

Bulletin Summer 2006
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Top Story

Major U.S. Newspapers Report On Classified Financial Tracking Program

Several newspapers, including *The New York Times*, *The Washington Post*, *The Wall Street Journal*, and the *Los Angeles Times*, ran stories in June 2006 revealing a classified program that tracks international financial transactions as part of the "War on Terror." Continue reading

Media Leaks

Ruling in Lobbyists Case May Carry Implications for Journalists

Although the case involved lobbyists and not journalists, the ruling in *U.S. v. Rosen and Weissman*, 2006 U.S. Dist. LEXIS 56443 (E.D. Va., August 9, 2006) has implications that may affect the news media, especially those who face accusations of receiving classified information and disseminating it to others. Continue reading

Federal Electronic Surveillance Update

Judge Finds NSA Domestic Wiretapping Program Violates Statutory and Constitutional Law

The first federal court to address the constitutionality of the National Security Agency's (NSA) domestic wiretapping program, which was authorized by President Bush shortly after the September 11, 2001 terrorist attacks, ordered the executive agency to abandon the program. Continue reading

NSA Roundup

On June 30, 2006, *USA TODAY* retracted a portion of the National Security Agency (NSA) domestic surveillance story published in May 2006. Continue reading

Bush Signs Broadcast Decency Enforcement Act; May Increase Fines for Indecent Programming

On June 15, 2006, President Bush signed into law the Broadcast Decency Enforcement Act of 2005 (S. 193), which increases tenfold the penalties that television and radio broadcasters can be charged for the transmission of obscene, indecent, or profane language. Continue reading

Government Restrictions on Information

FEMA Reconsiders Policy on Media Access To Victims of Hurricane Katrina

When Baton Rouge *Advocate* reporter Sandy Davis tried to interview residents of post-Katrina Federal Emergency Management Agency (FEMA) trailer parks in July 2006, she was interrupted by security guards who told her that FEMA regulations prohibited her from speaking with residents. Continue reading

Reporters Forced to Leave Guantanamo Bay

Three days after three detainees at the United States military detention facilities on Guantanamo Bay, Cuba committed suicide, the Department of Defense (DOD) informed reporters from the *Los Angeles Times*, the *Charlotte Observer*, and the *Miami Herald* that they were no longer allowed access to the detention center. Continue reading

New Jersey Media Ban in Prisons Reversed

New Jersey Acting Prison Commissioner George Hayman reversed a little-known ban on one-on-one interviews in state prisons one day after a Newark paper's report made it public. Continue reading

Ohio Mayor's Restriction of Employees' Speech Does Not Violate Media's First Amendment Rights

On June 27, 2006, the United States Court of Appeals for the Sixth Circuit vacated a district court decision which found that a Youngstown, Ohio mayor had not violated the First Amendment when he ordered city workers not to speak with reporters from a local newspaper. Continue reading

Federal Court Orders Additional Detainee Photos Released

On June 9, 2006, United States District Judge Alvin K. Hellerstein ordered the U.S. Department of Defense (DOD) to release 22 additional photographs of detainee abuses in Iraq and Afghanistan to the American Civil Liberties Union (ACLU) in *ACLU v. Dep't of Defense*, slip op. 2006 WL 1638025 (S.D.N.Y. June 9, 2006). Continue reading

FOIA Updates

FOIA Turns Forty

July 4, 2006 marked the fortieth anniversary of the signing of the Freedom of Information Act (FOIA). Continue reading

Government Grant to Study FOIA and Security Questioned

One day after FOIA's fortieth anniversary, July 5, 2006, *USA TODAY* reported that the federal government planned to make a \$1 million grant to St. Mary's University School of Law in San Antonio to conduct research "aimed at rolling back the amount of sensitive data available to the press and public through freedom-of-information requests." Continue reading

Reporters Privilege News

Identity of Leaker in Plame Case Revealed

After nearly three years of speculation, *Hubris: The Inside Story of Spin, Scandal, and the Selling of the Iraq War*, a book by Michael Isikoff and David Corn, has disclosed that Richard Armitage, Colin Powell's deputy at the State Department during George W. Bush's first term, was the as yet unidentified source who revealed the identity of CIA operative Valerie Plame to syndicated columnist Robert Novak and *Washington Post* reporter Bob Woodward. Continue reading

Court Rules that Libby's Use of Journalists' Evidence Must be Limited

In an effort to bolster the defense in his perjury lawsuit, attorneys for former chief of staff for Vice President Dick Cheney, I. Lewis “Scooter” Libby, have subpoenaed numerous reporters and media organizations. Continue reading

Prosecutor May Subpoena *New York Times* Phone Records

The U.S. Court of Appeals (2nd Cir.) held in August 2006 that federal prosecutor Patrick Fitzgerald may subpoena the cell phone records of *New York Times*’ reporters Judith Miller and Philip Shenon from phone companies. Continue reading

Freelance Reporter and Human Rights Activist Not Required To Surrender Notes, Other Documents to City

A year-long legal confrontation between the City of Chicago and self-proclaimed human rights reporter Jamie Kalven ended in June 2006 when United States District Court Magistrate Judge Arlander Keys quashed the first subpoena issued against a journalist by city officials in recent memory. Continue reading

Court of Appeals Orders Freelance Journalist To Hand Over Videotape

A three-judge panel of the U.S. Court of Appeals for the Ninth Circuit ruled in an unpublished opinion on Sept. 8, 2006 that freelance journalist Joshua Wolf must turn over a videotape he made of a July 8, 2005 protest demonstration in San Francisco. Continue reading

Appeals Court Finds That Bloggers Have Same Protection As Journalists, Newsgatherers

In May 2006, a California state appeals court unanimously rejected Apple Computer Inc.’s attempt to discover internet bloggers’ confidential sources for a story published online in November 2004 that revealed aspects of the company’s development plans. Continue reading

Newsroom Searches

Newsrooms in Alaska Searched Following Fight in Anchorage

On July 12, 2006, Alaska’s Third Judicial District Court (Anchorage) Judge Jack Smith issued a search warrant permitting police to seize a DVD containing photographs from the newsroom of the *Anchorage Daily News*, and a videotape from Anchorage’s KTVA-Channel 11. Continue reading

Pennsylvania’s *Intelligencer Journal*’s Hard Drives Seized

In March 2006, the Pennsylvania Supreme Court declined to reconsider a February 23 ruling finding that the State Attorney General’s Office may examine the contents of four hard drives belonging to reporters at the Lancaster (Pa.) *Intelligencer Journal* that were subpoenaed as part of an ongoing grand jury investigation. Continue reading

Warrant to Search Reporter’s Home Upheld

On May 30, 2006, the U.S. Court of Appeals (4th Cir.) dismissed a lawsuit by a reporter claiming two Virginia police officers illegally searched and seized objects from his home. Continue reading

Copyright Updates

District Court Rules That Companies Editing Movies for Family Viewing Violate Copyright Law

On July 7, 2006, the United States District Court for the District of Colorado entered a judgment against four companies that had been editing offensive language, violence and sexual subject matter from major motion pictures in order to offer consumers movies free of “objectionable” content. Continue reading

Settlement Reached in Kazaa Lawsuit

An Australian company responsible for producing peer-to-peer file-sharing software agreed to pay more than \$115 million to members of the entertainment industry in a settlement reached on July 27, 2006. Continue reading

Free Speech Stifled

Brigham Young University Professor Fired for Writing Editorial

Jeffrey Nielsen, an adjunct professor of philosophy at Brigham Young University (BYU) was fired because of a June 4, 2006 guest column published in the *Salt Lake City Tribune*. Continue reading

Kansas City Royals Attempt to Stifle Reporters

Major league baseball team the Kansas City Royals revoked the credentials for Bob Fescocoe and Rhonda Moss, two radio reporters for competing local stations based Kansas City, following a contentious press conference on June 8, 2006. Continue reading

Libel/Defamation

Anonymous Blogger Sued for Libel

On Dec. 29, 2005, New School Communications, a St. Paul-based public relations firm, filed a libel lawsuit against a then-anonymous political blogger and the Web site on which the allegedly false and defamatory statements were published. Continue reading

Neutral Reportage

***Norton v. Glenn* Settled**

On July 13, 2006, a settlement was reached in *Norton v. Glenn*, 860 A.2d 48 (Pa. 2004). The Pennsylvania Supreme Court had ruled in October 2004 that there no basis in federal or a state constitutional law for an absolute “neutral reportage” privilege to protect news media publications from reporting defamatory statements made by one public official about another. Continue reading

Internet Updates

Global Online Freedom Act

A proposed “Global Online Freedom Act of 2006 (GOFA),” H.R. 4780, has received support from international human rights organizations and the European Parliament. However, several

U.S. companies who have been criticized for their compliance with foreign governments' Internet censorship, including Yahoo, Google, and Microsoft, continue to defend their actions, maintaining that offering limited Internet services to foreign citizens is better than offering no services at all, as certain provisions of the bill would require. Continue reading

Privacy News

Minnesota Governor Pushes For Stronger Controls of Personal Information

On March 2, 2006, Minnesota Gov. Tim Pawlenty announced his intention to push state legislators for statutory changes designed to offer Minnesotans greater protection against the threat of identity theft, fueling a continuing debate in Minnesota politics over the role of government in collecting personal information. Continue reading

Media Ethics

Minnesota Attorney General Files News Council Complaint Over Press Inquiries About Gubernatorial Campaign Controversy

One of Minnesota's highest ranking government officials attacked a local newspaper for making inquiries into his personal and family life even though it did not actually run a story. Continue reading

Closed Meetings Precede Katie Couric's Ascent to Anchor of CBS "Evening News"

CBS "Evening News" incoming anchor Katie Couric embarked upon a six-city "listening tour" in July 2006 with the official goal of "figuring out how to do stories in a way that are valuable and meaningful and relevant to people," according to "Evening News" Executive Producer Rome Hartman. Continue reading

Italian Magazine Editor May Face Jail Time For Publishing Diana's Death Scene

Photo Editor Umberto Brindani may be facing jail time and a fine after publishing a photo of a dying Princess Diana as well as other details of her death in an early July 2006 edition of the Italian magazine *Chi*. Continue reading

UK Press Complaints Commission Issues Guidelines to Help Prevent Copycat Suicides

The Press Complaints Commission (PCC), a self-regulating body established by the newspaper and magazine industries in the United Kingdom, announced new rules designed to help prevent copycat suicides following extensive media coverage of those who take their own lives. Continue reading