

Testimony March 10, 2006 of Morgan McGinley Editorial Page Editor, The Day of New London

Good morning,

Thank you for the opportunity to testify this morning. I am Morgan McGinley, editorial page editor of The Day in New London. I share the opinion of the Connecticut Council on Freedom of Information that the legislature should pass a shield law. Today I am speaking for Gary Farrugia, editor and publisher of The Day.

Like most journalists, we wish a shield law were not necessary. We'd rather rely on the rights of journalists afforded in the First Amendment, which provides for a free and unfettered press. But the political climate today makes a state shield law necessary. The Bush administration's suggestion that it might jail reporters and go to whatever ends necessary to silence the free flow of information critical to a healthy democratic society casts a chill on open government and free reporting.

While the proposed shield law in Connecticut would not apply to federal cases, we believe, as does Floyd Abrams, the noted constitutional lawyer, that the states should pass shield laws so as to establish, in effect, common law throughout the country in favor of an open press. Some 31 states now have shield laws.

We also believe that there are instances in which, even under Connecticut's limited one-man grand jury system, the shield law would provide needed protection to get the truth out. In my own county, the transcript of a one-man grand jury investigation into the hit-run death of Kevin Showalter, was lost in the courthouse. When The Day attempted to obtain the transcript, the court officials said the transcript was missing. Much of the testimony had to do with a prominent former mayor of the city who was cited by the one-man grand juror as the probable driver of the car.

Without a shield law, what source might be willing to come forward with any knowledge of where the transcript went?

Or consider the investigation into the Rowland administration's corruption. The media played an important role in getting out the truth and producing reform in the state system.

Think of Watergate. Consider the Pentagon Papers. Or the story on the Gulf of Tonkin matter that led to Vietnam. Or leaks regarding the torture of prisoners by the federal government.

What sources would come forward without full assurance that they would be protected by the media in those matters?

These are examples of critical issues where the public's need to know might well not be served if reporters do not feel confident that they can honor their pledges of anonymity to sources.

The framers wrote the First Amendment to the Constitution because they understood the critical role of an impartial and objective press in ferreting out wrongdoing and telling the truth to the public. Today, the First Amendment is under attack and we in the media reluctantly feel the need to have a state law that spells out the protection that will enable us to do our job.

Thank you.