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FIRST AMENDMENT FREEDOMS JEOPARDIZED BY COURT DECISION, DOLE TESTIFIES

WASHINGTON, D.C. -- Sen. Bob Dole (R-Kan.), testifying today before the Senate Judiciary Committee's subcommittee on constitutionality, said that the recent Supreme Court decision in Zurcher v. Stanford Daily threatens the First Amendment guarantee of freedom of the press. Dole was one of several witnesses that included congressmen, representatives of the nation's media and experts in the field of constitutional law.

"The potentially chilling repercussions of unannounced police searches of newspapers, broadcasting stations, and other news media simply cannot be tolerated in a free society," Dole said.

Dole introduced a bill revising S. 3162, a bill the senator introduced two weeks ago. The new bill specifies that a search warrant may be issued and used without prior notification in only two cases: 1) If the person whose premises are to be searched is suspected of involvement in the crime under investigation, and 2) If there is a likelihood that the evidence sought would be destroyed if prior notice were given.

Dole's bill would apply to the private papers not only of those in the media, but to all persons. The other means of obtaining evidence is a subpoena duces tecum (a court order to produce the documents sought). These subpoenas are used routinely and could have been used in the Stanford Daily case. If a subpoena is not complied with, the person may be held in contempt of court and jailed or fined.

The Dole bill is aimed at stopping searches of personal belongings of those who are not involved in criminal acts.

"This type of intrusion into personal privacy is simply not justified if the person is not suspected of criminal activity," Dole said.