

**CHALLENGE AND
ENRICHMENT ACTIVITY**

RIGHTS AND RESPONSIBILITIES

CHAPTER **4**

Weighing Conflicting Rights

As you have learned in your textbook, the First Amendment guarantees freedom of the press to all Americans. As you have also read, the Sixth Amendment guarantees persons accused of crimes the right to call witnesses to appear in court.

Sometimes, however, these two important rights come into conflict with each other. When they do, which constitutional amendment should be followed? Read the following case. It presents an example of such a dilemma.

Elena Mirren is a newspaper reporter. She is covering a murder case that is about to go to trial. While doing research for her news story, Elena receives new information about the case. Elena promises her source, the person with the information, that she will not identify him. Using the new information, Elena writes the story for her newspaper.

Robert Borland is the person going on trial for murder. He reads the newspaper story and thinks this new information means that there is a witness who could help his case. Robert asks the court to make Elena identify her source.

Here is the conflict: Elena claims the First Amendment protects her from government interference in reporting the story. To do that reporting, she insists she must be able to gather information from sources who may not want to be identified. Such sources will trust her only if she can keep her promise not to identify them. Robert, however, argues that the Sixth Amendment protects his right to call witnesses at his trial. How can he call an important witness if Elena will not identify her source?

Write a paragraph explaining what you think should be done in this case.
