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**NEWS RELEASE**

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April 7, 2005

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**JONES TAMM JUDICIAL LECTURE EXAMINES REPORTERS' PRIVILEGE**

**MISSOULA-**

Can journalists refuse to testify before a grand jury about information received from confidential sources?

The Judge William B. Jones and Judge Edward A. Tamm Judicial Lecture will focus on that question. Thomas F. Hogan, chief judge for the United States District Court for the District of Columbia, will deliver "Protecting Deep Throat" at noon, Tuesday, April 12, at The University of Montana School of Law Castles Center. The lecture is free and open to the public.

Hogan will discuss the jurisprudence of First Amendment and common law reporter's privilege in light of "Branzburg" and the "In Re: Special Counsel Investigation" cases.

The Branzburg case involved a Kentucky journalist who published an article about drug use in the county. When subpoenaed to testify before the grand jury, the journalist refused to identify his sources. The judge in the case decided that journalists were not exempt from "performing the normal citizen's duty of appearing and furnishing information relevant to a grand jury's task."

Hogan relied upon that opinion in recent cases, grouped as "In Re: Special Counsel Investigation," regarding the potentially illegal disclosure of CIA officer Valerie Plame's

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identity. Three journalists and Time Inc. were subpoenaed to testify before a grand jury regarding information they received from two confidential sources in the executive branch of the U.S. government.

The journalists argued that reporters should not have to testify about confidential sources, in part because confidential sources would be less likely to talk in the future if they knew the information they shared could be used in court. Hogan ruled neither the First Amendment nor the federal common law provides protection for journalists' confidential sources in the context of a grand jury investigation. He found the journalists and Time Inc. in civil contempt of court for refusing to give evidence in response to grand jury subpoenas.

Hogan earned a law degree from Georgetown University. After law school, Hogan clerked one year for Judge William B. Jones, after whom the Jones Tamm Judicial Lecture is named, in the U.S. District Court for the District of Columbia. He was appointed to the U.S. District Court in 1982, and he became chief judge in 2001.

In addition, he served as counsel to the National Commission for the Reform of Federal Criminal Laws during 1967-68 and was in private practice from 1968 to 1982. He has been an adjunct professor of law at the Georgetown University Law Center and is a member of the Executive Committee of the U.S. Judicial Conference.

Hogan's lecture is the eighth Jones Tamm Judicial Lecture. The series is named for Judge William B. Jones and Judge Edward A. Tamm.

Jones was hired as the football coach at Carroll College in 1931. He went on to practice law in Helena from 1931 to 1937, and he was a special assistant to Montana's attorney general during 1935-37. He was appointed as a district judge for the District of Columbia by President

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John F. Kennedy and served as chief judge.

Tamm grew up in Butte, attended St. Charles College (later Carroll College), and UM. In 1930 he was appointed special agent of the Federal Bureau of Investigation. During his 18-year career with the FBI, Tamm was involved with the famous Lindbergh kidnapping case and coordinated the capture of John Dillinger. President Truman nominated Tamm for the U.S. District Court for the District of Columbia in 1948. In 1965, President Johnson appointed Tamm to the U.S. Court of Appeals for the District of Columbia Circuit in 1965. Tamm later went on to serve on the Temporary Emergency Court of Appeals.

Past lecturers in the Jones Tamm series include Sandra Day O'Connor, Clarence Thomas, Lloyd N. Cutler, Louis J. Freeh, William J. Bennett, Stephen G. Breyer, and Theodore B. Olson.

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