

Bulletin Spring 2006

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## Top Story

### **House Permanent Select Committee On Intelligence Holds Hearings on Information Leaks; Silha Center Director Jane Kirtley Submits Statement**

Leaks of intelligence information play a critical but controversial role in American politics and American journalism. [Continue reading](#)

## Government Interference with Speech

### ***Garcetti v. Ceballos***

On May 30, 2006, the U.S. Supreme Court ruled that government employees do not have First Amendment protection for speech they make pursuant to their work, a ruling that some critics fear could chill potential government whistle-blowers. [Continue reading](#)

## Government Restrictions on Information

### **NASA Revises Policy on Employees' Speech**

The National Aeronautics and Space Administration (NASA) unveiled a revised media relations policy for its employees on March 30, 2006, two months after allegations surfaced from several NASA employees that they had felt pressured by the Bush administration and its political appointees within NASA to suppress their views about potentially controversial scientific findings. [Continue reading](#)

## Government Interference with the Media

### **Politicians Attempt to Assert Controls Over Access**

Less than two months after the Fourth Circuit rejected the arguments of *Baltimore Sun* reporters David Nitkin and Michael Olesker who claimed that Maryland Governor Robert Ehrlich violated their First Amendment rights by instructing public employees and agencies not to talk to them in *Baltimore Sun v. Ehrlich*, 437 F.3d 410 (4th Cir. 2006), other journalists and media organizations continue to face challenges in reporting on public officials at the state and local level. [Continue reading](#)

### **FBI Investigation Includes *Sacramento Bee* Reporters**

An FBI investigation into how information from sealed court documents was included in stories published during July 2005 in California's *Sacramento Bee* has led to the questioning of three of that newspaper's reporters. [Continue reading](#)

### **Reporters Monitored at Home and Abroad**

Reporters' calls are being monitored by the U.S. government, according to a May 15, 2006 report by ABC News reporters Brian Ross and Richard Esposito on their blog *The Blotter*, available online at <http://blogs.abcnews.com/theblotter>. [Continue reading](#)

### **Police Association Posts BOLO Warning Following Correspondent's Investigative Report**

On March 23, 2006, in response to an investigative report criticizing law enforcement agencies in southern Florida, the Broward County Police Benevolent Association (BCPBA) posted the addresses, dates of birth, and driver's license numbers of a local television correspondent and a member of an independent watchdog organization on their Web site. Continue reading

## **Access to Courts**

### **Previously Redacted Portions of Tatel Opinion in Miller Case Released**

Pursuant to a February 3, 2006 order of the U.S. Court of Appeals for the District of Columbia, portions of a previously redacted judicial opinion in the Judith Miller CIA leak case have recently been released to the general public. Continue reading

### **Media Granted Access to Jury Exhibits in Moussaoui Trial**

On March 22, 2006, in a unanimous ruling overturning a previous order of U.S. District Judge Leonie Brinkema, the U.S. Court of Appeals for the Fourth Circuit granted the media access to all exhibits introduced and provided to the jury during the sentencing portion of Zacarias Moussaoui's trial. Continue reading

## **Access to Information**

### **City of New York Releases September 11 Tapes to *New York Times***

On March 31, 2006, the City of New York released to the public 130 calls made to emergency personnel from victims trapped in the World Trade Towers on September 11, 2001. Continue reading

## **FOIA News**

### **State Access Laws Trump HIPAA in Ohio Lead Poisoning Case**

An Ohio reporter's Public Records Act request for state health department citations was granted in March 2006 by the Ohio State Supreme Court in *State ex. rel. Cincinnati Enquirer v. Daniels*, 844 N.E.2d 1181 (Ohio 2006), in spite of the state's argument that it sought information protected by the federal Health Insurance Portability and Accountability Act (HIPAA). Continue reading

### **TWA Flight 800 Records Will Remain Closed**

In March 2006, the federal courts ruled that two government agencies had no obligation to disclose additional records in two separate Freedom of Information Act (FOIA, 5 U.S.C. § 552) suits regarding TWA Flight 800, which crashed into the Atlantic Ocean off the coast of New York in July 1996. Continue reading

## **Shield Law Update**

### **New Federal Shield Bill Introduced**

A federal shield law proposal is making its way to the floor of U.S. Congress. Continue reading

### **Connecticut Shield Law Passes Legislature**

Connecticut has become the thirty-second state, along with the District of Columbia, to pass a reporter's shield law. Continue reading

## **Reporters' Privilege News**

### **SEC Changes Policy Regarding Subpoenaing Reporters**

After as many as nine reporters were subpoenaed in an effort to gain information about questionable practices in stock trading earlier this year, criticism led the Securities and Exchange Commission (SEC) to create policy that set limits on subpoenaing reporters in the future. Continue reading

### **Missouri Judge Orders Newspaper to Disclose Unpublished Pictures**

In late April 2006, a Missouri judge ordered the *Columbia Daily Tribune* to disclose over 600 unpublished photos to the parties in a lawsuit concerning the death of a University of Missouri football player. Continue reading

### **Settlement Reached in Wen Ho Lee Privacy Case**

In an unusual move on June 2, 2006, five media organizations announced that they had agreed to pay \$750,000 in settlement fees to Wen Ho Lee, the scientist who was charged in 1999 with 59 counts of copying classified information onto computer tapes. Continue reading

## **Privacy News**

### **Suit Over Internet Content Barred by Privacy Act Statute of Limitations**

The Ninth Circuit Court of Appeals ruled on March 14, 2006 that the Privacy Act's two-year statute of limitations starts to run from the first publication of Internet content, even if that content remains available online for months after its initial posting. Continue reading

## **Defamation News**

### **Defamation Case over Anthrax Mailings Continues**

The Supreme Court refused to grant a request for review by *The New York Times* in March 2006, and therefore a defamation case against the paper and its columnist Nicholas Kristof will be allowed to proceed. Continue reading

### **Appeals Court Upholds Verdict over Editorial in Chanhassen Villager Case**

On March 22, 2006, a Minnesota court of appeals affirmed in part and reversed in part a jury's decision to award former County Board of Commissioner Chairperson Tom Workman \$625,500 in damages for defamatory statements written about him in a *Chanhassen* (Minn.) *Villager* editorial. Continue reading

## **Media Ethics News**

### **AP Bureau Chief Dismissed**

In March 2006 the Associated Press fired Vermont bureau chief Chris Graff, a 27-year veteran of the organization. Continue reading

### **Scandal at the *New York Post's* Page Six Media**

In an ironic twist, the *New York Post's* Page Six gossip column has become the subject of scandal as one of its reporters, Jared Stern, is under federal investigation for allegedly attempting to extort money from California billionaire Ron Burkle in exchange for protection from negative coverage. Continue reading

### ***New York Times* Reporter Received Free Computer Repair Services**

A recent incident involving a weekly *New York Times* technology columnist, David Pogue, raised ethical questions about whether journalists should be required to pay for the services they review. Continue reading

### ***LA Times* Blogger Involved in Controversy Over Anonymous Postings**

On April 20, 2006, *Los Angeles Times* business columnist Michael Hiltzik admitted to using a pseudonym to post controversial comments on a number of Web sites, including his own company-sponsored Weblog. Continue reading

### **Pentagon Inquiry Concludes No Wrongdoing Occurred When P.R. Firm Planted News Stories in Iraqi Media**

The Lincoln Group, a Washington, D.C.-based public relations firm, did not violate military policy by paying Iraqi news outlets to publish articles favorable to the United States, and in some cases written by American troops, according to a Pentagon inquiry. Continue reading

### **Sedition Project Gains Pardon for Montanans**

On May 3, 2006 Montana Governor Brian Schweitzer pardoned state citizens who had been convicted under a draconian sedition law enforced in Montana during World War I. Continue reading

## **Copyright News**

### **U.K. Court Dismisses Suit Against *DaVinci Code* Author**

On April 7, 2006, a High Court judge in London dismissed a copyright infringement claim against publisher Random House and author Dan Brown, finding that Brown's bestselling novel, *The Da Vinci Code*, had not appropriated ideas from a 1982 non-fiction book. Continue reading

## **Endangered Journalists**

### **Freelance Reporter Jill Carroll Released**

On March 30, 2006, just as unaccountably as when they took her 82 days earlier, freelance journalist Jill Carroll's kidnappers released her. Continue reading

Student Press

### **Supreme Court Will Not Hear *Hosty* Case**

In February 2006, the U.S. Supreme Court declined to hear the appeal of former college journalists who had been told they must submit their work to the dean for approval before going to press. Continue reading

## **Silha Center Events**

### **Seth Mnookin Speaks at Spring Ethics Forum**

The concept of news media objectivity is a shifting one, Seth Mnookin, author of *Hard News: Twenty-One Brutal Months at The New York Times and How They Changed the American Media*, told the audience at the Silha Center's Spring Ethics Forum, held on May 1, 2006, and entitled "The Customer is Always Right? The Assault on Media Impartiality from the Empowered American Consumer." Continue reading