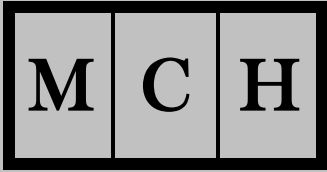


HB1376

Testimony



Media Council of Hawai'i *Since 1970*

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To: Senate Committee on Judiciary and Labor
Hearing: Thursday, April 7, 2011
9:30 am, Conference Room 16

TESTIMONY IN SUPPORT OF HB 1376 RELATING TO EVIDENCE

Chair Hee and Members of the Judiciary and Labor Committee:

Media Council of Hawai'i (MCH) strongly supports HB 1376 Relating to Evidence, which makes permanent the qualified newsgathering privilege created in 2008 by Act 210. Without passage of this bill, what's known as the "shield law" will expire on June 30, 2011. Thirty-six states and the District of Columbia have enacted shield laws. Hawaii's law is widely regarded as one of the best in the nation. We should keep this law on the books.

Hawai'i's law protects access to significant information from confidential sources, while ensuring that the legitimate needs of law enforcement and public safety are not compromised.

In its wisdom, the Legislature chose a 3-year period to determine how the law would work. The test case proved to be that of Keoni Alvarez, a filmmaker, who has been producing a documentary about Native Hawaiian burial rights. He was subpoenaed in a dispute over construction of a home on Kauai's Naue Point. Lawyers in the case engaged in a fishing expedition by demanding that Alvarez turn over to them all his raw footage and testify about confidential interviews he conducted. Kaua'i Judge Kathleen Watanabe ruled that Alvarez did not have to turn over the raw footage or testify because "the public policy of the State of Hawai'i to protect journalists." The law worked to protect important sources of information on matters of great public interest.

The shield law reflects this state's commitment to protecting the free flow of information embedded in the First Amendment. Media Council of Hawai'i (MCH) urges you to make it a permanent part of the laws of Hawai'i.

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April 5, 2011

Chairman Clayton Hee
Senate Committee on Judiciary and Labor
senhee@capitol.hawaii.gov

Chairman Hee and Honorable Committee Members:

The Society of Professional Journalists, Hawaii Chapter, and the undersigned media organizations stand in strong support of HB 1376, News Media Privilege.

This bill makes permanent the state shield law that is due to sunset June 30, 2011. HB 1376 unanimously passed the House and is awaiting action in the Senate.

It is difficult to quantify the negative, so it is not known how many journalists were not compelled to turn over their notes and sources because of the shield law. However, there has been no documented harm to the state in the two years the shield law has been in effect and at least two cases where the law served its purpose in furthering a free press.

At least 38 states, plus the District of Columbia, have such protections in place, according to the [Reporters Committee for Freedom of the Press](#).

We appreciate your positive recommendation on this bill.

Sincerely,

Stirling Morita, president, SPJ-Hawaii
Nancy Cook Lauer, vice president, SPJ-Hawaii
Frank Bridgewater, editor, Honolulu Star-Advertiser
Jaymes Song, administrative correspondent, The Associated Press
Reed Flickinger, editor, West Hawaii Today
Randy Kozerski, president and publisher, Garden Island Newspaper
Mark Platte, news director, Hawaii News Now
Steve Petranik, editor, Hawaii Business
John Temple, editor, Honolulu Civil Beat
Chris Conybeare, chairman, Media Council of Hawaii
Malia Zimmerman, editor, Hawaii Reporter
Chuck Parker, managing editor, KITV

From: [Steve Petranik](#)
To: [JDLTestimony](#)
Subject: Testimony for HB 1376, hearing on April 7 at 9:30 am
Date: Tuesday, April 05, 2011 1:28:31 PM

Dear Senator Hee and fellow committee members:

Information and news about controversial issues are crucial to our democracy. Without that information, our citizens cannot make good decisions about the challenges facing Hawaii and cannot elect the best leaders.

HB 1376, Hawaii's Shield Law, is a vital part of that information pipeline. People are often unable to speak truthfully and openly about controversial subjects for fear of retaliation - retaliation from their employers, from government agencies and civil servants, and from other people in power.

To get these people to provide crucial information, journalists must be able to safeguard their identity. I have spent 25 years as a news editor and reporter in Hawaii; many times, to fully report on controversial but important issues, I and my news organizations have had to withhold the identity of sources. We use anonymity only as a last resort and only on important issues. And we corroborate an anonymous source with other sources whenever possible, including documents, further sources or other evidence. Without protection for anonymous sources, many meaningful stories will not get told.

Hawaii's Shield Law is admired nationally as a model for other states. Please make it a permanent part of Hawaii's democracy.

(I would like to testify briefly on this issue at Thursday's hearing)

Thank you,

Steven Petranik
Treasurer, Society of Professional Journalists, Hawaii Chapter
Editor, Hawaii Business magazine

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: ndavlantes@aol.com
Subject: Testimony for HB1376 on 4/7/2011 9:30:00 AM
Date: Tuesday, April 05, 2011 12:52:41 PM

Testimony for JDL 4/7/2011 9:30:00 AM HB1376

Conference room: 016
Testifier position: support
Testifier will be present: No
Submitted by: Nancy Davlantes
Organization: Individual
Address:
Phone:
E-mail: ndavlantes@aol.com
Submitted on: 4/5/2011

Comments:

With so much distrust of government at all levels, any attempt to limit the ability of journalists to get the information they need without having to disclose confidential sources does not exactly inspire confidence. The June 30 sunset date for this bill needs to be deleted and the shield law allowed to do its job.

Mahalo for considering my comments.

Nancy Davlantes
Kaneohe, HI