

FREE PRESS FIGHTS NAMING SOURCES

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The Detroit Free Press moved Thursday to quash federal grand jury subpoenas of two of its reporters.

The subpoenas, which were served Dec. 22 on Brian Flanigan and Joe Swickard, sought to force the reporters to reveal their sources and give up their notes on a story about three men indicted in August on charges of federal drug and income-tax violations.

The story, which appeared in Aug. 14 editions of the newspaper, detailed an alleged multimillion-dollar heroin operation developed by **Reginald**, Duane and Kenneth Ricardo (Ricky) **Davis**. The story quoted unnamed sources, whom the reporters had promised not to name in the story, and federal investigative reports on details of the **Davis** brothers' alleged business.

The subpoenas ordered Flanigan and Swickard to appear before a federal grand jury Jan. 12 with their notes and any federal documents used to prepare the story on the **Davis** family.

BROWNSON MURRAY, Free Press attorney, argued in a brief filed Thursday that the U.S. Attorney's Office in Detroit had not received permission from the U.S. Justice Department in Washington before issuing the subpoena.

Justice Department guidelines, issued in 1973, prohibit subpoenaing members of the news media without the attorney general's permission.

According to the Free Press brief, U.S. Attorney Leonard Gilman was refused such permission.

Gilman said Thursday that the government will oppose the Free Press attempt to quash the subpoenas. He said he would have no further comment because the matter is before a grand jury.

On Jan. 11, Assistant U.S. Attorney Alan Gershel excused the reporters from appearing on Jan. 12 when he was told the reporters would appear before the grand jury but would refuse to answer questions on the grounds that the subpoenas were invalid.

In a prepared statement, Free Press Executive Editor David Lawrence Jr. said, ". . . We seek to get everything possible on the record; but when we give our word that we accept the information on the basis of not identifying a source -- and we don't give our word lightly -- we are obliged not to reveal that person's name . . . "

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