIDE, CALIFORNIA
JUL 22 11 10 AM '74
WILLIAM T. SCHMIDT, MARSHAL
BY _____ DEPUTY

By Order of the Court. Dated 20 July 1974

L. W. Holt
Attorney

(SEAL)

SUPERIOR COURT OF RIVERSIDE COUNTY * CALIFORNIA *

Donald D. Sullivan

DONALD D. SULLIVAN
County Clerk and Clerk of the Superior Court of the State of California, for the County of Riverside

NOTE: If you intend to claim witness fees, make application to the court clerk before leaving court.

(See reverse side for Proof of Service)

PROOF OF SERVICE OF SUBPENA

I served this subpena by delivering a copy thereof to each of the following persons personally:

Name of Person Served	Street Address and City Where Served	Date and Time of Service

(To be completed by server other than a sheriff, marshal or constable)

I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____ (Date),

at _____ (Place), California.

_____
(Signature of Declarant)

_____
(Type or Print Name of Declarant)

_____
(Type or Print Address)

(To be completed by sheriff, marshall or constable)

I certify that I received this subpena on _____ (Date) and that the foregoing is true and correct.

Dated _____

_____
(Type or Print Name of Officer)

_____
(Type or Print Title of Officer)

Of _____ (Court or Judicial District*),

_____ County, California

_____
(Signature of Officer or Deputy)

*Fill in if service made by marshal or constable.

BYRON C. MORTON
District Attorney

Attorney for Plaintiff

Address 200 Law Library
3535 Tenth Street
Riverside, California 92501

Telephone 787-2581

QUESTIONS REGARDING SUBPOENA
CALL 787-2581

IN THE MUNICIPAL COURT RIVERSIDE JUDICIAL DISTRICT
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

The People of the State of California
Plaintiff

vs.

BRONAUGH, LAWTON & RCELLE
Defendant

No. 402693

SUBPOENA
(Criminal)

THE PEOPLE OF THE STATE OF CALIFORNIA,

To Mark Oliva Staff Writer Press Enterprise

Riverside 684 1200

You are Commanded to appear before the Municipal Court, Riverside Judicial District, in and for the County of Riverside at the Court Room Department No. _____ of said Court at 3547 Tenth Street, Riverside on July 10, 1974, at 8:15A.M. as a witness in a Criminal Action prosecuted by the People of the State of California against the above defendant.

And you are required to bring with you the following:
(Describe intelligibly the books, papers or documents required)

Dated July 8, 1974
148,242PC/bs

BYRON C. MORTON
District Attorney
County of Riverside

SUBPOENA (Criminal)

Section 1331, Penal Code:
"Disobedience to a subpoena, or a refusal to be sworn or to testify as a witness may be punished by the Court or Magistrate as a contempt."

(See reverse side for Proof of Service)

DA FORM 100-A (8/72)

PROOF OF SERVICE OF SUBPENA

I served this subpena by delivering a copy thereof to each of the following persons personally:

Name of Person Served	Street Address and City Where Served	Date and Time of Service

(To be completed by server other than a sheriff, marshal or constable)

I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____ (Date),

at _____ (Place), California.

_____
(Signature of Declarant)

_____
(Type or Print Name of Declarant)

_____
(Type or Print Address)

(To be completed by sheriff, marshal or constable)

I certify that I received this subpena on _____ (Date) and that the foregoing is true and correct.

Dated _____

_____
(Type or Print Name of Officer

_____
(Type or Print Title of Officer)

Of _____ (Court or Judicial District*),

_____ County, California

_____
(Signature of Officer or Deputy)

* Fill in if service made by marshal or constable.

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF RIVERSIDE

6/24 10 am

THE PEOPLE OF THE STATE OF CALIFORNIA:

TO: **Mr. Mark Oliva**
c/o Press Enterprise
Riverside, California

YOU ARE COMMANDED to appear before the Grand Jury of the County of Riverside, State of California, at the Grand Jury room of said Court, in the Law Library Building in Riverside City, County and

State aforesaid, on the **10th** day of **June**, 19**74**, at **10:00** o'clock **A.** M., as a witness upon an investigation pending before said Grand Jury.

Given under my hand this **7th** day of **June**, 19**74**

Assistant District Attorney of Riverside County

BYRON C. MORTON
District Attorney

Attorney for Plaintiff

Address 200 Law Library
3535 Tenth Street
Riverside, California 92501

Telephone 787-2525

QUESTIONS REGARDING SUBPOENA
CALL XXXXXXX 787 2581

IN THE MUNICIPAL COURT RIVERSIDE JUDICIAL DISTRICT
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

Will Call

The People of the State of California
Plaintiff

vs.

BRONAUGH, LAWTON & ROELLE
Defendant

No. 402693

SUBPOENA
(Criminal)

THE PEOPLE OF THE STATE OF CALIFORNIA,

To Mark Oliva Staff Writer Press Enterprise

Riverside 684 1200

You are Commanded to appear before the Municipal Court, Riverside Judicial District, in and for the County of Riverside at the Court Room Department No. ____ of said Court at 3547 Tenth Street, Riverside on June 24, 19 74, at 8:15 A. M. as a witness in a Criminal Action prosecuted by the People of the State of California against the above defendant.

And you are required to bring with you the following:
(Describe intelligibly the books, papers or documents required)

Dated May 23, 1974

148,242PC/bs

BYRON C. MORTON
District Attorney
County of Riverside

By Paul Lewis
Deputy

SUBPOENA (Criminal)

Section 1331, Penal Code:
"Disobedience to a subpoena, or a refusal to be sworn or to testify as a witness may be punished by the Court or Magistrate as a contempt."

(See reverse side for Proof of Service)

DA FORM 100-A (8/72)

PROOF OF SERVICE OF SUBPENA

I served this subpena by delivering a copy thereof to each of the following persons personally:

Name of Person Served	Street Address and City Where Served	Date and Time of Service

(To be completed by server other than a sheriff, marshal or constable)

I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____ (Date),

at _____ (Place), California.

_____
(Signature of Declarant)

_____
(Type or Print Name of Declarant)

_____
(Type or Print Address)

(To be completed by sheriff, marshal or constable)

I certify that I received this subpena on _____ (Date) and that the foregoing is true and correct.

Dated _____

_____
(Type or Print Name of Officer

_____
(Type or Print Title of Officer)

Of _____ (Court or Judicial District*),

_____ County, California

_____
(Signature of Officer or Deputy)

* Fill in if service made by marshal or constable.

FREEDOM OF THE PRESS

The Threats and The Washington Post

15 page booklet
- State Archives -

Assembly Judiciary Minutes
3/27/75
Exhibit