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Testimony of

JIM TARICANI

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 Jim Taricani, and I am an investigative reporter for WJAR, a television station based in Providence, Rhode Island that is owned and operated by NBC Universal, Inc. I am a Connecticut native, having been raised in Newington.

I am here to speak in support of H.B. 5212 AN ACT CONCERNING FREEDOM OF THE PRESS.

I've been a reporter for 32 years. For most of my career in broadcast and some print journalism, I have specialized in investigative reporting.

During my career, I have used confidential sources – when necessary – to produce stories that were important to the citizens of our viewing area.

I don't like to use confidential sources, and I can tell you that most journalists feel the same way. We'd like everyone and everything to be on the record.

But sometimes – especially when it comes to reporting on the government and corporate America – the only way to get important information is to get it from a confidential source.

People become sources for one primary reason: they see wrongdoing, and they want something done about it. These witnesses to unethical behavior, or even crimes, often fear for their jobs – and in some extreme cases, even their lives – if their names become associated with the important information they have.

They don't want to go to the police, because they know eventually their names will become public, through witness statements.



So these sources call a reporter whom they can trust, and they ask for a promise of confidentiality.

Most reporters and editors and broadcast news managers go through a detailed process of evaluating the credibility of the information from the source, and then the need to grant a promise of confidentiality, before such promises are made. That's our policy at NBC.

In the fall of 2000, I made such a promise to a source. The source had a videotape – which he obtained legally in the discovery process as a defense attorney – that showed a high-ranking city official in Providence, Rhode Island taking a \$1,000 cash bribe, in his office, from a businessman working undercover for the FBI.

It was a startling example of public corruption. It was part of a broader FBI investigation into corruption in the administration of former Providence Mayor Vincent Buddy Cianci.

The tapes had been put under seal, but the sealing order did not cover the general public, including reporters. It was legal for us to broadcast the tape.

We at WJAR Channel 10, and officials from NBC, decided that airing the tape was in the public interest. We broadcast the tape, and then the judge ordered an investigation into where I got the tape.

I refused to reveal my source. Eventually, I was held in civil contempt and fined \$85,000. I was then held in criminal contempt, and sentenced to six months home confinement. Had I not been a heart transplant recipient, the judge would have sentenced me to jail. I was released after four months.

This was all in federal court. In state court, things likely would have been different, because Rhode Island does have a shield law that respects a promise of confidentiality between a journalist and a source. And I have used confidential sources more than 100 times during my career, for many important stories.

I have used confidential sources to produce stories on illegal toxic waste dumping.

I have used confidential sources to report on the New England Mafia, to explain to the public how organized crime harms them.

I have used confidential sources to report on public corruption. Just last year, one of my reports on a Rhode Island state senator whose vote was for sale helped lead to a federal investigation, an indictment, and a guilty plea to corruption charges.



I have won many awards for my reporting, including four Emmy awards; and both the Edward R. Murrow award, and Press Freedom Award, from the Radio and Television News Directors Association. The awards are nice, but the true reward is knowing that my reporting brought the underlying stories to public attention.

As journalists, we do not believe we are above the law. But our founding fathers recognized the special role we play in society, and they enshrined that role in the First Amendment.

Sometimes, reporters need to use confidential sources to keep citizens informed. As we all know, an informed citizenry is one of the bedrocks of our democracy. And when reporters do their jobs, and inform the public about what it needs to know, those reporters should not have to face jail for upholding a promise of confidentiality to a source. The jailing of reporters is common in some countries around the world, but it's not supposed to happen here.

In my opinion, reporters and news organizations deserve legal protection in order to do our jobs, and to keep the citizens informed about important issues.

Remember Watergate. Remember Enron. Remember the secret wiretapping of American citizens. All these stories were brought to light because of confidential sources. As a result the public and other branches of government became informed, and could then take appropriate action.

I urge you to join Rhode Island, and New York, and most of the rest of the nation, and to pass a shield law for reporters in Connecticut.

Please don't make reporters victims, simply for doing their jobs.

Thank you very much.