

# Media, law enforcement officials debate search bill

By Randy Essex

Searches of newsrooms and other parties not suspected of a crime for evidence — as allowed by a U.S. Supreme Court decision last year — met with disagreement and expressions of fears Monday from members of Nebraska media.

The Legislature's Judiciary Committee heard testimony on LB107, which would,

according to the bill's sponsor Lincoln Sen. Steve Fowler, protect innocent parties from sudden and possibly unjustified searches.

The bill would require law enforcement officials to request the evidence with a subpoena rather than looking for it with the power of a search warrant.

Alan Peterson, a Lincoln attorney representing Media of Nebraska, said the

Supreme Court decision concerning the search of the Stanford University student newspaper office in 1971 left no constitutional protection against such searches.

### Provide protection

But, Peterson said, the court's opinion invited legislation to provide protection. He said several other states will deal with similar legislation and pointed out that President Carter introduced such a bill to Congress.

The bill is not designed just for the protection of journalists, but it also includes bankers, attorneys and doctors, he said.

The drafters of the bill "tried to do as little mischief to law enforcement as possible."

Peterson told the committee the bill would not affect warrantless searches following a legal arrest, searches for items used in commission of a crime or searches for illegal items.

He said passage of the bill would allow a subpoenaed party to contest the turning over of evidence in court.

"Search warrants require no notice, while a subpoena requests that certain materials be brought to court," Peterson said.

Walt Dean, president-elect of the Omaha Press Club, went one step further in explaining why he wants the bill passed.

### Find evidence

He said the press is worried that law enforcement officials could look through the files of a newsroom to find evidence in any current investigation.

Gilbert Savery, an assistant managing editor of the *Lincoln Journal* said the vast amounts of information contained in a newsroom could represent temptation for law enforcement officials to conduct wholesale searches.

Law enforcement officials opposed the bill. State Fire Marshall Wally Barnett warned that arson investigations would be hampered by passage.

Barnett said innocent third parties often end up with evidence in arson investigations and said the bill would be a menace to his office's investigations. He predicted "a catastrophic effect on arson rates" if the bill is passed.

Deputy Lancaster County Attorney Robert Gibson said newspapers have little to fear from the Supreme Court ruling. He said newsroom searches have not occurred in 34 states.

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