

## Journalism wins one, loses one in Supreme Court

**Reporters' trespass convictions are rejected for review; court also rules that press may attend jury selection**

The Constitution does not protect a reporter who breaks the law in pursuit of a story.

That appeared to be the bottom line of the Supreme Court's decision last week to let stand the criminal convictions of a group of reporters who were convicted of trespassing while covering a demonstration at an Oklahoma nuclear generating plant site.

In 1979, the Oklahoma utility invited reporters to the site for a press conference, and set aside a certain area for the press. When protestors crossed a utility fence at the site, several reporters went along, even though they were warned they would be arrested. The arrested reporters were subsequently convicted of trespassing and fined \$25 apiece.

At the state level, the reporters—including Ronald Stahl, from KOCO-TV Oklahoma City, and Vicki Monks, from KDFW-TV Dallas—said they had crossed the fenced boundaries only to cover the demonstration. But an Oklahoma district court judge upheld the convictions. The Oklahoma court of appeals went along. "The First Amendment does not shield newsmen from liability for torts and crimes committed in the course of newsgathering," it said.

In their petition for review at the Supreme Court, the reporters charged the utility had conspired with local law enforcement officials to restrict coverage of the demonstration. They contended that reporters had a constitutional right of access to cover such stories.

The Supreme Court, without comment, declined to review the lower court's ruling.

In other action last week, the court ruled unanimously that the constitutional right of reporters and the public to attend criminal trials extends to jury-selection proceedings.

In a case brought to it by the Riverside, Calif., *News-Enterprise*, the court said unless trial judges can come up with specific reasons why jury selection must be closed, the proceedings should be conducted in open court. Opening the process "enhances both the basic fairness of the criminal trial and the appearance of fairness so essential to public confidence in the system," the court said.

The holding set aside rulings that allowed California courts routinely to conduct secret jury-selection proceedings in capital cases.

Meanwhile, last week, four North Carolina newspapers asked Chief Justice Warren Burger to overturn a lower court ruling preventing news coverage of the jury-selection

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barring the public and the news media from attending jury-selection proceedings in the Winston-Salem trial, contending that closed proceedings would be necessary to insure the defendants received a fair trial. □

## PBS airs first debate of season

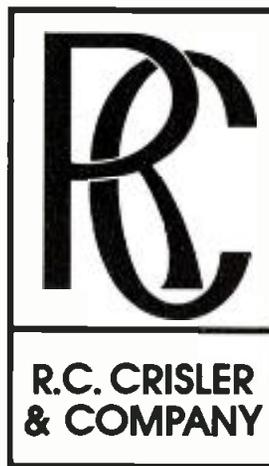
**Koppel, Donahue lead forum among eight Democrats**

The exchange, by most accounts, was informative, but what seems most noteworthy about the Democratic presidential candidate debate televised by the Public Broadcasting Service was not so much what was said, as the forum in which it was presented to the public.

Held at Dartmouth College in Hanover, N.H., on Jan. 15, the three-hour debate was presented before an audience of 800 (400 of whom were press) and paired veteran ABC anchor Ted Koppel with talk show host Phil Donahue, as moderators. (Koppel put questions to the candidates during the first 90

process for the trial of men charged with violating the civil rights of five members of the Community Workers Party who were killed in a shootout with Ku Klux Klansmen and Nazis in a 1979 antiKlan rally in Greensboro.

A District court judge issued a gag order



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