

New Shield Laws Could Leave Student Journalists, Bloggers Unprotected

Proposed bills in the U.S. House and Senate would protect reporters from demands to disclose their confidential sources, but the bills' definitions of who is a "journalist" are outdated. The definitions could leave student journalists, bloggers, and citizen journalists without federal protection.

The "reporter shield"

Shield laws protect journalists by enabling them to refuse to give testimony or surrender unpublished information in connection with a police investigation or legal proceeding, affording journalists the necessary ability to protect their sources. But some members of Congress think only reporters working for traditional media deserve these protections.

H.R. 1962

Under the House version of the shield bill, a person **must engage in journalism "for financial gain or livelihood."** This excludes most student journalists, unpaid interns, and citizen journalists who receive no financial gain from their important reporting.

S. 987

The Senate bill would require journalists to **"regularly" engage in reporting**, and it's unclear what "regularly" means. Although one proposed version would protect students working for "a journalistic publication at an institution of higher education," this does nothing for the many students who work for off-campus publications or who blog independently.

To make matters worse, Sen. Dianne Feinstein (D-Calif.), one of the bill's authors, does not want a shield law that protects bloggers. Feinstein said that the bill should not protect "a 17-year-old who drops out of high school, buys a website for \$5 and starts a blog," but should protect only "real reporters." Her definition of a "real" reporter is limited to those who work for traditional media.

Student reporters need shield law protection

Important reporting is increasingly being done by student journalists. A reporter who promises a source anonymity must be certain that the promise can be kept, regardless of whether that reporter is a student.

After a graduate student at Northwestern University wrote a story casting doubt on the guilt of a convicted murderer, she was asked to testify about conversations she had with and letters she received from her sources. Blogger Josh Wolf, a student at the time, was imprisoned for eight months in 2006 for refusing to turn over raw footage of a demonstration. At the University of North Carolina, unnamed sources have been crucial to recent coverage of the shortcomings of colleges' pursuit of sexual assault cases. Without privilege, reporters at *The Daily Tar Heel* could be forced to disclose how they obtained a copy of a complaint filed confidentially with the Department of Education.

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Journalism is an *act*, not a *status*

The House bill (H.R. 1962) defines "journalism" as "the gathering, preparing, collecting, photographing, recording, writing, editing, reporting, or publishing of news or information that concerns local, national, or international events or other matters of public interest for dissemination to the public." This describes the work not only of *New York Times* reporters but also of bloggers, student journalists, and citizen journalists, all of whom would be covered if not for Congress's taking this great definition and adding a requirement of financial gain.

Take action:

Write a blog post or op-ed

Spread the word that Congress needs to recognize and protect every type of journalist. Here are some talking points:

- By limiting a "covered person" to someone who engages in journalism for financial gain (H.R. 1962) or who "regularly" engages in journalism (S.987), the proposed shield bills could leave student journalists, citizen journalists, and bloggers exposed to demands for unpublished information and unnamed sources.
- Congress should cover reporters based on the *act* of journalism, not based on where they work, how much money they make, or what medium they use to report information.
- Student reporters often rely on confidential sources and leakers for reporting on serious issues such as drugs on campus, underage drinking, or other controversial acts where sources necessarily demand anonymity to keep them out of legal jeopardy.
- Unnamed sources on college campuses tend to be particularly vulnerable, for example, in stories about how universities pursue sexual assault cases.
- Inconsistent state shield laws can subject reporters to a confusing patchwork of varying protections—or lack thereof—which only highlight the need for a federal standard.
- Bloggers, citizen journalists, and others who do not work for traditional media engage in some of the most important, in-depth, sophisticated reporting, and need to know that their confidential sources and notes are protected.