

Government intrusion points to need for shield

Thank Sen. Blunt for supporting bill

It seems like every time I pick up a newspaper recently there's a story in it with ties to many of the issues we grapple with every day. Is Edward Snowden a traitor or is he a whistleblower to the media? How about we NOT discuss this subject in this column? Save it for over a drink at the convention next month! See you here in KC!

For example, I see in the last few days Sen. Roy Blunt has joined a bipartisan group of senators pushing forward a reporter's shield bill in Congress. Apparently its guidelines would include a provision making it harder for a prosecutor to obtain the phone records of journalists without seeking a court order permitting that action. This news came out

on the same day that *The New York Times* reported the New Jersey Supreme Court had ordered police in that state to get a search warrant before obtaining tracking information from cell phone providers. Apparently, cell phone record tracking is more prevalent than most of us realize.

Last year, the American Civil Liberties Union found that police departments large and small were using cell phone data to track people. Even cell phone companies recognized this and began marketing this data to police departments for their use in crime investigations. Although cell phone companies issue statements in their bills that they take customer privacy seriously and make you jump through all kinds of hurdles to log onto your account online, I guess they are just dispensing this information readily to law enforcement in return for payment of a fee, in an effort to strengthen their bottom line.

The chief justice of the New Jersey

Supreme Court, in its opinion limiting this access, said, "Details about the location of a cell phone can provide an intimate picture of one's daily life and reveal not just where people go — which doctors, religious services and stores they visit — but also the people and groups they choose to affiliate with. That information cuts across a broad range of personal ties with family, friends, political groups, health care providers and others."

Of note is the fact that the justices found solid support for their position in this case from the U.S. Supreme Court's 2012 decision, *U.S. v. Jones*, where the Court held that police could not attach a Global Positioning System device to a suspect's car without a

warrant.

At any rate, it is encouraging that Sen. Blunt is joining the group seeking to bring the federal shield law bill back to a committee for a hearing. A federal shield law could at least offer some support to Missouri reporters in investigating sensitive stories. We can only continue to wish for a state shield law. Missouri is one of only a few states that does NOT have statutory shield law privileges.

And while we are on the subject of

Missouri's legislators, we need to add a "Thank You" to Gov. Jay Nixon for vetoing House Bill 436 on July 5. This column last month addressed the issues contained in the language in that bill. The governor, in his veto letter, agreed that the language in that bill would make it a crime for newspapers to publish photos of young Missourians who have proudly taken their first turkey or deer.

His letter fell short of noting that, as a well-known gun owner, he probably realized he would find himself blocked from coverage by the media in the state, as would many other Missouri politicians. I'm sure his failure to mention this did not mean it went unnoticed.

I admit to some concern that there was an immediate response from some politicians calling for overriding this veto immediately afterward. I trust they will have second thoughts, as I know many of you have talked seriously to your local representatives about your concerns on this measure.

And I want to make it perfectly clear to all of you that records of gun owners in the state are presently closed, and indeed have always been closed from the time concealed carry laws were passed in this state. Missouri is not a state where we have ever been able to access that list for publication. Perhaps if more legislators had this information, there would be less of a push to address what is, essentially, a non-issue in Missouri. If you see legislators this summer, remind them of this fact.

And if you see Sen. Blunt, tell him "thanks" for his support of the federal shield law bill!

Gun owner records never were public in Missouri.



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