



Maneke law column

Without a proper shield law, Missouri journalists need to protect themselves

Far be it that your hotline attorney would strike fear in your hearts with cries of “the sky is falling” like Chicken Little! But there are times I read things that I think I need to pass along to you so you are on top of your game. This is one of those times.

Most of us like to trust our sources and believe they would not lie to us or lead us astray. But we all know the mantra “Trust but confirm.” File this column with those notes.

In San Francisco, police obtained a search warrant for phone records of a freelance journalist recently, and were authorized to conduct “remote monitoring” for more than two months before a search warrant was issued. This was in a state with strong shield law protections. California’s law specifically bans police searches seeking information on confidential sources and unpublished materials and applies to freelancers as well as traditional journalists.

But California’s law does allow officers to delay revealing they have obtained a warrant on a reporter’s phone records.

There are folks who will take serious steps to halt any story they oppose and

a reporter working on an important story in his or her community should never assume there is protection from law enforcement seeking to know what information you have and where it came from. And, as you know, Missouri has no shield law at all statutorily and a very narrow one under case law.

Point number 2 – a story a few days ago in the *Military Times* revealed a Navy prosecuting attorney sent an email to the editor of the *Navy Times* embedded with a secret digital tracking device that identified the digital IP address of the journalist and allowed tracking of that address in relation to access of department computers.

Normally, obtaining a reporter’s IP address requires a court order. Prosecutors claimed the tracking was necessary to protect against leaks in a criminal case covered by a gag order. “The focus of the investigation is squarely on identifying unauthorized disclosures that violate the judge’s protective order.” said the Navy’s top spokesman. Still, it was a short route that cut off important First Amendment newsgathering rights of a journalist.

This is not the first instance where journalists have encountered

embedded tracking software ties attached to or embedded in images in emails. There are many reasons why clicking on links in emails is dangerous and this is just one more reason for an astute journalist to be alert and cautious.

Some bar associations have issued rules for litigators prohibiting the use of such techniques against opposing counsel. If they constitute unprofessional conduct for lawyers against each other, then they certainly would seem to be a technique that should be prohibited when used by lawyers against others involved in a matter. But journalists are not likely to be watching for such techniques.

In short, a reporter cannot be too careful. When looking under every rock, don’t lead with a hand because you might find a snake waiting for you there!



Pulse of America survey will return later this year

From Missouri Press Staff

Here’s a quick reminder about a great opportunity we have coming up this fall. The Pulse of America survey for 2019 will be offered to all of us, free of charge, if we enlist enough newspapers to run some filler ads (space permitting) promoting the survey to readers.

The resulting survey that comes free to you via Missouri Press, breaks down readers’ shopping plans by category. Did you know that 28% of your readers are planning to buy a car or truck this year? Do the math according to your readership, and go share that with your local dealers. 28% of your readers purchasing a vehicle at an average price of \$10,000 adds up to a nice chunk of business for any auto dealer. They just may want to start talking to our readers who will soon enter the buying process, through an ad in your paper.

The same type of numbers are available for many other types of businesses, like tire stores, donut shops, ice cream parlors, bowling alleys, massage therapists, antique stores, and community theaters. Do you have any potential advertisers who would like to know what percent of your readers are planning to spend money at their type of businesses in 2019?

Contact Missouri Press Service Advertising Director Ted Lawrence at lawrencet@socket.net, to fill in the blanks, so you can be an expert with your advertisers.

Next year, with just a few more papers participating, we’ll have our own results for the state of Missouri. Remember that it costs you nothing to participate. You’ll just run some small (1x2) ads inviting readers to take the survey, and give them a chance to win \$3000 just for filling it out.