

**TESTIMONY OF JAMES TARICANI ON H.R. 2102 THE FREE FLOW OF  
INFORMATION ACT OF 2007**

**MR. CHAIRMAN AND MEMBERS OF THE HOUSE JUDICIARY  
COMMITTEE, THANK YOU FOR THIS OPPORTUNITY TO TESTIFY HERE  
THIS MORNING.**

**MY NAME IS JIM TARICANI. I HAVE BEEN A BROADCAST AND PRINT  
JOURNALIST FOR THE PAST 34 YEARS. I AM CURRENTLY AN  
INVESTIGATIVE REPORTER FOR WJAR T.V. IN PROVIDENCE, RHODE  
ISLAND, WHICH IS OWNED BY THE MEDIA GENERAL COMPANY.**

**I AM HERE TO TESTIFY IN FAVOR OF THE FREE FLOW OF  
INFORMATION ACT OF 2007.**

**IN FEBRUARY OF 2001, WHEN MY STATION WAS OWNED AND  
OPERATED BY NBC NEWS, I AIRED A VIDEO TAPE MADE BY THE  
FBI...THE TAPE SHOWED AN FBI INFORMANT BRIBING THEN  
PROVIDENCE MAYOR BUDDY CIANCI'S RIGHT HAND MAN WITH \$1,000  
CASH...TO GET A CITY CONTRACT.**

**WHILE THE VIDEO TAPE HAD BEEN PUT UNDER COURT SEAL.THE  
SEALING ORDER DID NOT PERTAIN TO THE PUBLIC OR THE PRESS.**

**I HAD OBTAINED THE TAPE FROM A CONFIDENTIAL SOURCE....THIS  
TAPE SHOWED THE MOST VIVID EXAMPLE OF PUBLIC CORRUPTION I  
HAD EVER SEEN IN MY THREE DECADES AS A REPORTER.**

**THE COURT HAD ORDERED PRIOR TO TRIAL, THAT THESE TAPES, EVEN  
AFTER INTRODUCED AS EVIDENCE...WOULD STILL NOT BE RELEASED  
TO THE PUBLIC.**

**SO MY STATION, ALONG WITH NBC NEWS, DECIDED TO AIR THE TAPE.**

**A SPECIAL PROSECUTOR WAS APPOINTED BY THE FEDERAL JUDGE OVERSEEING THE CASE, CODE NAMED " OPERATION PLUNDER DOME" TO FIND OUT WHO GAVE ME THE TAPE.**

**I REFUSED TO DISCLOSE MY CONFIDENTIAL SOURCE TO THE SPECIAL PROSECUTOR, AND WAS FOUND IN CONTEMPT OF COURT.**

**I WAS FINED \$1,000 PER DAY. AFTER 83 DAYS AND A COST OF \$83,000, I WAS THEN CHARGED WITH CRIMINAL CONTEMPT FOR REFUSING TO DIVULGE MY CONFIDENTIAL SOURCE TO THE SPECIAL PROSECUTOR.**

**EVENTUALLY I WAS FOUND GUILTY OF CRIMINAL CONTEMPT OF COURT.**

**ON DECEMBER 9<sup>TH</sup>, 2004, JUDGE ERNEST TORRES IN PROVIDENCE, RHODE ISLAND SENTENCED ME TO 6 MONTHS HOME CONFINEMENT....EVEN THOUGH MY SOURCE CAME FORWARD 5 DAYS BEFORE MY SENTENCING.**

**THE JUDGE SAID HE WOULD HAVE SENT ME TO A FEDERAL PRISON...BUT HE TOOK INTO ACCOUNT THE FACT THAT I AM A HEART TRANSPLANT RECIPIENT, AND OUT OF CONCERN FOR MY HEALTH, HE SENT ME HOME WEARING AN ANKLE BRACELET.**

**I WAS ORDERED TO DISCONNECT MY INTERNET**

**I WAS CONFINED TO THE INSIDE OF MY HOUSE**

**I WAS NOT ALLOWED TO TALK TO THE PRESS**

**I WAS NOT ALLOWED TO DO ANY WORK THE COURT CONSIDERED PROFESSIONAL**

**I WAS SUBJECTED TO DRUG TESTS ONCE A WEEK...**

**IN OTHER WORDS, I WAS TREATED AS A COMMON CRIMINAL...ALL FOR AIRING A STORY OF GREAT IMPORTANCE TO THE PUBLIC.**

**SENDING JOURNALISTS TO PRISON MIGHT BE THE REMEDIES COURTS USE IN RUSSIA OR CHINA....BUT HERE IN AMERICA?**

**SENDING JOURNALISTS TO PRISON FLIES IN THE FACE OF THE  
FREEDOM OF PRESS CLAUSE IN THE FIRST AMENDMENT**

**I AM JUST ONE OF SEVERAL REPORTERS IN RECENT YEARS THAT  
HAVE BEEN SENT TO PRISON, OR THREATENED WITH SUBPOENAS FOR  
REFUSING TO DISCLOSE A CONFIDENTIAL SOURCE.**

**I FEEL, ALONG WITH MANY OF MY FELLOW JOURNALISTS, THAT WE  
NEED SHIELD LAWS BOTH ON THE STATE AND FEDERAL LEVELS IN  
ORDER TO DO OUR JOBS...THE WAY THE FOUNDING FATHERS WOULD  
HAVE WANTED US TO DO OUR JOBS.**

**WE IN THE PRESS ARE SUPPOSED TO BE THE WATCHDOGS OVER OUR  
GOVERNMENT...**

**YET WE ARE BEING FORCED TO BE DEFACTO INVESTIGATORS, EVERY  
TIME WE ARE ORDERED TO REVEAL A CONFIDENTIAL SOURCE THAT  
WAS USED FOR A STORY THAT ALLOWED THE PUBLIC TO BE BETTER  
INFORMED.**

**WE ARE SUPPOSED TO HAVE A FREE PRESS IN THIS COUNTRY....THE  
FIRST AMENDMENT SHOULD GIVE US THE PROTECTION WE NEED TO  
PROTECT OUR SOURCES..BUT FEDERAL COURT INTERPRETATIONS  
HAVE LEFT JOURNALISTS OUT IN THE COLD.**

**EVERY TIME A REPORTER OR NEWS ORGANIZATION DOESN'T DO A  
STORY BECAUSE OF FEAR OF BEING HELD IN CRIMINAL  
CONTEMPT...IT'S THE PUBLIC THAT LOSES....**

**DESPITE CLAIMS BY THOSE WHO OPPOSE A FEDERAL SHIELD LAW, I  
HAVE PERSONAL KNOWLEDGE OF NEWS ORGANIZATIONS THAT ARE  
WITHHOLDING PUBLISHING OR BROADCASTING STORIES OF PUBLIC  
IMPORTANCE, BECAUSE THEY FEAR COSTLY FINES, OR WORSE,  
SEEING THEIR REPORTERS FACE PRISON.**

**SENDING REPORTERS TO PRISON FOR PROTECTING SOURCES RESULTS  
IN A CHILLING EFFECT ON FREEDOM OF THE PRESS.**

**I SPENT 121 DAYS IN HOME CONFINEMENT...AS YOU KNOW; JUDY MILLER FORMERLY OF THE NEW YORK TIMES SPENT THE SAME AMOUNT OF TIME IN JAIL OVER THE SCOOTER LIBBY CASE...**

**TWO REPORTERS FROM THE SAN FRANCISCO CHRONICLE WERE FACING 18 MONTHS IN JAIL FOR EXPOSING THE BASEBALL STEROIDS SCANDAL.**

**SOME 34 STATES HAVE SOME FORM OF SHIELD LAW FOR REPORTERS...ON BEHALF OF MY FELLOW JOURNALISTS, PLEASE PASS THE PROPOSED FREE FLOW OF INFORMATION ACT OF 2007.**

**IF YOU DO, IT WILL HELP JOURNALISTS TO DO THEIR JOBS WITHOUT FEAR OF PRISON, OR OUTRAGEOUS FINES.**

**THOMAS JEFFERSON ONCE SAID: OUR LIBERTY DEPENDS ON FREEDOM OF THE PRESS..WHICH CANNOT BE LIMITED WITHOUT BEING LOST.**

**THE PRESS HAS A VITAL ROLE TO PLAY IN OUR DEMOCRACY. PASSING THIS SHIELD LAW WILL GO FAR IN PRESERVING THAT ROLE.....AND IT WILL HELP KEEP THE PUBLIC INFORMED ON THEIR GOVERNMENT.**

**THANK YOU**