

“This shows that the matter of giving the name of the Congressman might have been a matter of convenience to the committee, but it does not indicate that the name would be a material factor in proving or disproving the charges specified.”

The principal point, as to the privilege of a journalist, has therefore been left untouched. The question is a novel one, and it is not unlikely that it may be raised at some future time by members of the press. The argument might, of course, be made that, as in the present instance, the majority of this kind of questions are put while in the pursuit of fishing expeditions and for the sole purpose of obtaining sources of evidence. Although when the matter arose in the *People v. Fitzgerald* (8 N. Y., Supp. 81), the New York Court declared an interrogatory somewhat similar in principle to be a proper one, in *Sterm v. The United States* (94 U.S., 76) it was held otherwise. Considering the matter purely as a question of privilege, it would seem exceedingly doubtful whether a court would be likely to extend the doctrine of privileged communications to a case like the present. A journalist stands on a very different plane from the advocate, the physician or the priest of a Church whose tenets prescribe confession. The immunity of the first has always been recognized both in the Roman and the common law, although one civilian thought that an advocate might lawfully be put to the torture and compelled to reveal the secrets of a client, but this doctrine appears to have met with strong disapprobation on the part of both the bench and bar. The doctrine as to the immunity of the physician and priest was a later outgrowth, and rests upon grounds too obvious to be discussed. But a very different state of facts is presented when we come to consider the case of a reporter or editor of a newspaper. While conceding the importance of the press as a factor in the unearthing of wrongdoing, it would seem to be exceedingly inexpedient to permit them to take shelter behind a question of privilege. Where newspaper articles have been published injurious to character, the party damnified should have a right to find out at whose instigation and upon whose authority they might happen to have been written. The doctrine of privileged communication should never be used to hide the machinations of some secret enemy, simply because he may choose to direct his attacks through the medium of the public press. It can hardly be said that a public official (this is cited merely as an illustration) against whom a