

# opinion

## Fourth Estate under pressure

By Joe Woods  
For The Print

When our economy is being ravaged by inflation and haunted by the spectre of a new recession, we tend to become preoccupied with large problems. Less obvious, but just as potentially dangerous, one sometimes slip past our attention; remaining undetected, until it's too late to do anything about them.

In the spring of 1971, a squadron of police officers pushed into the offices of the Stanford Daily in Palo Alto, California. Armed with a simple pocket search warrant, they rifled the newspapers' files and generally disrupted publication. They were ostensibly looking for photographs, they thought the Dailys' photographer may have snapped, of possible assailants in a riot where nine policemen were injured. They found nothing.

But the newspaper sued all the way to the Supreme Court on grounds that their rights under the first amendment had been infringed upon. They lost.

The first amendment to the Constitution of the United States guarantees our free press the ability to investigate and report the news to the people without fear of that right being abridged.

Yet recent rulings by the Supreme Court against the press, not only affect the ability of the press to fulfill its responsibility to the first amendment, but also establish the precedents whereby the freedom of all citizens is placed in jeopardy.

But how did it happen? When did it start? And where will it lead? I'm sure you've heard of the strange case of Myron Farber, a reporter who was sent to jail last year for refusing to reveal his confidential sources to a district court judge in New Jersey.

In order to fully understand the scope and implications of the Farber case, we must examine closely a series of precedents dating back to 1967, a series of precedents which set the stage for the dismantling of the first amendment.

The Supreme Court ruled in the 1967 case of Warden versus Hayden that, "In cases of search and seizure, it is no longer necessary to make a distinction between contraband, fruits, and instrumentalities of a crime, and merely evidentiary materials," (such as a reporters notes, a doctors files, or a businessmen ledgers)." This ruling opened the door for the issuance of warrants entitling police to search through articles belonging to third parties, not associated with the crime being investigated, but who may have information about that crime. Thus, the Supreme Court gave police agencies a carte blanche to pursue the invasion of anyones privacy, be they doctor, lawyer, or Indian chief.

In 1972 the court ruled, in the Branzburg versus Hayes decision, that news reporters were no longer guaranteed the right to confidential sources. Commenting in dissent to the decision, then Justice William O. Douglas said, "Now that the fences of the law and the tradition that has protected the press are broken down, the people are the victims. The first amendment, as I read it, was designed precisely to prevent that tragedy."

The honorable justice was warning us then, we should have listened. Because the Supreme Court ruled last May 31st, in its Zurcher versus the Standard Daily decision, that the "police are completely within their rights to push, unannounced, into a newsroom, or any other place for that matter, as long as a judge has issued a search warrant, even if the occupant is not suspected of a crime."

ABC news commentator, Howard K. Smith called it, "The most dangerous ruling the court has made in memory."

These are facts:

- 1) Newsmen require informants to gather news.
- 2) Confidentiality is essential to the creation and maintenance of a news gathering relationship with informants.
- 3) The existence of unbridled

## KAMPUS KWIPS

BY Jim Adams



subpoena powers and liberalized search and seizure laws will deter sources from divulging, and reporters from gathering and publishing.

Would "Deep Throat" have come forward with the Watergate information if he had known that his name could have been discovered by police while raiding the files of the Washington Post? I think not.

The current adversary position taken between the press and the police and courts can only contribute to further harassment.

Ironically, this whole thing could conceivably hinder police investigations as well, because prosecutors often depend heavily on published news stories for leads into the investigation of criminal activity. John Leonard, President of the National District Attorneys Association, testified that much of the information for investigative stories is obtainable only if the confidentiality of sources is assured. He thinks that information which would never be disclosed to law enforcement officials may come to light through confidential contacts with the media.

If the media is reduced to printing uncontroversial mush

for fear of harassment, law enforcement agencies will have effectively cut off the hand that feeds them.

Paradoxically, as told to me by the editor of a small town daily, who wished that his name be withheld, the media people themselves are soft-soaping their predicament for fear that if they play up the injustice in print, they will not only incur the wrath of the courts more readily, but also scare off potential sources by publicizing the fact that they can no longer be assured absolute confidentiality. This entire situation would almost be laughable, if the prospects were not so chilling.

The gravity of this predicament has been recognized by no less authorities than the U.S. Senate and the President of the United States. The last session of Congress saw the introduction of press protection bills by congressmen, Dole, Bayh, Haskell and Drinan.

In substance all of the bills were alike in that they would attempt to solve the problem by requiring that an adversary hearing be held in front of a Magistrate before any writ enabling a search could be issued. Unfortunately, these

bills died before they got to committee. President Carter is urging his friends on Capitol Hill to pass a similar bill during the current session.

Let us hope and pray that such a bill is not only passed to law but that it goes unchallenged by the Supreme Court because, if the current trend is allowed to go unchecked, the day will come when the phrase "No news is good news" will be on the lips of those who would like to see the people of this country conform to a rigid system of control and manipulation.

Since I am not a working journalist, I have no fear of retribution or of being fired from my job for speaking out on this issue. Please help right this inequitable situation by encouraging your legislators to support the press protection bill this term. I call upon you to make this issue known to those who can do something about it before it is too late.

For if the freedom of the press is allowed to be taken asunder in the name of justice then what other subversive word does the future hold in store for a people who must struggle and never be granted, the word freedom.

## feedback

To The Editor:

Now is the time to recycle: our economy and environment demand attention today, because of the possible effects of present pollution on us in the here and now, as well as tomorrow and into the close future.

The Environmental Learning Center wants to work with you to reverse the trend of discarding items after just one use. They have set up recycling barrels in every building on campus where you can throw your newspapers, notebook papers, typing papers - in fact almost any sort of scrap paper

into the barrels. Carbon paper, paper cups and plates, food wrappers, rubber bands and cellophane paper are non-recyclable. Also golden-rod colored paper is non-recyclable. The E.L.C. also gives good hints in the Today on making the most out of your environment as well as your money.

Just one reason to recycle is the fact that one person uses and discards one Douglas Fir every six months: at that rate demand far exceeds supply.

Another good reason for recycling is that manufacture of recycled paper requires 61 per-

cent less water and produces 70 percent less pollutants than paper from virgin fiber.

Perhaps, though, the best reason to recycle is for YOU. Of course you can throw your garbage away until it drowns you - you can leave it to future generations, but are you sure they could do anything about it then? Why don't you make an effort now?

Bring your recyclable paper to the barrels in your school buildings, watch for the E.L.C. Hints on Recycling, and recycle today!

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Page 2

