

Johnson May Ask New Trial

Frye 'Considering' Another Subpoena

By PHIL SEMAS
Emerald Editor

Arthur Johnson, attorney for Annette Buchanan, has asked for and received a stay of the execution of her sentence for contempt of court until July 11 so he can decide whether to file an appeal or ask for a new trial.

And Lane County District Attorney William Frye has indicated he may subpoena Miss Buchanan again to try to find out the names of students she interviewed for a story on campus marijuana use.

Circuit Judge Edward Leavy filed his decision and "findings of fact" at about 4:30 p.m. Wednesday, then granted Johnson's request. Leavy's decision included a statement that Miss Buchanan had "willfully refused" to reveal the sources of her information.

Johnson said Leavy might want to reconsider some of his arguments or that he might have new evidence. He declined to be more specific on reasons he might ask for a new trial.

Frye told the Eugene Register-Guard he would decide this week whether to re-subpoena Miss Buchanan. "There is no less reason today than there was on June 3 not to know that information."

Johnson said Tuesday that Oregon law is hazy on whether Miss Buchanan can be cited for contempt again.



WILLIAM FRYE
May Subpoena Again

Buchanan Plans Appeal

This is an account of Tuesday's court session:

Judge Edward Leavy leaned forward, looked at Annette Buchanan, and said quietly, matter-of-factly:

"It is the finding of the court that respondent is in contempt."

The courtroom was silent. Miss Buchanan paled slightly and dropped her forehead to her hand. Her attorney, Arthur Johnson, leaned back and sighed.

So ended the first stage of the Emerald managing editor's effort to avoid revealing the names of five students she interviewed for a story on marijuana smoking.

At a press conference afterward both Miss Buchanan and Johnson said they intend to file an appeal to the Oregon Supreme Court.

Leavy, a circuit judge for Lane County, also found that "the right and remedy of the state of Oregon was defeated and prejudiced by this witness's contempt."

That second finding allowed Leavy to impose the maximum fine of \$300, which he did. Otherwise he could have fined Miss Buchanan only \$100. The finding also carried a maximum jail sentence of six months but Leavy did not add that to the sentence.

Before Leavy gave the sentence he asked Johnson and Lane County District Attorney William Frye if they wished to make any statements concerning the sentence.

PUBLIC STATEMENTS

With Miss Buchanan watching him intently, Frye noted that "the witness has made public statements in the press about her position not to follow the order of this court."

Frye, who has also given several television interviews and wrote a column in the Eugene Register-Guard about the case, said he felt Miss Buchanan's statements ought to affect the sentence.

Johnson said he did not believe the second finding was a proper finding because Miss Buchanan had not willfully intended to defy the court's order.

"I appreciate that statement, Mr. Johnson," Leavy said quietly. "We have here a 20-year-old girl who has abided by the tradition of her profession and by a promise she made in good faith," Johnson went on.

"NO DISHONOR OR DISRESPECT"

"I don't think dishonor or disrespect has been brought to this court by Annette Buchanan. I think anything in excess of a token punishment would be excessive. Any greater punishment would indeed bring dishonor to this court."

That afternoon Miss Buchanan and Johnson told reporters they would definitely file an appeal before the 5 p.m. Wednesday deadline which Leavy set for the carrying out of the sentence.

Johnson said there were "substantial questions of procedure" on which to base an appeal as well as questions of fact.

Why don't they just pay the fine and drop the case?

"The principle involved and the legal question are important to both the public and the press," Johnson said.

Miss Buchanan said that "right now my intention is to appeal. It will depend on several factors, one of which is money."

COST MAY BE \$2,500

Johnson estimated that an appeal to the State Supreme Court would cost at least \$2,500. He said the defense fund started for Miss Buchanan has about \$325 in it.

Added to that sum will be a \$300 contribution from former U.S. Senate Majority Leader William F. Knowland of California, publisher of the Oakland, Calif., Tribune. Knowland, who wired the money almost immediately after the verdict, said it could either be used to pay the fine or to appeal.

Miss Buchanan said she was "just as determined as ever that I won't tell."

Tuesday both Johnson and Frye made their final arguments.

Frye waived his opening argument and waited until Johnson had finished his hour-long presentation before arguing why Miss Buchanan should be cited for contempt.

Johnson went over many of his earlier arguments but also added a new argument that willful intent should be a factor in a contempt decision.

He argued that Miss Buchanan had not willfully violated the court's order nor brought dishonor or disrespect to the court.

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'Don't Reveal Sources'—Frye

According to class notes taken by a University student, Lane County District Attorney William Frye told a journalism class on May 10 that reporters should keep their information confidential.

Frye says, however, that he did not mean that to include violating a court order, such as the one he obtained to force Annette Buchanan to reveal the names of students she interviewed for a story on marijuana.

Notes taken by Ellen Gezelius, a junior in journalism at the University, from a May 10 guest lecture by Frye in a reporting class say in part:

"You should keep faith with (the) person with whom you have an agreement.

"Reporters may get information with the request not to use sources. The reporter should obey or he won't get any more news.

"Reporters should not break a confidence.

"Their (reporters') prime obligation is to inform the public and not just to sell papers.

"There is a constant struggle going on in government about freedom of information in public records."

In response to Frye's statement that he did not mean those statements to include violating a court order, Arthur Johnson, Miss Buchanan's attorney, noted that Frye did not so qualify the statements when he made them.



ARTHUR JOHNSON, attorney for Annette Buchanan, tells reporters Tuesday that his client, who is looking on intently, will appeal to the Oregon Supreme Court a ruling by Circuit Court Judge Edward Leavy that fined her \$300 for contempt of court. Miss Buchanan has refused to reveal the names of students she interviewed for a story on campus marijuana use. The contempt citation came because she refused to reveal the names to the Lane County Grand Jury and Lane County District Attorney William Frye in spite of a court order earlier issued by Leavy. Miss Buchanan says she will not reveal the names of the five students, even if Frye re-subpoenaed her as he said Wednesday he may do. Johnson also said Wednesday he may ask for a new trial.

Photo by Mike Conard

Frye to Discuss Buchanan Case

Lane County District Attorney William Frye will discuss "The Annette Buchanan Controversy" today at noon at a Student Union luncheon discussion.

Free coffee will be served but participants are asked to bring their own lunches.