



Reporter's Privilege Quiz

Answer Key

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1. "False" is the correct answer

A subpoena is an official court order and cannot be lawfully ignored. Failure to respond to a properly served subpoena in a timely fashion will not make it disappear and will only make matters worse for journalists. Journalists can fight subpoenas, but they can not ignore them.

2. "True" is the correct answer

Because they are school employees, advisers may have a legal obligation to disclose "off-the-record" information or the identity of a confidential source if a news story involves illegal or unsafe activity. For this reason, if a student journalist makes a promise of confidentiality, it is generally best that the information and identity of the source not be shared with the adviser.

3. "True" is the correct answer

With some rare exceptions (mainly involving situations in which a journalist is involved in a crime), the Privacy Protection Act protects members of the media from newsroom searches and seizures of their work product by government officials engaged in a criminal investigation.

4. "False" is the correct answer

While no court has ever decided whether high school student journalists may rely upon a reporter's privilege law to refuse to disclose a confidential source or information to school officials, a student reporter's strongest argument against compelled disclosure to a principal or dean is that school administrators, unless they seek the information through formal legal channels, simply lack the authority to force reporters to reveal confidential information.

5. "True" is the correct answer

Promises of confidentiality are serious matters with potentially severe consequences and should never be entered into lightly. Moreover, anonymous sources can lead to sloppy, inaccurate reporting, or at least the perception of it by readers. Consequently, their use should be very rare.

6. “False” is the correct answer

While some state shield laws contain language that could limit their applicability to student journalists, student journalists have successfully used reporter’s privilege laws in a number of cases. Most shield laws and court-recognized privileges should apply to both student and professional journalists alike.

7. “False” is the correct answer

Before having to comply with a subpoena, you must be provided with an opportunity to obtain legal counsel and to go to court to ask the judge to “quash” or reject the subpoena, often pointing to a state shield law or reporter’s privilege as justification for refusing to comply.

8. “False” is the correct answer

Even with the more common reporting terms, such as “off-the-record” or “for background only,” there is a surprising lack of consensus about their precise meaning. While it is commonly understood that a remark made “off-the-record” cannot be reported in the same way as something said “on-the-record,” not all journalists — and certainly not all sources — would agree on precisely what such agreements mean. A reporter should clarify the meaning of that phrase if a source uses it.

9. “False” is the correct answer

Though, to date, no high school journalist has ever been jailed, a small number of high school journalists have been served subpoenas.

10. “True” is the correct answer

In revealing confidential information, a journalist puts his or her source in a position the source was unwilling to be in voluntarily (for reasons of job security, personal relationships, etc.), and, in doing so, may have violated his or her own ethical standards. Moreover, journalists that break promises of confidentiality have occasionally been sued by their sources for divulging the information. A promise of confidentiality is, in essence, a contract between the source and the reporter. If it is broken, the reporter might have to pay for any damage caused.

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