

REPORTERS COMMITTEE

FOR FREEDOM OF THE PRESS

PO Box 34176
Washington, DC 20043
(202) 795-9300 • www.rcfp.org

PRESIDENT
Bruce D. Brown

STEERING COMMITTEE CHAIR
STEPHEN J. ADLER

VICE CHAIR
MARGARET LOW
WBUR
SECRETARY-TREASURER
MASSIMO CALABRESI
TIME

EXECUTIVE COMMITTEE MEMBERS
DAVID BOARDMAN
Temple University
THEODORE J. BOUTROUS, JR.
Gibson, Dunn & Crutcher LLP
GAIL GOVE
NBCUniversal

LAURA HANDMAN
Davis Wright Tremaine
DIEGO IBARGÜEN
Hearst
THOMAS C. RUBIN
OpenAI

STEERING COMMITTEE MEMBERS
MARTY BARON
Ret., The Washington Post
WOLF BLITZER
CNN

SEWELL CHAN
USC Annenberg
LYNETTE CLEMETSON
University of Michigan
JASON CONTI
Dow Jones
NIKHIL DEOGUN
Brunswick Group

MANNY GARCIA
Houston Landing
EMILIO GARCIA-RUIZ
The San Francisco Chronicle
JOSH GERSTEIN
POLITICO
ALEX GIBNEY
Jigsaw Productions
JAMES GRIMALDI
National Catholic Reporter

KAREN KAISER
The Associated Press
KIMBRIELL KELLY
ALEX MACCALLUM
CNN
MATT MURRAY
The Washington Post
NORMAN PEARLSTINE
New York, New York
CHARLIE SAVAGE
The New York Times
JENNIFER SONDAG
Bloomberg News
NABIHA SYED
Mozilla

ADAM SYMSON
The E.W. Scripps Company
MATT THOMPSON
The New York Times
VICKIE WALTON-JAMES
NPR

Affiliations appear only for purposes of identification.

By email

July 15, 2025

Joint Committee on the Judiciary
24 Beacon Street, Room 136
Boston, MA 02133

Re: Support for HB 1738 and SB 1253

Dear Members of the Committee:

The Reporters Committee for Freedom of the Press writes in support of House Bill 1738 and Senate Bill 1253, which would establish statutory protections for journalists from, among other things, being compelled to identify confidential sources in legal proceedings, or to disclose unpublished material obtained or created in the course of newsgathering.

Massachusetts is one of only nine states in the United States that does not have a reporter's "shield" statute.¹ In lieu of a statutory protection, Massachusetts courts use a common law balancing test based on general First Amendment principles but have not been consistent in applying it.²

Since many sources can face professional or legal consequences, and even physical harm, for disclosing information of public importance to the news media, it is critical that journalists be able to credibly assure sources that their identities will remain confidential. Clearly defined protections from such disclosures will help preserve the free flow of information, promote government accountability, and improve the public's understanding of issues that directly impact their daily lives.

Legislation codifying the reporter's privilege in Massachusetts is timely and critical. In recent years, reporters in Massachusetts have been forced to deal with subpoenas related to their confidential sources in court proceedings. For instance, Berkshire Eagle investigations editor Larry Parnass was subpoenaed for his source in a story about clergy sex abuse in

¹ For a thorough accounting of the law on reporter's privileges in every federal and state jurisdiction, see Reporters Privilege Compendium, Reporters Comm. For Freedom of the Press, <https://www.rcfp.org/reporters-privilege/> (last visited July 10, 2025).

² See *id.*, <https://www.rcfp.org/privilege-compendium/massachusetts/> (collecting Massachusetts case law on the reporter's privilege).

Springfield, Massachusetts.³ While a Superior Court judge eventually exempted confidential sources from her order under the balancing test, the subpoena was not quashed in full. A reporter for the Boston Magazine who wrote a piece on the Karen Read murder case was also ordered to turn over notes from an interview with Read.⁴ The Superior Court judge in the case initially approved the request for the notes before reversing herself. Journalists would be better protected from the burden and expense of these demands if Massachusetts adopted a clear statutory shield.

These bills also include narrow exceptions. A journalist or covered service provider cannot be ordered to disclose protected information unless “the protected information is necessary to prevent, or to identify any perpetrator of, an act of terrorism against the United States, the commonwealth or its subdivisions; or the disclosure of the protected information is reasonably likely to prevent a threat of imminent violence, bodily harm, or death.”

HB 1738 and SB 1253 are common-sense measures that would ensure a more consistently applied reporter’s privilege in Massachusetts. The importance of a statutory shield is evidenced by the fact that a large majority of states have codified similar protections. Without some safeguard for confidential source identities and sensitive newsgathering material, the press cannot fulfill its constitutionally recognized watchdog role. We urge the Massachusetts Legislature to pass this critical legislation.

Please do not hesitate to contact the undersigned at grottman@rcfp.org with any questions.

Sincerely,



Gabe Rottman
Vice President of Policy
Reporters Committee for
Freedom of the Press

³ See Jeffrey J. Pyle, *Catholic Church Subpoena for Berkshire Eagle’s Confidential Sources*, Media L. Res. Ctr. (October 2022), <https://perma.cc/6F49-TXEZ>.

⁴ See Lance Reynolds, *Karen Read judge rules in favor of Boston Magazine, the ‘free flow of information’*, Boston Herald (February 1, 2025), <https://perma.cc/3KKG-VYYK>.