

Bulletin Fall 2006

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## Top Story

### **Minnesota Supreme Court Rules Attorney Could Qualify for Journalist's Privilege**

In September 2006 the Minnesota Supreme Court issued a ruling involving a unique mixture of professional responsibility, defamation and journalist privilege law when it determined that an attorney and judicial candidate had an obligation to cooperate with a Professional Responsibility investigation into comments he made regarding his incumbent opponent. [Continue reading](#)

## Reporters Privilege

### **News Blogger Ordered Back to Jail for Refusal to Disclose Videotapes**

On September 22, freelance journalist Joshua Wolf returned to jail after a three-judge panel of the U.S. Court of Appeals for the Ninth Circuit denied his appeal of an order compelling him to disclose his videotape of a July 8, 2005 protest in San Francisco to a grand jury. [Continue reading](#)

### **Court Requires BALCO Reporters to Divulge Anonymous Sources or Face Prison; Chronicle also Faces Fines**

A federal court in California has found the *San Francisco Chronicle* and two of its reporters in contempt of court for refusing to identify anonymous sources used to write a series of articles and a book relating to steroid use in Major League Baseball.

### **Federal Judge Says *New York Times*' Kristof Must Disclose Source in Civil Defamation Suit**

A federal judge has upheld an order requiring *The New York Times* to disclose the identities of anonymous sources used by columnist Nicholas Kristof. [Continue reading](#)

### **Gannett Co. Subpoenaed to Disclose DOJ Source**

A former federal prosecutor has demanded that the owner of the *Detroit Free Press* disclose the name of an anonymous source cited in a 2004 article. [Continue reading](#)

### **Congress Hears More Testimony on Federal Shield Law**

The United States Senate's Judiciary Committee held hearings on Sept. 20, 2006 captioned, "Reporters' Privilege Legislation: Preserving Effective Federal Law Enforcement." [Continue reading](#)

### **Louisiana Reporter Ordered to Testify at Murder Trial**

A Louisiana state judge has ordered Josh Noel, formerly a reporter for *The (Baton Rouge) Advocate* and presently with the *Chicago Tribune*, to testify in the first-degree murder case of Sean Vincent Gillis.

## Newsroom Searches

## **Pennsylvania Supreme Court Rules Paper Does Not Have to Turn Over its Hard Drives; Demand Held “Unduly Intrusive”**

On Oct. 6, 2006, the Pennsylvania Supreme Court ruled that Lancaster Newspapers, Inc., does not have to turn over two computer hard drives from its newspapers to the Pennsylvania Attorney General. Continue reading

## **Hewlett Packard ‘Pretexting’ Targeted Journalists**

Computer and technology corporation Hewlett Packard (HP) kept the media busy throughout the fall, as news of its spying scandal broke. Continue reading

## **Silha Speakers**

### **Geoffrey Stone Predicts First Amendment will Protect Journalists from Prosecution at 21st Annual Silha Lecture**

The “classic conflict” between the government’s legitimate interest in national security and the news media’s legitimate interest in freedom of expression is as old as the United States itself, Prof. Geoffrey Stone told an overflow audience at Cowles Auditorium for the 21st Annual Silha lecture on October 4, 2006. Continue reading

### **Judge Rick Distaso, Prosecutor in *The People v. Scott Peterson*, Visits the School of Journalism and Mass Communication**

Judge Rick Distaso of the Stanislaus County Superior Court in California visited the SJMC on November 29 as part of the “Judges in J-Schools” pilot program, launched this year in only three journalism schools in the United States. Continue reading

## **Endangered Journalists**

### **American Correspondent Who Faced Charges in Sudan Freed**

A *Chicago Tribune* reporter who spent nearly four weeks in Sudanese custody after being arrested in the war-torn province of Darfur was released on Sept. 9, 2006. Continue reading

### **Famed Russian Reporter Murdered in Contract Killing**

Hailed by newspapers internationally as Russia’s “most famous” and “courageous” investigative reporter, Anna Politkovskaya was shot and killed in the lobby of her Moscow apartment building on Oct. 7, 2006. Continue reading

### **Russia’s Supreme Court Overturns Acquittals in Klebnikov Case**

One month after Russian reporter Anna Politkovskaya was gunned down as she entered her Moscow apartment building, the Supreme Court of the Russian Federation overturned the acquittal of two defendants accused of murdering U.S. journalist Paul Klebnikov. Continue reading

## **US Press Freedom Rating Drops**

According to the 2006 Worldwide Press Freedom Index rating, produced by Reporters Sans Frontières (Reporters Without Borders or RSF), overall press freedom in the United States has declined in the past year. Continue reading

### **Worldwide Media Killings Reach a Record Level**

The number of journalists killed in 2006 while working in war-torn regions of the world reached a record high in September, leading the World Association of Newspapers (WAN) to declare 2006 the deadliest year for journalists since the organization began keeping records in 1997.

Continue reading

### **Chinese Journalists Battle Censorship, Yahoo!**

Zhao receives lighter sentence; Shi plans to sue Yahoo! for assisting Chinese authorities using Alien Tort Claims Act. Continue reading

### **Media Ethics**

#### **Miami Journalists' Ethics Questioned for Appearing on Government Funded Programs**

Two Miami journalists were fired in September for accepting payment to appear on U.S. government-funded anti-Castro radio and TV programs, raising conflict of interest questions.

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#### **Some Media Knew about Foley Messages Since 2005**

As the scandal over Rep. Mark Foley's (RFla.) explicit e-mail and text messages to House pages swept Washington in September, questions swirled over who knew what, when they knew it, and why nothing was said or done. Continue reading

#### **News Council Upholds Sheriff's Complaints Against Newspaper**

At an October 21 public hearing, the Washington News Council upheld most of the complaints of "unfair disparagement" that a disgruntled local sheriff filed against the Seattle *Post*

*Intelligencer*. Continue reading

#### **Bloggers Uncover Altered Reuters Photos**

Last summer's controversy over altered photographs of the war in Lebanon spread quickly from the blogosphere to mainstream media and led to closer scrutiny by readers. Continue reading

#### **Pundit Williams Settles with Justice Department**

In October, columnist and pundit Armstrong Williams settled with Justice Department prosecutors and agreed to pay \$34,000 over a conflict of interest scandal dating back to early 2005. Continue reading

#### **Jane Pauley Sues *The New York Times* for Fraud, False Advertising**

In October 2006, former "Today" show and "Dateline NBC" co-host Jane Pauley sued the New York Times Co. and DeWitt Publishing in a "he said, she said" case involving whether the television journalist knew she was being interviewed for an advertising supplement for drug companies rather than a news article on mental health. Continue reading

#### **Danish Court Rules Mohammed Cartoons Are "Not Offensive"**

A lawsuit filed against the Danish newspaper *Jyllands-Posten* for its publication of political cartoons depicting the prophet Mohammed in October 2005 was settled on October 26, 2006 in the City Court of Aarhus in Denmark. Continue reading

## **Internet Updates**

### **Internet Roundup**

Texas judge says one-year statute of limitation applies to articles on Internet. Continue reading

### **Canada Refuses Request to Block American Web Sites Containing Hate Speech**

In August 2006, the Canadian Radio-television and Telecommunications Commission (CRTC), a government agency comparable to the United States' Federal Communications Commission (FCC), denied a Canadian's request to allow internet carriers to block two Web sites run by an American neo-Nazi. Continue reading

## **Defamation/Libel**

### **Britain's Law Lords Overturn Ruling Against *The Wall Street Journal***

In October 2006, Britain's highest court, the Law Lords, overturned a libel judgment against *The Wall Street Journal*, in the process strengthening protections for journalists and newspapers against libel suits, provided they can prove the article served the public interest and was reported in a serious and responsible manner. Continue reading

### **CNN and *Time* "Operation Tailwind" Suits Dismissed**

A federal district court judge dismissed two libel lawsuits brought by U.S. soldiers against the owners of *Time* magazine and Cable News Network (CNN) in September 2006. Continue reading

## **Privacy**

### **Florida Court Extends Defamation Statute of Limitations to False Light Suits**

In late October 2006, a state court of appeals in Florida reversed an \$18.28 million false light invasion of privacy judgment against the *Pensacola News-Journal*. Continue reading

### ***Boehner v. McDermott* Reheard Before Full D.C. Court of Appeals**

For the fourth time in eight years, the United States Court of Appeals for the District of Columbia Circuit considered whether U.S. Rep. Jim McDermott (D-Wash.) violated federal wiretapping laws by disclosing an illegally-recorded telephone conversation between members of the Republican leadership to the press. Continue reading

## **FOIA Updates**

### **D.C. Court of Appeals Reinstates Records Request Suit Seeking Data on Illegal Immigrants**

The U.S. Court of Appeals for the District of Columbia Circuit has vacated U.S. District Judge Richard J. Leon's Sept. 28, 2005 decision to dismiss Cox Newspapers' claims that the

Department of Justice (DOJ) improperly withheld records related to a Freedom of Information Act (FOIA) request, 5 U.S.C. § 552. Continue reading

### **Georgia Supreme Court Rules Newspaper Can Access Notes from Closed County Meeting**

On July 6, 2006, the Georgia Supreme Court ruled that a closed meeting of the Decatur County commissioners and their subsequent refusal to disclose documents from that meeting violated the state's open meetings and open records acts. Continue reading

## **FCC Updates**

### **FCC Investigates Video News Releases**

The Federal Communications Commission (FCC) sent letters to 42 holders of 77 television broadcast licenses in August 2006, asking whether their stations had properly labeled "video news releases" and identified their source and sponsorship prior to broadcast as required by a unanimous April 2005 ruling by the five-member Commission. Continue reading

### **FCC Backtracks on Some Indecency Rulings, Continues to Pursue Others in Court**

On Nov. 7, 2006, the Federal Communications Commission (FCC) backtracked on some of its previous decisions that television networks had aired indecent material. Continue reading

### **FCC Reopens Public Debate on Ownership Rules**

Federal Communications Commissioners listened to public grievances for nearly eight hours at hearings in California, as the FCC considers changes to ownership rules. Continue reading

## **Copyright**

### **Canada's Supreme Court Rules for Freelancers, Against Newspapers**

In October 2006, the Supreme Court of Canada issued a ruling protecting copyrights for freelance writers. Continue reading

## **Student Press News**

### **Scholastic Journalism Roundup**

It was a landmark fall for student newspapers at Florida State University, South Dakota State University and across California. Continue reading