

*William S. Richardson*

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and the

Hawai'i State Bar Association

With vital additional support from *The Honolulu Advertiser* and the  
Society of Professional Journalists—Hawai'i Chapter

*Present*

## **THE FIRST AMENDMENT IN CRISIS**

**Friday afternoon / Saturday Morning**

**February 24-25, 2006**

**Free and open to the public**

**Friday night dinner and keynote address\***

**by Anthony Lewis**

Former *New York Times* Columnist and author of  
*Gideon's Trumpet* and

*Make No Law: The Sullivan Case and the First Amendment*

*\*Reservations required for the dinner; \$60.00 per person, see attached form*

***Who Should Attend?*** Publishers, editors, reporters, lawyers, judges, legislators, teachers, students – anyone concerned about freedom of speech and of the press.

***Where?*** William S. Richardson School of Law  
University of Hawai'i at Mānoa  
2515 Dole St., Honolulu, HI 96822

### Special Guests

- ***Anthony Lewis***, Former *New York Times* Columnist and author of *Gideon's Trumpet* and *Make No Law: The Sullivan Case and the First Amendment*. Mr. Lewis will be the featured dinner speaker on Friday.
- ***Margaret Marshall***, Chief Justice of the Massachusetts Supreme Judicial Court. Chief Justice Marshall will participate in the seminar program and will be the luncheon speaker on Saturday.

## Also participating in the program

- Peter Carlisle, Honolulu Prosecuting Attorney
- Lucy Dalglish, Esq., Executive Director, Reporters Committee for Freedom of the Press (Washington, D.C.)
- Jim Dooley, Investigative Reporter, *Honolulu Advertiser*
- Hon. David Alan Ezra, United States District Court, Honolulu
- Eugene R. Fidell, Esq., Feldesman Tucker Leifer Fidell LLP; President, National Institute of Military Justice (Washington D.C.)
- Jay M. Fidell, Esq., Bendet, Fidell, Sakai & Lee (Honolulu)
- Hon. Les Ihara, Jr., Hawai'i 9th Senatorial District
- Gregg K. Kakesako, Reporter, Honolulu *Star-Bulletin*.
- Gerald Kato, Chair, Department of Journalism, University of Hawaii
- Beverly Keever, Professor of Journalism, University of Hawaii
- Saundra Keyes, Editor, *Honolulu Advertiser*
- Jeffrey S. Portnoy, Esq., Cades Schutte LLP (Honolulu)
- Kayla Rosenfeld, News Director, Hawaii Public Radio
- John M. Schum, Esq., Military Law Expert
- Eric A. Seitz, Esq. (Honolulu)
- Avi Soifer, Dean and Professor, William S. Richardson School of Law
- Joseph D. Steinfield, Esq., Prince, Lobel Glovsky & Tye LLP (Boston)
- Jon Van Dyke, Professor of Law, William S. Richardson School of Law

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### **This program will cover four timely subjects dealing with freedom of the press and related topics.**

#### **Friday, February 24, 2006**

2:00 PM

#### Prior Restraints

Seventy-five years ago in *Near v. Minnesota*, the United States Supreme Court proclaimed that the "chief purpose" of freedom of the press is "to prevent previous restraints on publications." Dean Soifer and a panel including Professors Kato and Van Dyke, Chief Justice Marshall and Judge Ezra will discuss whether this freedom is being diluted significantly in the post-9/11 era.

3:45 PM

#### Military Justice and the First Amendment

Do military personnel have freedom of speech? Does the media have the right to attend and report on military trials? Military justice expert Eugene Fidell and the panel will consider whether basic constitutional rights remain workable in the face of 21st Century risks. Cases in point will range from the February 9, 2001 USS *Greeneville/Ehime Maru* collision off Honolulu to current courts-martial, including prisoner abuse trials arising from the War in Iraq. Panelists will include Kayla Rosenfeld, Gregg Kakesako (pending confirmation), John Schum, Eric Seitz, and Jay M. Fidell.

6:00 P.M.

Dinner with *Anthony Lewis*, Former *New York Times* Columnist and author of Make No Law: The Sullivan Case and the First Amendment and Gideon's Trumpet.

See Reservation Form

**Saturday, February 25, 2006**

8:30AM Free Continental Breakfast

9:00 AM Newsgathering and Access to Government  
Jeff Portnoy and Joe Steinfield, experienced First Amendment practitioners, will lead a discussion of whether government is increasingly being conducted behind closed doors. This session will include a presentation of constitutional access issues from a national perspective and a discussion of local Hawaii newsgathering issues as well. The panel will include Senator Ihara, Professor Keever, and Editor Keyes.

10:45 AM Reporters' Privilege – Does it Exist?  
In 2005 reporter Judith Miller went to jail for refusing to divulge confidential sources. The indictment of "Scooter" Libby may mean that reporters will be the witnesses for the prosecution. What does this mean for the press? Lucy Dalglish, both a reporter and a lawyer, will lead a panel consisting of Prosecutor Carlisle, Jim Dooley, and Anthony Lewis.

12:15 P.M. Free lunch and address by Margaret Marshall, Chief Justice of the Massachusetts Supreme Judicial Court, "Selling Judges like a can of soup: the First Amendment and Judicial Independence."

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**THE FIRST AMENDMENT IN CRISIS**

**Dinner with Anthony Lewis,**  
Former *New York Times* columnist and  
author of Gideon's Trumpet and  
Make No Law: The Sullivan Case and the First Amendment

*Friday, February 24, 2006*

**Time:** 5:30 p.m. *No-host Cocktails*  
6:30 p.m. *Dinner*  
**Location:** *Law Library at the William S. Richardson School of Law*  
*2525 Dole Street, Honolulu HI*  
**Cost:** *\$60 per person, wine included.*

**Name:** \_\_\_\_\_ **Guest:** \_\_\_\_\_

**Telephone:** \_\_\_\_\_ **email:** \_\_\_\_\_

**# attending:** \_\_\_\_\_ **Enclosed: \$** \_\_\_\_\_

- **Advance Registration for dinner is strongly preferred by February 21, 2006 by mail or by email, contact Douglas Janes at 956-6545 / Fax 956-6402 or email [douglas.janes@uhf.hawaii.edu](mailto:douglas.janes@uhf.hawaii.edu)**
- **Please make checks payable to: University of Hawaii Foundation; William S. Richardson School of Law, 2515 Dole Street, Honolulu, HI 96822**