Shield Laws and Reporter’s Privilege
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Thesis

A federal shield law for all journalists would be the most effective way to protect independent journalists using new media, such as social media, blogs and student newspapers.

A New Medium

The current lack of a federal shield law often times can restrict people from writing their opinions, and when people’s thoughts are stifled in a country then the democratic process is stifled. But there’s a line that has to be walked because journalists are still, in fact, private citizens. The state of California was the first to hear a case about whether bloggers were journalists in O’Grady v. Superior Court. In the case, O’Grady posted some articles online on a website he runs about Apple Computer. Apple then alleged that O’Grady’s posts contained trade secrets “published without Apple’s knowledge”. The court found that O’Grady was allowed to keep his sources confidential because O’Grady exercised “a kind of degree of editorial control similar to traditional standards of newspapers and magazines.” This reiterates the fact that in any democracy it is necessary for there to be a media presence to serve as a check for the government.

References