

OPEN LETTER TO VANESSA LEGGETT

By Michael Ventura

August 31, 2001

Dear Ms. Leggett:

As one who's earned his keep writing journalism since 1974, I want to thank you for the integrity and honor you bring to our profession. In a time when journalism is often practiced and marketed as a form of entertainment, you stand as a reminder and exemplar of the bedrock ethic that gives journalism its claim on the people's attention: the freedom to learn and express the truth as you see it, on any subject whatsoever, without the interference of any governmental authority whatsoever -- a freedom that should be limited only by the necessity of getting the facts straight.

Your situation as I understand it is this:

You were collecting material for a book on the 1997 murder of Doris Angelton of Houston, the wife of Robert Angelton, whom *The New York Times* describes as "a millionaire former bookie." Robert Angelton and his brother Roger were charged with the crime. State prosecutors said Robert hired Roger to kill Doris to stop her from receiving millions in their divorce settlement. While awaiting trial, Roger committed suicide in jail in 1998, leaving notes confessing the murder of his sister-in-law, and claiming he planned the killing alone to frame his brother and extort money from him. You had interviewed Roger Angelton in jail. You cooperated with local and federal authorities to the extent of giving them your tapes of those interviews. But when they, through a grand jury, subpoenaed your notes and all copies of your notes, you refused in order to protect confidential sources. On July 20 you were arrested in Houston for contempt of court and jailed without bond. It's possible that you may spend 18 months incarcerated if you continue to refuse or if the court's ruling isn't overturned. On August 18, in an unsigned opinion, the federal appeals court declined to overturn the ruling.

The people who arrested you claim you're not a journalist, because you've not yet published any journalism and don't yet have a publisher for your book. They say you're not protected by laws that shield reporters from judicial inquiry. The court statement denying your appeal reads in part: "Even assuming that Leggett, a virtually unpublished freelance writer, operating without an employer or a contract for publication, qualifies as a journalist under the law ..."

That statement threatens the liberty of every citizen. The phrase "even assuming" means this court won't admit straightforwardly that you're a journalist. Their stated reason: You haven't made a business arrangement. The *act* of practicing journalism is discounted. In this court's eyes, it's not a legitimate act without a business arrangement. In other words, it's an issue of money. If you're not getting paid for it, you're not a journalist.

That's not only ludicrous, it's dangerous. A *New York Times* editorial on your behalf put it well: "Integral to our freedom of the press is the notion that the First Amendment protects

those who are engaged in journalism, not those certified as journalists by the government. If the government refuses to recognize a fledgling freelancer as a real journalist, it may next decree that someone who works for a small newspaper also fails to make the grade." If the government gets to say who is and who's not a journalist, anyone can fail to make the grade. Money (contractual employment) is the standard being used against you. Once that precedent is set, other standards can be substituted: decency (in the court's eyes), certification (government licensing), loyalty (as the government defines it) -- or they could demand a college degree, which would disqualify me. I figured I'd learn more about writing by hitting the road than by staying in college, and I've never regretted it. Questioned about this by an interviewer, I told him, "You need a license to drive, you don't need a license to think."

The appeals court might take a refresher course, though, to learn that the word "journalism" is founded on "journal," rooted in the French *jour* meaning "day" and *journal* meaning "daily." The original English usage of *journalist* meant: one who keeps a journal, a record of the day. The words "profession" and "professional" are based on "profess." Fundamental to the idea of being a professional is an act of speech and conviction. My dictionary defines profess as "to declare or admit openly." Its first definition of professional is "an open declaration or avowal of a belief or opinion."

Thus, Ms. Leggett, by any reasonable standard, you are a professional journalist. You sought to keep a record of the day: a factual account of how and why one human being might murder another. In a country with history's highest murder rate, this is certainly a legitimate subject of investigation. And you're upholding the standards of your profession: Without endangering the public safety in the least, you're keeping your promise to your sources that they can speak freely without fear of undue exposure. That's why more than a dozen news organizations, including the Associated Press and *The New York Times* Company, have filed briefs on your behalf. That your fellow journalists are rallying to your cause should be proof enough that you are a journalist -- though in a country as free as ours claims to be, even this proof should not be necessary.

You were quoted in *The Los Angeles Times* as saying, "The government wants a monopoly on information, and I think I'm, in their eyes, in violation of possessing information with the intent to distribute it to the public."

Before anyone concludes that your statement is extreme, or that the government's action against you is an isolated case and shouldn't cause general alarm, attention should be paid to a bill before the Senate Intelligence Committee, sponsored by Senator Richard Shelby of Alabama. The bill would make it a criminal act to disclose, without authorization, any type of classified information -- which might seem reasonable on the surface, except that it includes no standard of what constitutes classified information. Under this bill any federal agency could classify anything they want to hide; and any disclosure of such "classified" information by a government employee would be a federal crime. The bill's supporters are saying journalists couldn't be prosecuted under their law. To which Thomas S. Blanton, director of the National Security Archive, replied in *The New York Times*: "But when the government prosecutes employees who leak information, who will

be called, under penalty of perjury, as the only witnesses to the crime? Journalists. Where will they find the evidence of the crime? In the press."

Last year Bill Clinton vetoed virtually the same bill. This year, the Democrats on the Senate Intelligence Committee might show some spine and shelve the bill. If they don't, there may be some senator with enough courage to filibuster the bill to death. But if there isn't -- George W. Bush will sign it into law. If it becomes law, the Supreme Court who finagled his election may uphold it. If they do, the First Amendment will have been seriously subverted, and the federal government will have the right by law to do what it's often attempted outside the law: hide anything it doesn't want us to know.

So you're not exaggerating, Ms. Leggett. Forces within our government are attempting, insidiously, to achieve a monopoly on information.

I suspect you know the First Amendment by heart, but to refresh our memories:

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances."

The intent could not be any clearer: *no law* may abridge freedom of speech or of the press.

Houston's prosecutors are trying to make an exception and an example, of you; if they can do it to you, they and their kind will try to do it to others. Meanwhile, some Senate Republicans are trying to nullify the First Amendment itself.

A recent poll reported that a majority of Americans think the First Amendment goes too far. They think their own constitution is too radical. They're uneasy with the fact that it was written by revolutionaries -- so radical, so revolutionary, and of such integrity, that those Founders imposed limits upon the very power they'd won. They meant for their descendants to cope with their revolutionary ideals, like it or not. Many don't. Yet there are still some willing to go to the wall for the 45 precious words of that amendment.

You, Vanessa Leggett, are exactly the kind of descendant the Founders hoped for.

I've professed journalism -- the keeping of the record of my day, in my own way -- for 27 years. I've had death threats, swastikas painted on my car, that sort of thing ... but I've never been tested as you're being tested. With every all-too-human mistake and contradiction I could manage, I've tried to walk my talk ... but I've never been called to do what you're doing.

So I don't consider you a novice -- as even the sympathetic reports call you. In making your stand, you're way ahead of where most of us have been. I'm writing this letter to offer my gratitude and my solidarity. The reason all those high-flyin' news organizations

are getting behind you is that you've reminded them of who they are and what they're for.
And reminded me.

Don't let any bastards ever let you feel you're not the real deal.

Your colleague in the profession,

Michael Ventura

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