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Abstract

Although interpreting prior case law to create a limited constitutional newsman's privilege, the Farr court did not adequately weigh the appropriate competing interests in denying the reporter's privilege to protect the confidentiality of his sources. This note will suggest that the court's overreliance upon the fair trial interest and its failure to analyze the newsman's testimonial privilege precluded the court from effectively utilizing the balancing test it stated to be applicable. As will be demonstrated, evaluation of the first amendment interest, when weighed against the opposing need for disclosure, should have led to a contrary decision in Farr.

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To amend the Criminal Procedure and Evidence Act [Chapter 9:07]; to amend the National Prosecuting Authority Act [Chapter 7:20] (No. 5 of 2014); and to provide for matters connected therewith or incidental thereto. ENACTED by the Parliament and the President of Zimbabwe. More like this. S v Muremba (HMA 13-20, CRB 17/20) [2020] ZWMSVHC 13 (20 March 2020) constitutional or common law reporters privilege exempts a journalist from having to identify the perpetrator of a crime he witnessed. That claim does not merit further review. A. There Is No Constitutional Reporters Privilege In Criminal Cases Of This Sort. The panel correctly held that Risens claim of privilege is foreclosed by Supreme Court precedent. Slip op. The Court refused to grant newsmen a testimonial privilege that other citizens do not enjoy and rejected the same balancing test (requiring the government to prove relevance, necessity, and a compelling interest in the reporters testimony) that Risen advances in this case. Id. at 680, 690, 703-06, 708. In the constitutional law the category of "obstacle in realization of rights and freedoms" is connected, first of all, with the category of "restriction of rights and freedoms of an individual." It seems that "legal obstacles in realization of constitutional rights and freedoms" and "restrictions of constitutional rights and freedoms" are similar in form, but, in fact, they are different categories. 55 of the Russian Constitution, the rights and freedoms of man and citizen may be limited by the federal law only to the extent when it is necessary in order to protect the constitutional order, morality, health, rights and legal interests of other persons, safeguarding of national defence and state security.