

# Senate will review shield law

BY JESSICA RAPP  
Managing Editor

The U.S. Senate Judiciary Committee will review legislation Friday that, if passed, will have journalists jotting down their own triumph.

A federal shield law that has eluded reporters for years now encompasses the provisions that include negotiations from both the government and news organizations. The bill, called the Free Flow of Information Act (S 448), aims to protect journalists from having to reveal information from private sources should they receive a court subpoena.

Debate about the wording of the bill has slowed down its progress in Congress during the last few years. In May, a companion bill (H.R. 985) passed in the House of Representatives but not in the Senate. Lobbyists and members of the judicial branch now think they've reached a compromise that offers further clarifications.

One measure in the bill provides that professional journalists, including bloggers, student journalists and freelancers, would receive federal protection. Tonda Rush, public policy director of the National Newspaper Association, said this wording will apply to those who participate in one of these forms of communication as a vocation.

But both bloggers and professionals still wonder whether their jobs will allow them the same protection as those under company contracts. Rush said decisions ultimately will come down to specific court situations.

"I think we've struck a balance on it," she said. "They're trying to get to the place where they're looking at the difference between journalist activity and casual communication."

Further changes to the bill give the courts more leeway

when dealing with a matter of national security. This specific issue has attracted the focus of the Obama administration, although the Bush administration continuously chose not to approve legislation for these reasons.

"There's been some fear that somehow journalists would go out and really interview terrorists and refuse to tell anybody where they are," Rush said.

She said she's confident that members of the court can identify circumstances in which national security presents a significant issue that requires journalists' testimony and that the bill handles the provision generally well.

The bill has yet to include every objective of freedom of information organizations, including subpoenas by attorneys.

"The day will come when people will recognize the fact that the public is a lot better served by journalists being able to do their work than it is by necessarily being able to blanket subpoena everybody in the room," Rush said.

Rush has actively participated in lobbying for the federal shield law during the past two years, and she's noticed increased cooperation from news organizations in forwarding shield legislation. The jailing of New York Times reporter Judith Miller in 2005 emphasized to companies the need for creating an allowance, she said.

Organizations representing freedom of press have made efforts to reach out to students,

as corporations such as ABC increasingly rely on college journalists to gather the news. Frank LaMonte, executive director of the Student Press Law Center, said giving student journalists the coverage of a shield law creates assurance that they can do their jobs safely.

"They consider protecting students an essential element of the deal," LaMonte said. "When you have college students doing what is essentially professional journalistic work, it's unfair to treat them as anything other than a professional."

Journalism students from Northwestern University's Medill School of Journalism recently faced difficulties in protecting their own notes and sources from Cook County's state attorney Anita Alvarez. The students have worked on investigating the possible innocence of convicted murderer Anthony McKinney.

Illinois legislation provides coverage to journalists but doesn't specify whether students working for college media fall under this category.

"It certainly has put the need for a shield law for protecting students front and center," LaMonte said.

Most states have varied shield laws, but some, including Kansas and Missouri, only recently have introduced legislation that establishes provisions. Jean Maneke, attorney for the Missouri Press Association, said opposition came from many in Missouri, including prosecuting attorneys,

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Tonda Rush  
Public policy director of  
the National Newspaper  
Association

## Shield Law Breakdown

### Free Flow of Information Act of 2009

Prohibits a federal entity from compelling a covered person (journalists and their employers, etc.) to testify or produce any document relating to protected information unless a court makes specified determinations by a preponderance of the evidence, including that all reasonable alternative sources have been exhausted, that the testimony or document sought is essential, and that nondisclosure would be contrary to the public interest, taking into account both the public interest in compelling disclosure and the public interest in gathering news and maintaining the free flow of information.

#### Creates exceptions relating to:

- Alleged criminal or tortious conduct
- Prevention of death
- Kidnapping
- Substantial bodily injury
- Prevention of terrorist activity
- Prevention of national security harm

Source: govtrack.us  
Design By Sarah Schneider/Index

# Students create law textbook for class

STEPHANIE HALL  
News Editor

Truman students created their own free law textbook.

Business professor Bryce Jones said he thought textbooks for his class, Legal Environment of Business, were too expensive and didn't cover the right material, so he decided to have his students write their own textbook. He said he wanted college students writing for their peers.

"The impetus of this was, frankly, I didn't like our commercialized textbooks and I think that textbooks are over priced," Jones said. "One of the fundamental economic problems is ... I, [the] faculty, pick the textbook, but I don't have to pay for the textbook."

He said textbooks for his class usually cost from \$100 to \$200, but the student-created textbook could be accessed for free online or students could purchase a copy from the Truman bookstore for \$25.

It took four semesters for students to put together the first edition of the law textbook, Jones said. He said he liked this idea better than students simply writing a paper at the end of the class.

"They get [to be an] expert in particular topics, and I think beyond that, they are using their writing skills, and I think they are doing something for the welfare of students later, and it's something they can put on their resume," Jones said.

Initially every student or group of students chose a chapter to research and write material for, Jones said. This semester and during following semesters, students will revise, edit and add supplementary material to improve the text. Jones said the students have tailored the textbook to Missouri students.

"It describes what the rules are generally throughout the United States but then how Missouri rules are different," Jones said.

Jones said there is a movement for free textbooks, and some pro-

fessors have been creating them, but he hasn't heard of any student-created textbooks.

Senior Susan Pope is editing one chapter of the textbook with a partner this semester.

"We had to correct a lot in ours, adding historical cases to bring more examples in, to make it more of a textbook and less of a student paper," Pope said.

She said she and her partner were the only class members who didn't buy the hard copy of the textbook and instead elected to use the electronic version. She said she liked being able to type notes directly on the page and that they were more legible.

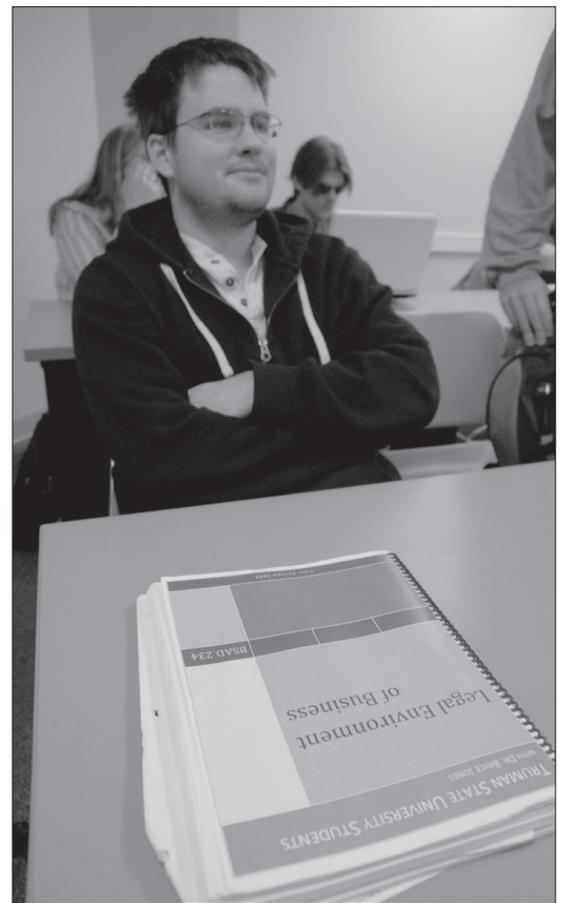
"I like the fact that we didn't have to pay for the textbooks, but I don't necessarily believe it was better in terms of content, because we're not professionals in this field," Pope said.

Junior Josh Sievers said he bought a copy because it was cheaper than printing one off himself. He said he thought the concept of students writing the textbook was appropriate for this class.

"I think it would vary from subject to subject. I don't think it would work for an accounting or econ[omic] course but for something like this [it does]," he said.

"One of the fundamental economic problems is ... I, [the] faculty, pick the textbook, but I don't have to pay for the textbook."

Bryce Jones  
Business Professor



Brian O'Shaughnessy/Index  
Junior Josh Sievers said he thought creating a textbook for this class was appropriate but for other classes probably wouldn't work.

The Women of  
*Alpha Gamma Delta*  
would like to welcome their  
new Initiates:

Kassie McElvain	Molly Haman
Michelle Thornton	Kelly Kiesel
Kara Mohs	Heather Wagner
Jessica Witherspoon	Kristen Lang
Rachel Witts	Taira Meadowcroft
Jenny Welker	Katie Noland
Kelly McNamee	Kayla Flieg
Julia Oldenburg	Aja Lyonfields
Katie Usnick	Leigh Swartz
Christine Tosie	Elizabeth Newman
Shawna Burson	

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## DWIGHT D. EISENHOWER

Eisenhower published his *Crusade in Europe* in 1948. In 582 pages General Eisenhower did not mention the German gas chambers in which it was claimed at that time that millions of Jews and others were "exterminated."

### WHY NOT?

Why do you think Dwight D. Eisenhower, the man who directed World War II against the Germans on the Western front, the future President of the United States, would write a history of his participation in that war and not mention the greatest WMD (gas chambers) ever known to man? Tell me why. I can be reached at -- [bradley1930@yahoo.com](mailto:bradley1930@yahoo.com)

**Bradley Smith, Founder, Committee for Open Debate on the Holocaust**