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Senate Judiciary and Labor Committee Members
c/o Sen. Brian T. Taniguchi (Chair)
Hawaii State Capitol, Room 219
415 South Beretania Street
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Aloha mai!

I am writing to express my support for HB 2557 HD1 (relating to disclosure of evidence exceptions for journalists and newscasters). But I also wish to convey my great hope that the Legislature also seize the opportunity to take an important early step toward recognizing and legitimizing the role of the Internet, and citizen journalists, in newsgathering and publishing.

The Need for a Shield Law:

First and foremost, a “shield law” such as this is absolutely necessary to ensure that members of the media be able to do their jobs. And by that I mean more than earning a paycheck. I mean fulfilling the spirit of the First Amendment, and the vision of an informed populace. Does a free press mean more headaches for the government? Surely. Can the media actually be a hindrance to the government? Sometimes. But even Thomas Jefferson said, “Were it left to me to decide whether we should have a government without newspapers, or newspapers without a government, I should not hesitate a moment to prefer the latter.”

I am not asking for the abolishment of government, of course. But I am asking you to recognize that the role of the press is crucial to democracy. And this role cannot be allowed to wither in the face of political and legal machinations or unchecked civil litigation. In my view, the dissemination of the most sensational or even unconscionable story cannot do more damage than the suppression of one piece of information that the public needs to know. If we are to err, let us err on the side of transparency.

Broadening the Definition of a Journalist:

Now, I believe HB 2557 HD1 is an important first step that the Legislature needs to take. And I note that in the bill summary, the exceptions cover journalists, newscasters, and “**persons participating in collection or dissemination of news or information of substantial public interest.**” However, the main body of the bill is much more restrictive. It includes current and previous employees of professional news outlets, but leaves no room for independent, individual persons who perform the same functions.

I feel the wording of the bill summary noted above should be included in the bill itself, in lieu of the “presently or previously employed by” clause. Journalists should be defined by the role they play – what they do, and toward what end – rather than whomever signs their paychecks. As established public access and other government-funded media outlets prove, a paycheck or professional membership should not be a prerequisite to practicing journalism, or serving the public good through the “collection or dissemination of news or information of substantial public interest.”

Indeed, compared to the resources of a commercial news outlet or reporters’ guild, I dare say a private individual is in greater need of the protection outlined in this bill when it comes to practicing journalism.

Acknowledging the Internet:

Finally, and briefly, I’d like to suggest that the Internet be added to the otherwise exhaustive list of mediums reflected in the bill. At present, the bill includes any “newspaper, magazine, news agency, press association, wire service, or radio or television transmission station or network.” I’d like to point out that every single one of these media outlets maintain a substantial presence and are making significant investments online. And more than a few exist primarily on the Internet.

The Legislature clearly considered its website a key method of disseminating information. It’s how I became aware of this bill. I think it makes sense, therefore, to append, “**or website,**” to the list included in HB 2557 HD1.

Mahalo for your consideration,

Ryan Kawaihani Ozawa