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Testimony of

TOM FARREY
ESPN, Inc.

Before the

Judiciary Committee

in support of

H.B. 5212, AN ACT CONCERNING FREEDOM OF THE PRESS

Chairman McDonald, Chairman Lawlor, members of the Committee, thank you for the opportunity to testify before your committee this afternoon. My name is Tom Farrey and I am a senior writer for *ESPN the Magazine*. I am also a contributor to ESPN television programs and to ESPN.com.

As ESPN's representative at this hearing, I am here in support of H.B. 5212, An Act Concerning Freedom of the Press. ESPN's parent company, ABC, also supports this bill.

Sport is a world of games and entertainment but it is also one of the most significant forces in contemporary American culture. As an enterprise and investigative reporter assigned to the news division of ESPN, I cover the same topics that confront the larger society—race, gender, technology, science, business, politics, and so on. I have reported on the torture of Iraqi soccer players, the miseducation of college athletes, and use of steroids by teenagers. I rarely have cited anonymous sources in my reports, as I believe journalists have a responsibility to make every effort to get on-the-record material. Public trust accrues to those organizations that minimize the use of unnamed sources.

Nevertheless, I also believe there is an essential role for protecting sources when appropriate. If the primary job of news media is to address topics of importance to its audience, and ferret out the truth to the best of its abilities, then a shield law, structured thoughtfully, can serve the public in a meaningful way. Even in sports, we need whistle blowers and knowledgeable insiders; having some ability to honor a promise of confidentiality most likely would encourage the free flow of information. This tool has become increasingly important as the federal government pursues prosecutions against reporters who refuse to disclose sources, and as more limits are placed on public access to government records.

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I am a longtime member of the national journalists' organization Investigative Reporters and Editors (IRE). And while I do not speak on behalf of IRE on this matter, the organization has noted that, "First Amendment freedom must carry the right to gather news—and confidential sources have a longstanding role in this process, dating back to the founding of the Republic." And, "Journalists cannot carry out their watchdog role without the ability to promise sources that their identities will not be revealed. People with knowledge of corruption or abuse would stay silent out of fear of retaliation. If all information came only from official channels, we would, in essence, have a state-run media." Currently, 31 states and the District of Columbia, recognizing the need for a free press, have passed shield laws. I encourage the state of Connecticut to join that group.

Thank you for considering my comments.