

Freedom of Press

# And Not in California Prisons . . .

26 reporters from news media throughout the nation have charged that the public is being denied the right to know what is going on in California prisons, in a brief filed on their behalf by the ACLU Foundation of Northern California.

The action was "amicus" support of a suit brought in the state Court of Appeal by Ruchell Magee's court-appointed attorney Robert Carrow, which seeks to uphold Superior Court Judge Leonard Ginsberg's ruling that the press be granted access to Magee, stating that the prison rule forbidding it is unconstitutional. The Court of Appeal has stayed this order.

The lengthy list of reporters includes such well-known writers and columnists from major newspapers in the East, as Nicholas Von Hoffman of the *Washington Post*; Tom Wicker and Earl Caldwell of the *New York Times*; Joel Dryfus of the *New York Post*; and Theo Wilson of the *New York Daily News*. Bay Area broadcast names include Ben Williams of *KPIX-TV*; Sonny Buxton of *KGO-TV*; Deacon Anderson of *KTVU-TV*; and Carolyn Craven of *KQED-TV*.

Representatives of half a dozen underground newspapers, magazines and news services have joined with reporters and publishers of "straight" Bay Area dailies and weeklies, and writers for such national magazines as *Harpers*, *Newsweek*, and *Ramparts*, to petition the

Court for protection of First Amendment rights.

U. S. District Judge Spencer Williams has declared the prison ban on interviews a violation of the prisoners' First Amendment rights to freedom of speech. But prison authorities are denying interviews for 90 days until new regulations are drawn up. Meanwhile, the Attorney General's office has indicated that they will ask for a reversal of this decision.

Executive Director Jay A. Miller explains, "If we are to prevent the kinds of conditions that led to last summer's tragedy at Attica and the disturbances at San Quentin, the public has simply got to know what is going on on the other side of those gray walls. This prison rule that denies newsmen a chance to interview inmates strikes at the very heart of the First Amendment's freedom of press and speech that guarantee a free flow of information."

In his brief on the case, associate Staff Counsel Peter Sheehan cites the overturning this year of a strikingly similar press ban by the U. S. District Court in Washington, D. C., whose decision stated, "The Bureau's no-interview policy violates the First Amendment by unqualifiedly denying the press the right to interview inmates. The rules of the Bureau must be more precisely drawn to prohibit interviews only where it can be clearly established that serious ad-

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# Prisons *Continued*

ministrative or disciplinary problems are being created. Any outright restraint upon the ability of the press to gather information places a heavy burden on those who seek to justify it."

Sheehan points out that the prison rule being challenged differs from one that the Court of Appeal recently refused to overturn, in a suit by Alice Yarish and Pacific Sun Publishing Co., who also sought access to Magee. The regulation in effect at the time of that suit was not an absolute ban, but permitted interviews at certain times. The Court found this allowance for limitation of rights to be "certainly justified, by considerations (e.g., prison security and discipline) absolutely essential to the orderly administration of our penal system." However, the decision makes clear that the Court is speaking of restriction of press interviews during a time of "lock-up" status, rather than a full-time ban.

## PETITIONERS IN PRISON INMATE PRESS BAN SUIT

1. Deacon Anderson, Editorial Director, KTVU-TV, Channel 2.
2. Bob Barker, Reporter, *Alternative Features Service*.
3. Lincoln Bergman, Reporter, KPFA Radio.
4. Sonny Buxton, Reporter, KGO-TV, Channel 7.
5. Earl Caldwell, Reporter, *New York Times*.
6. Sandy Close, Free-lance writer, *Harper's Magazine*.
7. Elizabeth Coleman, Reporter, *Newsweek Magazine*.
8. Paul Cowan, Free-lance writer, *Village Voice*.
9. Carolyn Craven, Reporter, KQED-TV, Channel 9.
10. Joel Dryfus, Reporter, *New York Post*.
11. Mike Gahagan, Publisher, *Point Reyes Light*.
12. Carlton Goodlett, Publisher, *San Francisco Sun Reporter*.
13. Reggie Major, Reporter, *San Francisco Sun Reporter*.
14. Stan Moreillon, Reporter, *San Jose Mercury News*.
15. Cliff Moser, Reporter, *Liberation News Service*.
16. Michael Schreiber, Reporter, *The Militant*.
17. Mark Schwartz, Reporter, KPFA Radio.
18. Tom Siporin, Reporter, *Berkeley Barb*.
19. Elsa Knight Thompson, an author.
20. Nicholas Von Hoffman, Columnist, *Washington Post*.
21. Tom Wicher, Columnist, *New York Times*.
22. Jean Wiley, Reporter, *Third World Media*.
23. Ben Williams, Reporter, KPIX-TV Channel 5.
24. Theo Wilson, Reporter, *New York Daily News*.
25. Tom Yarish, Reporter, *Point Reyes Light*.
26. Min S. Yee, Free-lance writer, *Ramparts Magazine*.