

Must Kaleidoscope Editor Reveal What He Knows?

AUG 31 1970

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Does Mark Knops have to tell what he knows?

Knops is the editor of Madison Kaleidoscope, the underground paper which last week published a statement from the New Year's Gang, a group claiming credit for the bombing of the Army Math Research Center.

He has been called to appear before a federal Grand Jury today, presumably to be questioned about the source of the statement.

ON FRIDAY, Knops refused to testify to a grand jury in Walworth County which is investigating the Feb. 7 fire of

Old Main at Whitewater State University.

He claimed the right of a newsman not to divulge confidential sources and was jailed for contempt, with a \$15,000 bond requirement.

The question of whether a newsman has to reveal information to law enforcement officials has received many legal airings but there are no clear answers.

DAVID GORDON, a former Wisconsin State Journal reporter and now a journalism professor at Northwestern University, is researching for his doctorate on the extent to which a newsman can withhold information and sources.

"The chances are, under the

law as it stands at the moment, he does have to testify," Gordon said Saturday.

Contacted in Evanston, Ill., Gordon said, "In the absence of any 'shield law,' there's no legal protection for a newsman's sources.

"There've been a number of attempts to pass such a law in Wisconsin, but none have succeeded," he said.

GORDON SAID 17 states now have shield laws, which to varying degrees prevent a newsman from being punished for withholding information.

Most of the laws, Gordon said, "are completely unqualified," meaning a reporter's sources are protected in all cases.

Several arguments have been offered to justify such a privilege. They revolve around the contention that a reporter's sources will dry up if he can legally be compelled to divulge them.

The most recent court case involving this issue was in May of this year, dealing with Ear Caldwell, a San Francisco-based reporter for the New York Times.

IN THAT CASE, which is being appealed by Caldwell, the federal court held that he must appear before a grand jury but did not have to divulge his sources or turn over his notes.

The case deals with an inquiry into the Black Panthers.

Gordon said the United States Supreme Court has never considered the issue. On three separate occasions, he added, the high court has refused to hear appeals from newsmen on the question.

In all three cases, Gordon said, the court was asked to reverse lower court rulings that the newsmen must divulge their sources.

The Supreme Court has "upheld the lower courts, but it's very risky to say why."

The most recent case where the court refused to hear an appeal involved Annette Buchanan, who in 1966 served as editor for the University of Oregon student paper.

Miss Buchanan was called to testify regarding a story she wrote on marijuana smoking. She refused and was fined \$300 for contempt. The Oregon State Supreme Court upheld the fine, and the U.S. Supreme Court did not hear her appeal.

GORDON SAID the "basic argument underlying" the theory that reporters must testify is that of John H. Wigmore, former dean of the Northwestern Law School.

Wigmore, a noted authority on evidence, held that the "overriding good to society is that of an unfettered judicial process," Gordon said.