

Shield law defended

by Tim Anderson

A shield law, providing for a free flow of information, is more important to the public than to the press, according to testimony by several newsmen at a Monday Unicameral hearing.

The Judiciary Committee took no action on LB380 which would provide reporters with absolute immunity regarding the disclosure of confidential sources and unpublished information.

The bill, introduced by Omaha Sen. John Savage, states that "no person shall be required to disclose in any federal or state proceeding the source of any published or unpublished, broadcast or non-broadcast information obtained in the gathering, receiving or processing of information for any medium of communication to the public."

"If the press is forced to reveal confidential sources in controversial stories, those sources will eventually dry up," Omaha attorney Harry L. Welch said. "This will greatly harm the people's right to know."

Welch said individuals once assumed that the U.S. Constitution protected these rights of newsmen, but that recent court cases have shown otherwise.

Since June 22, 1972, 12 reporters across the country have been jailed for refusing to name sources in stories, Welch said.

James L. Koley, legal counsel for the Omaha World-Herald and KMTV of Omaha, said the informant must be protected to keep a free flow of information.

Koley cited stories that have been uncovered because a reporter talked with confidential informants. These included the My Lai massacre, the Pentagon Papers and the Watergate incident, he said.

"If that informant was forced to take the chance of being revealed, he would certainly be more apprehensive," Koley said. "He could face retaliation, such as mental or physical harassment, or even death."

Gil Savery, news editor of the Lincoln Evening Journal and member of the national Freedom of Information Committee, said a bill similar to LB380 had been introduced during the preceding session of the Unicameral, but that it had failed because there was "no unanimity of newsmen."

However, he said, due to the recent jailings of newsmen, the press had organized to recommend the passage of the bill for absolute immunity.

Lincoln attorney Alan Peterson, who has handled libel cases for Lincoln newspapers, said the legislature "surely doesn't want to squeeze off that part of news gained from confidential sources."

"Unless you grant the press absolute immunity from being forced to reveal their sources, the reporters will have to tell those sources that 'maybe' their name will be kept confidential—maybe not," Peterson said.

"That source has to have complete trust in the press to go to them and tell something that may get him fired, beat up or even killed."

Only one person testified in opposition to the bill, Harry Lobel, an Omaha electrician.

Lobel cited cases where reporters had allegedly been offered and had accepted bribes to "plant news stories." He specifically named what he termed "a certain Omaha World-Herald editor."

"It seems that before the press starts asking for absolute immunity for themselves, they better clean up their own house," Lobel said.

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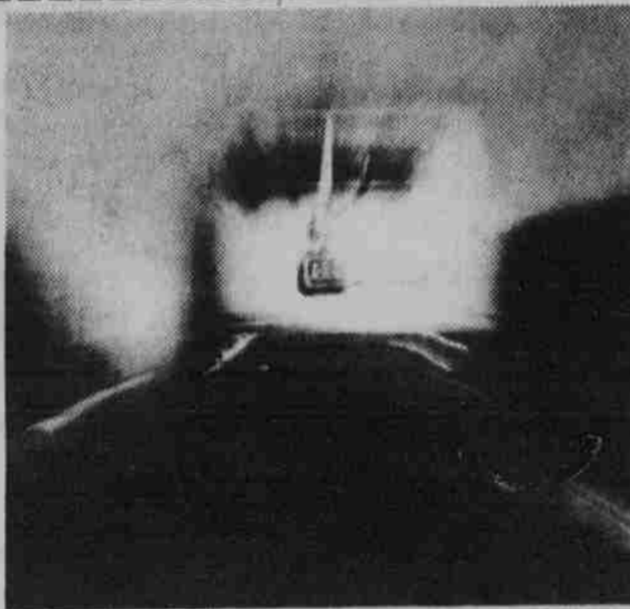
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