

A free press and an informed public

By Dean Nelson

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With the recent events surrounding San Diego Union-Tribune reporter J. Harry Jones, who was subpoenaed by an attorney in a death penalty case, the public may have been asking itself these questions: Why should we care? How does this affect the average citizen? Does it affect anyone other than those involved in this trial?

The answer is that cases like this have an enormous impact on the public.

There is a reason this country is considered by many around the world as the strongest. Many would say that it is the strongest because of its military might. Others would say it is strongest because of its vast resources that spawn entrepreneurship and economic might.

But what makes this country so unusually strong is its freedom. Think of the freedoms that are protected just in the First Amendment to the Constitution. Freedom from government interference when it comes to speech, religion and the press. The freedom to assemble and to complain to the government is also protected. And that's just the first of the amendments.

As the freedom of the press has evolved, one thing has not changed: citizens of this country have not wanted an "official" version of the day's events. They have never stood for newspapers being extensions of government. The citizenry already had that experience when ruled by kings from England, France and Spain. They didn't want a sanitized account, a self-serving account, or a perverted account. The more voices the better in the free exchange of ideas.

Why? To protect themselves against abuses by government. Journalists should act independent of government, so that the government would be held accountable to the public, according to the thinking of the day. This was the best way to ensure that the public's business was done as openly as possible, with as much public scrutiny as possible, so that the tyrannies of the past would not return to power.

An informed public is a protected public. A free public. Just look at the harassment and closures of newspapers in Russia and Iran today. When those isolated by power make decisions, the result is tyranny. Whether it's a new president or a local judge, the result is the same. So it is vital that the independence guaranteed in the First Amendment is not ignored.

Many members of the public wish journalists did a better job of informing the citizenry. But at the heart of who we are as a country is not a discussion on whether journalism could be improved. More important is the discussion of whether journalists can still act independent of government interference, whether the independence guaranteed in the First Amendment is being ignored, and whether the remaining independence has an impact on government's accountability to the public.

Which brings us back to how the public is affected by this seemingly isolated case of J. Harry Jones having to turn over statements from a jailhouse interview to a judge in a local trial. It is a freedom issue.

When reporters' notes and videotapes are seized by government -- which is what the court attempted to do here and which is happening with greater frequency in this country -- it is often to serve a short-term gain on the part of attorneys. These attorneys, who, despite their education and competence in passing stringent law school and bar exams, cannot seem to come up with quality information on their own. So they turn to journalists. But that short-term gain comes with a long-term price.

Imagine this scenario: A reporter is working on a story about a protest, and police come to break up the gathering. In the eyes of some, the police wield too much power and exceed the use of reasonable force. The police see journalists recording this and demand their video, notes and film to help their investigation into whether the protesters broke the law.

If the reporters comply with the demand, the public will be kept in the dark about the police excess, and the journalists will be perceived by the public as merely extensions of law enforcement. That's exactly what the public and many court cases for 200 years have said is an unacceptable position.

If the public perceives us as extensions of government, will they continue to provide us with information that will help keep the government accountable? If the news media are hindered, who will inform the public? The government?

To paraphrase Bob Woodward of The Washington Post, journalists tell the best available version of the truth at the time. If the version becomes increasingly subpoenaed, the versions of the truth will diminish, and the public will know less and less. They will be less and less free.

So this wasn't just about a local trial. It was and is about what makes this country distinct from others. It's called freedom. Now with this recent case, we are all less free than we were.

Caption: 1 DRAWING
Jeffrey Moss

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