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Newsroom

AG Kilmartin '98 on 'Shield Law'

ProJo Columnist Ed Fitzpatrick mentions RWU Law alum Attorney General Peter Kilmartin '98 and last fall's AG debate at the law school in his latest column.

Providence Journal: "[New AG recognizes value of shield law](#)" by Edward Fitzpatrick

PROVIDENCE, February 10, 2011: Former Democratic Attorney General Patrick C. Lynch refused to support a federal "media-shield" bill, even when 42 other attorneys general backed it, even though the most recent push began with a case involving local television reporter Jim Taricani.



But now the term-limited Lynch has been replaced by **Peter F.**

Kilmartin [RWU Law '98], a former Pawtucket police captain and Democratic state legislator who supports the idea of a qualified privilege for journalists to maintain the confidentiality of sources.

"Like any other piece of legislation, it probably will come down to the language therein," Kilmartin said in a recent interview. "But generally speaking, I'm in support of the shield law."

In October, the five attorney general candidates took part in a debate at the **Roger Williams University School of Law**, and I asked if they supported a qualified federal shield law.

Kilmartin said, "I agree with the proposal of allowing immunity to reporters, for bona fide reporters, because the Fourth Estate is an important part of our country." Reporters often use tips from informants to "root out the corruption" before the police are on the case, he said. "That can only serve as a benefit to society and, in my opinion, assist the attorney general in any prosecutions moving forward. To silence

those people who may be willing to come forward because a reporter would be forced to turn their name over, I don't think would be good for the system."

Republican candidate **Eric B. Wallin [RWU Law '97]** and Moderate Party candidate Christopher H. Little also spoke in support of the bill, and the Free Flow of Information Act has attracted national bipartisan support.

One sponsor, U.S. Rep. Mike Pence, R-Ind., has said, "As a conservative who believes in limited government, I believe the only check on government power in real time is a free and independent press." And, he said, "The free and independent press in this country is under fire. In recent years, more than 30 journalists have been subpoenaed, questioned or held in contempt for failure to reveal their confidential sources."

But the 111th Congress expired on Jan. 3 without passing the act, and the bill hasn't been reintroduced, said Lucy A. Dalglish, executive director of The Reporters Committee for Freedom of the Press. She said President Obama's administration supported the bill, but a key point came when a GOP sponsor, Pennsylvania Sen. Arlen Specter, switched to the Democratic Party. Losing Specter as the ranking Republican on the Senate Judiciary Committee made it much more difficult to pass the bill, she said.

When asked about the bill's chances this year, Dalglish said, "It's going to be tough. When you talk to members of Congress, they say we have a lot of big problems, huge economic issues and an election coming up." She said the WikiLeaks controversy hasn't helped, although Sen. Charles E. Schumer, D-N.Y., says WikiLeaks would never qualify for protection because it doesn't fit the bill's definition of a journalist and the bill lets judges waive the privilege to protect national security.

The nation's big problems actually provide a strong argument for the bill: We're going to need an unfettered press to monitor the major decisions that government will make in the year ahead.

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