

## Table of Contents

|                                      |      |
|--------------------------------------|------|
| Preface                              | xi   |
| The Contributors: Biographical notes | xiii |
| Introduction                         |      |
| <i>Prof. Shimon Shetreet</i>         |      |
| <i>Editor</i>                        | xix  |

### PART ONE. STATE SECURITY AND THE LAW

|  |    |
|--|----|
| 1. <b>Introductory Remarks: Public Interest and Free Speech</b>      |    |
| The Honourable Chaim Herzog  |    |
| President of the State of Israel                                     | 3  |
| 2. <b>Constitutional Protection of Free Speech in Israel</b>         |    |
| <i>The Honourable Justice Miriam Ben-Porat</i>                       |    |
| <i>State Comptroller and Public Complaints Commissioner</i>          | 6  |
| 3. <b>The American Experience: Free Speech and National Security</b> |    |
| <i>The Honourable Justice William J. Brennan, Jr.</i>                |    |
| <i>Associate Justice Supreme Court of the United States</i>          | 10 |

### PART TWO. CONTROLLING THE MEDIA; THE CHALLENGE OF CENSORSHIP

|   |    |
|---|----|
| 4. <b>Spycatcher Case: Confidence, Copyright and Contempt</b> |    |
| <i>The Rt. Honourable Lord Oliver of Aylmerton</i>            |    |
| <i>Lord of Appeal in Ordinary, House of Lords</i>             | 23 |
| 5. <b>The Scope of Judicial Review of National Security</b>   |    |
| <b>Considerations in Free Speech and Other Areas:</b>         |    |
| <b>Israeli Perspective</b>                                    |    |
| <i>Prof. Shimon Shetreet</i>                                  |    |
| <i>Faculty of Law, Hebrew University of Jerusalem</i>         |    |
| <i>Member of Knesset (Israeli Parliament)</i>                 | 41 |
| 6. <b>Atomic Secrets and Free Speech</b>                      |    |
| Prof. Ruth Gavison  |    |
| Faculty of Law, Hebrew University of Jerusalem                | 56 |

PART THREE. PLUGGING LEAKS: GOVERNMENT CONTROLS  
OVER INFORMATION

7. **National Security and Leaks: The Government's Authority to Discipline Itself**  
*The Honourable Judge Abraham D. Sofaer*  
*Legal Advisor, U.S. Department of State* 67
8. **Reflections on Leaks in the United States: The Media Perspectives**  
*Lawrence K. Grossman*  
*Former President, NBC News and PBS News* 78
9. **Free Speech and Criminal Code Provisions for the Protection of State Security: The Israel Case**  
*Prof. Mordechai Kremnitzer*  
*Faculty of Law, Hebrew University of Jerusalem* 86
10. **Spies, Subversive Terrorists, and the British Government: Free Speech and Other Casualties**  
*Prof. Graham J. Zellick*  
*Head, Department of Law, Queen Mary and Westfield College, University of London* 93
11. **Information, the Executive and Politics of Information**  
*Prof. Paul G. Chevigny*  
*Professor of Law, New York University Law School* 130

PART FOUR. MEDIA COVERAGE OF MILITARY OPERATIONS  
AND WARS; THE DUTIES AND LIMITS

12. **Information Policy and the Falklands Conflict**  
*Dr. Yoel Cohen*  
*Research Fellow, Hebrew University of Jerusalem* 143
13. **Can a "Free" Press Cover War?**  
*Prof. Norman Redlich*  
*Counsel, Wachtel, Lipton, Rosenaum, Katz of New York City*  
*Former Dean, New York University Law School* 155
14. **Reporting Military Activities by the Media: Legal Analysis of the Israeli Practice**  
*Prof. Itzhak Zamir*  
*Faculty of Law, Hebrew University of Jerusalem*  
*Former Attorney General of Israel (1978-1986)* 160

15. **The Compulsion of One Channel Television**  
*Haim Yavin*  
*Former Managing Director, Israel Television* 169

PART FIVE. MEDIA COVERAGE OF WARS AND  
SECURITY MATTERS

16. **"Private War": The Problem of Access**  
*Prof. Diane L. Zimmerman*  
*Professor of Law, New York University Law School* 181
17. **Beyond Censorship - Informal Methods of Directing Media Coverage in Security Matters**  
*Dr. Dina Goren*  
*Adjunct Professor of Journalism, Tel Aviv and Bar-Ilan Universities* 195
18. **The Army, the Press and State Security**  
*Brigadier-General Ephraim Lapid*  
*Director-General of IDF Radio Station (Galei Zahal)* 204
19. **Security Censorship: Prior Restraint (After the Schnitzer Decision)**  
*Dr. Zeev Segal*  
*Senior Lecturer in Law, Tel Aviv University* 207
20. **The Knesset Censorship Committee Report (1990)** 228
21. **Index** 233