

1st amendment imperiled by High Court, prof says

The U.S. Supreme Court's recent decision denying a public television station special access to maximum security areas of California's Santa Rita Prison "is probably the most serious blow to first amendment values in the last several years," says a University of Michigan legal scholar.

Vince Blasi, who recently published a scholarly analysis of the Supreme Court's rulings on first amendment issues, says the recent California case attacks the concept of a "vigorous, effective press able to critically scrutinize the government."

Several years ago Blasi completed a national legal study concluding that news reporters should be granted unconditional immunity from governmental subpoenas.

The U-M professor notes that Justice Potter Stewart's "swing opinion" in the 4-3 case granted San Francisco public television station KQED the right to bring cameras into the prison, but refused the station entry to maximum security areas that were also closed to the public.

The station sought permission to inspect facilities, interview prisoners and shoot film footage after news of a suicide by a maximum security inmate and reports of inadequate maximum security facilities.

After being denied such access by Alameda County officials, the station filed a lawsuit. Later, parts of the prison were opened to public and press

tours, but not the maximum security areas.

Blasi said the upshot of the case is that "journalists probably do not have a special right of access to such facilities," which could have ramifications for press coverage of other governmental institutions.

Blasi contends that, throughout the nation's history, the high court's rulings dealing with first amendment rights failed to focus on an important consideration: "The value of free speech, a free press and free assembly can serve in checking the abuse of power by public officials."

Were it not for such rights, suggests Blasi, the escalation of the war in Vietnam might have gone unchecked and the Watergate conspiracy might never have been uncovered.

Citing deficiencies of the Supreme Court's decisions, Blasi says that "virtually all of the cases that came to the court in the 1960s as a result of the street campaigns of civil rights activists were resolved by finding the statutes at issue defective for vagueness and overbreadth."

"These numerous cases," says Blasi, "produced little in the way of first amendment doctrine and nothing in the way of enlightening analysis of the basic values underlying the speech, press and assembly clauses. . . The result has been a pattern of aborted doctrines, shifting rationales and frequent changes of position by individual justices."

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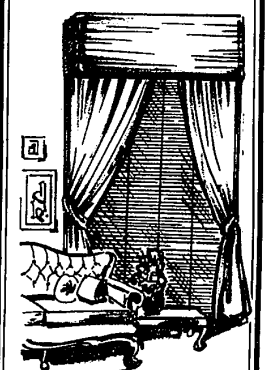
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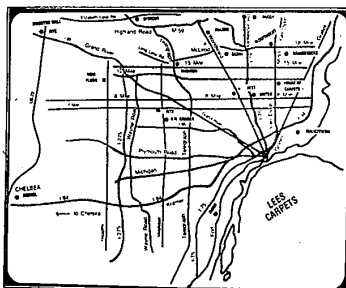
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