



**Testimony on S.96
House Committee on Judiciary
April 7, 2017**

**Auburn Watersong
Policy Director**

Thank you for the opportunity to speak to you regarding S.96, an act relating to news media coverage.

Shield laws don't just protect journalists. Their true purpose is to protect sources — including whistleblowers, crime victims, the falsely accused and others whose safety or livelihood might be threatened by disclosure. The Vermont Network Against Domestic and Sexual Violence understands that journalists need this protection so that sources continue to provide essential information to the press which may ultimately protect the public interest.

This protection also helps to ensure that victims' stories continue to be told. We have learned that victims' stories are powerful tools in affecting meaningful change: change that measurably improves the lives of victims and their children, protects potential future victims, and allows for all social supports and criminal justice systems to improve their response to domestic and sexual violence. If a journalist is subpoenaed into court, victims may become less likely to share an experience that could quite possibly save another life.

The Network has appreciated the careful and sensitive work by journalists across the state who have sought numerous ways to protect victim identity while still sharing their vital stories. Some journalists have gone to great lengths to film only shadows of figures, to change the sound of a victim's voice, or to refrain from revealing any identifying information about the victim in print. And it is because of this type of care and respect that victims continue to be able to come forward, to feel safe in speaking up, and find their own voice and power in making positive change happen in their communities and across the state.

The Network also understands that certain cases, especially related to sexual violence, justice is often elusive and it is important that judges still have authority to override the privilege when they find a critical and compelling justification for doing so. That generally happens when the information sought can prove the guilt or innocence of the accused. S.96 affords this exception in

Section 1, pages 2-3 of 3 of the bill as passed the Senate:

- (2) No court or legislative, administrative, or other body with the power to issue a subpoena shall compel:
 - (A) a journalist to disclose news or information that was not obtained or received in confidence unless it finds that the party seeking the news or information establishes by clear and convincing evidence that
 - (I) the news or information is highly material or relevant to a significant legal issue before the court or other body;
 - (ii) the news or information could not, with due diligence, be obtained by alternative means; and
 - (iii) there is a compelling need for disclosure.

For these reasons, the Network supports the passage of S.96.

Thank you.