

JUDGE WON'T BLOCK REPORTERS' SUBPOENAS

Detroit Free Press (MI) - Tuesday, May 22, 1984

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The Free Press failed Monday in its second attempt to block subpoenas of two of its reporters by a federal grand jury investigating grand jury leaks.

U.S. District Judge Anna Diggs-Taylor said Monday that grand jury leaks are "a matter of utmost gravity which outweighs the incidental burdens on the First Amendment," and refused to quash subpoenas of reporters Brian Flanigan and Joe Swickard. No date has been set for their appearance.

The grand jury subpoenaed the reporters Dec. 22 in an attempt to find the source of an Aug. 14 story detailing an alleged multimillion-dollar heroin ring run by brothers **Reginald**, Duane and Kenneth Ricardo **Davis**.

Taylor refused a Free Press request to quash the subpoenas on Feb. 9. The Free Press, through attorney James K. Robinson, asked for a rehearing.

ROBINSON TOLD Taylor Monday that a proper "balance" had to be struck between a newspaper's right to gather information and the rights of law enforcement officials. Robinson also said that reporters, because of the nature of their work, should not automatically be liable to grand jury summonses.

Assistant U.S. Attorney Alan Gershel told Taylor that the Free Press had no new evidence to warrant a change in the court's ruling.

Gershel said that the story endangered witnesses. "The seriousness here is very apparent" Gershel told Taylor.

In addition, Gershel said there is no law that says a federal grand jury cannot question reporters about their sources.

Ruling in favor of the government, Taylor said "the chilling effect only chills the matter of grand jury secrecy -- a matter of utmost concern."

Taylor also said the story "jeopardized the integrity of future grand jury investigations."

Said David Lawrence Jr., executive editor of the Free Press: "I know of nothing that indicates that we jeopardized anybody's life, career, or future . . . It seems to me that what we're being asked to do here is to do somebody else's job. A newspaper's job is not to be a law enforcement officer, or an arm of the criminal justice system.

"In this case, the judgment was that the public's need to know was served by printing that information. We never print such information casually, and only print that information after a great deal of discussion here."

U.S. Attorney Leonard Gilman said he was pleased with the judge's decision.

NOTE: Correction per Judy Diebolt, August 28, 1984

Correct form of the name is Anna Diggs Taylor.

Memo: SEE NOTE ATE END OF TEXT

NOTE: The correct form of the name is Anna Diggs Taylor,
do NOT use a hyphen, Anna Diggs-Taylor.

Edition: METRO FINAL

Section: NWS

Page: 7A

Index Terms: DFREEPRESS ; LAW ; MEDIA

Record Number: 8401180105

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