

FOR IMMEDIATE RELEASE

July 31, 2026

Contact: Robert J. Ambrogi, Executive Director, Massachusetts Newspaper Publishers Association | 978-317-0972 | ambrogi@legaline.com

Massachusetts Senate Approves Journalist Shield Protections for First Time; Coalition Urges Conferees to Keep Them in Final Bill

BOSTON — The Massachusetts Senate on Thursday unanimously adopted shield protections for journalists and their confidential sources, marking the first time legislators have passed such a measure after years of advocacy by news organizations, civil liberties groups and open government advocates.

Senators approved an amendment filed by Sen. Rebecca L. Rausch to S.3200, *An Act promoting transparency and public access in state government*, the Senate's public records bill. The amendment would bar judges, grand juries and other bodies from compelling a journalist to identify a confidential source unless a court finds by clear and convincing evidence that narrow conditions are met — among them that the information is not obtainable from any other source and that an overriding public interest requires disclosure.

Massachusetts is one of only nine states without a shield law, according to the Reporters Committee for Freedom of the Press. Every state that borders Massachusetts protects reporters and their sources. The Commonwealth does not.

"For the first time in the history of this effort, lawmakers have said plainly that Massachusetts should not be an outlier on press freedom," said Robert J. Ambrogi, executive director of the Massachusetts Newspaper Publishers Association. "Senator Rausch has carried this bill with persistence and precision, and the Senate answered her unanimously. That vote sends an unmistakable signal about where this Commonwealth stands."

The coalition thanked Senate President Karen E. Spilka for advancing a transparency package that gave the shield protections a path to the floor, and Senate Ways and Means Chair Michael J. Rodrigues for shepherding the underlying bill.

"This isn't about giving journalists special treatment — it's about protecting the public," said Dan Krockmalnic, President of the Massachusetts Newspaper Publishers Association and Chief Operating Officer & General Counsel at Boston Globe Media. "This law would allow anyone with information about misconduct, corruption, or any other wrongdoing to safely come forward without fear that reporters will be forced to expose them. We're one step closer to ensuring Massachusetts is no longer a national outlier."

"Massachusetts had one of the earliest constitutional protections for a free press anywhere in the world; John Adams wrote in Article 16 of the Declaration of Rights that 'the liberty of the

press is essential to the security of freedom.' Today, we are glad to see a new generation of lawmakers embrace that vision by enacting a press shield statute," said Carol Rose, executive director of the ACLU of Massachusetts. "We thank Sen. Rausch, Senate leadership, and the entire chamber for unanimously passing these critical reforms and hope to see them adopted in a final bill."

Advocates have pointed to the cost Massachusetts newsrooms already bear without a shield law. The Berkshire Eagle spent thousands of dollars in legal fees in 2022 fighting a subpoena that arose from its investigation into the Springfield Diocese's handling of clergy abuse allegations — money a small daily newspaper could ill afford to spend defending a promise it made to a source.

Without a statute, Massachusetts courts decide these questions case by case, weighing a reporter's interest in protecting a source against a litigant's demand for the information. The Supreme Judicial Court has never recognized a reporter's privilege, and it has said repeatedly that the remedy lies with the Legislature.

The Senate acted on the second-to-last day of scheduled formal sessions, following favorable Judiciary Committee reports on the legislation in both the House and Senate. Shield law reforms were not proposed as an amendment to the House's version of the public records legislation, so the two branches must now resolve the difference in a conference committee.

"The work is not finished," Ambrogi said. "We are asking the conferees to keep this language in the final bill and to send it to the governor's desk. Reporters in this state have waited long enough for the protection that journalists in 41 other states already have."

The coalition includes the Massachusetts Newspaper Publishers Association, ACLU of Massachusetts, Common Cause Massachusetts, New England First Amendment Coalition, New England Newspaper & Press Association, Boston Globe Media, Reporters Committee for Freedom of the Press, Massachusetts Broadcasters Association, and others.