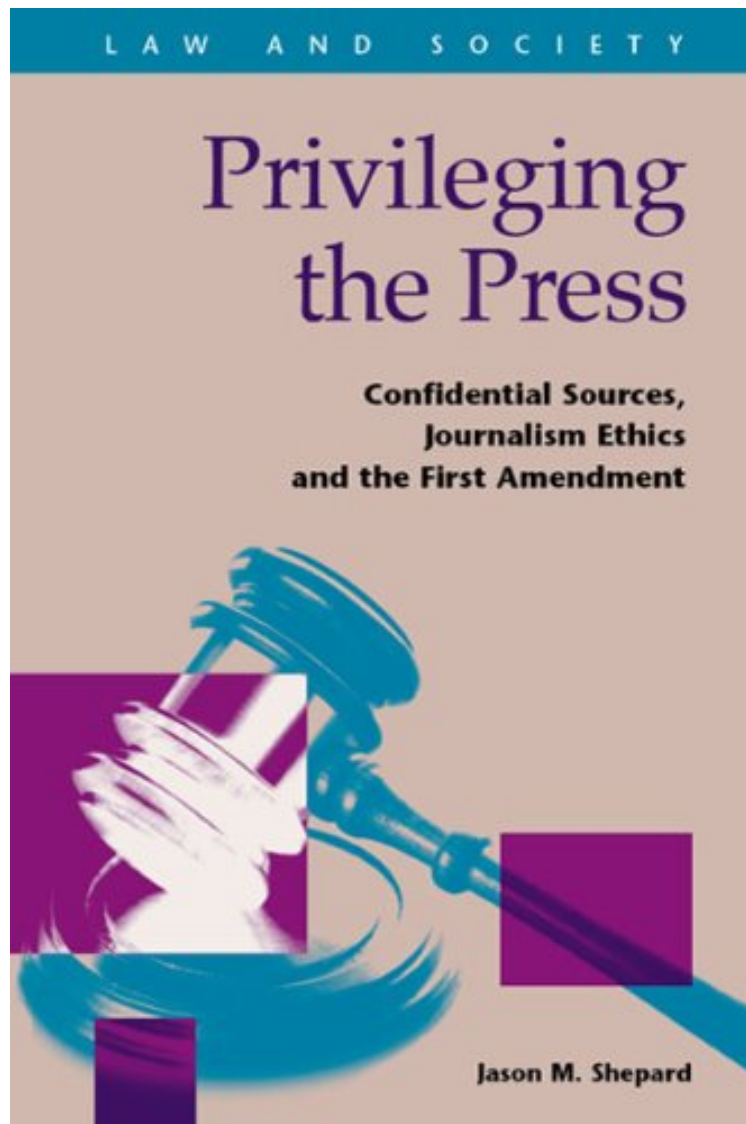


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## Privileging the Press: Confidential Sources, Journalism Ethics and the First Amendment (Law Society: Recent Scholarship)

*Jason M. Shepard*

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## Recent Scholarship):

Shepard examines how subpoenas for newsgathering information have raised both old and new legal and ethical problems for journalists seeking to protect confidential sources. He explores the ethical and legal evolution of journalistic privilege drawing on cases from the 19th century, the First Amendment principle that emerged in the middle of the 20th century, the public policy implications debated in congressional hearings in the 1970s, and the rise and fall of common law protections in the federal courts between 1972 and 2003. He also interviews key journalists and media lawyers in recent privilege cases. In tracing the development of the journalist's privilege from colonial times to the present, Shepard finds a dynamic interaction among journalism ethics, free-press theory, and legal jurisprudence that supports qualified legal protections for journalists.

About the Author Jason M. Shepard, Ph.D., is an assistant professor of communications at California State University, Fullerton, where he teaches courses in journalism, media law and communications history. He spent 10 years as an award-winning journalist in Madison, Wis., covering crime, schools, local politics and the media.