

PRIVACY VERSUS THE PRESS

Judge Reggie is back in the news today, granting, in part, Steven Hatfill's pursuit of journalists' sources for information that he was the main subject of the FBI's anthrax investigation. Walton required the journalists themselves to give up their sources, but not the media companies.

Based on the foregoing analysis, the plaintiff's Motion to Compel Further Testimony from Michael Isikoff, Daniel Klaidman, Allan Lengel, Toni Locy, and James Stewart [D.E. # 157] is granted. These reporters are therefore ordered to comply with the subpoenas issued to them by Dr. Hatfill and to provide full and truthful responses to questions propounded to them by Dr. Hatfill's attorneys. On the other hand, the motions to quash the subpoenas of ABC, The Washington Post, Newsweek, CBS, The Associated Press, the Baltimore Sun, and The New York Times are granted.

While I'm somewhat comfortable that Walton's reading of the First Amendment implications is, at least, consistent with the Circuit Court's decision on the Miller and Cooper decisions (as well as Branzburg), I'm less comfortable of his reading of what is covered under the Privacy Act.