

Shield law for journalists awaits governor's OK

By Mark Niese
Associated Press

Hawaii journalists would be protected from revealing their sources, notes and video recordings to the government under a measure given final approval by lawmakers last week.

"They need a shield. They need protection to go out and continue doing what they're doing," said Rep. Gene Ward (R, Kalama Valley-Hawaii Kai).

The proposal covers both traditional reporters and online writers, although Internet journalists would have to show that they're serving the public interest before they'd be granted the safeguard.

Thirty-five other states and the District of Columbia have similar journalist protections, and a federal shield law is pending before Congress.

Lawmakers approved the measure unanimously in both the state House and Senate, and it goes to Gov. Linda Lingle for her signature.

Some representatives said they were concerned the privilege exempting journalists from having to give up their sources to courts and local governments could be abused by unscrupulous Internet writers.

"They look like journalists but are not held to the same ethical standards," said Rep. Barbara Marumoto (R, Kalani Valley-Diamond Head). "True professional journalists ... are accountable to their editors or their viewers."

The law would protect any reporter who has ever worked for a newspaper, magazine, news agency, radio station or television station. It covers online writers only if they hold a similar job as traditional journalists and regularly publish news in the public interest.

Hawaii prosecutors agreed to the measure after carving out exemptions for felony cases, civil actions involving defamation, public safety, source consent to disclosure and when the desired information is necessary to an investigation or defense.

Rep. Joe Souki (D, Waihee-Wailuku) said additional shield protections go too far because reporters are already covered by the First Amendment's guarantee of freedom of the press.

"I haven't seen any reporter taken off and put in jail," Souki said. "The shield law is going beyond what is needed."

Without a shield law, journalists are sometimes jailed for contempt of court when they refuse to comply with a judge's order to name names.

Malia Zimmerman of HawaiiReporter.com is fighting a subpoena of her notes and records from her investigative reporting into the March 14, 2006, failure of Kaloko Dam on Kauai, which unleashed a 20-foot-high wave of water that killed seven people as they slept.

Her reporting tools are being sought by the dam's owner, James Pflueger, as he builds his defense against lawsuits from the victims' families.