Research exercise: Journalists' Rights under State Shield Laws

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In 1848 the first American reporter was incarcerated for not revealing his source. Between 1984 and 2006, 22 American journalists were incarcerated for refusing to reveal their source. In 2005 the U.S. ranked sixth among countries jailing journalists. The United States made this list for jailing journalists for not revealing sources.

**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 Court14. 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.

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**Definitions**

**Journalism**: 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.

**Journalist**: a person who writes for newspapers or magazines or prepares news to be broadcast on radio or television.

**Citizen Journalists**: a public citizen playing an active role in the process of collecting, reporting, analyzing, and disseminating news and information.

**Bloggers**: a person who writes entries, adds in material and maintains a blog.

**Student Journalists**: students enrolled in a university or college that is studying journalism and practicing journalism.

**Shield Laws**: legislation designed to protect reporters’ privilege, or the right of news reporters to refuse to testify as to information and/or sources of information obtained during the news gathering and dissemination process.

**Reporter’s Privilege**: a reporter's protection under constitutional or statutory law, from being compelled to testify about confidential information or sources.

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**References**


