



**Pennsylvania Newspaper
Publishers' Association**

TESTIMONY OF STEPHANIE GRUBERT

PRESIDENT, PENNSYLVANIA NEWSPAPER PUBLISHERS' ASSOCIATION

My name is Stephanie Grubert, and I am the incoming President of the Pennsylvania Newspaper Publishers' Association (PNPA). I am the Editor and Publisher of the Mountaintop Eagle in Mountaintop, Pennsylvania. Accompanying me today is Bill Northrop, Chairman of the PNPA Government Affairs Committee and Publisher of the Washington Observer-Reporter.

I would like to take this opportunity to explain the position which PNPA has taken on the two bills before this committee, HB 1351 and 1362. Bill will then raise additional concerns and questions which he has due to his many years of experience in dealing with this issue.

The Pennsylvania Newspaper Publishers' Association is opposed to HB 1362 and to 1351 as originally introduced and as amended. We are opposed to these bills for two reasons. First, we believe that both bills constitute an indirect "prior restraint" upon newspapers. Second, we believe that both bills are unnecessary because we are aware of no newspapers within the Commonwealth of Pennsylvania which currently publish the names of rape victims without their consent, and the police can already deny the press access to any information which is the subject of an investigation.

With respect to our first concern, that the bills are an indirect "prior

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It is noted that the above information is confidential and should be handled accordingly.

restraint" upon newspapers, I would like to remind the Committee that courts have held that all "prior restraint" measures are subject to strict judicial scrutiny because they challenge the very essence of the First Amendment freedoms we hold so dear. Although these bills do not directly restrain the press, they attempt to do so indirectly by limiting those with access to the information from releasing this information to the public and to the press. In fact, federal and state courts have held that the press plays an important role in making information available to the public.

Members of the public are not usually able to attend such important government activities as jury trials, legislative meetings or executive branch rulemaking proceedings. It is only through the press that the public can learn what occurred at such events. After all, the presence of the press here today is evidence that the press will be conveying the activities of this committee to a much broader audience.

Thus, when the government attempts to limit in any way the amount of information which the press conveys to the public, we are naturally concerned that such an attempt may violate our First Amendment rights. In this instance, we are concerned that the police will be further limited in providing full information to the press.

We are also concerned about the language in lines 14 through 16 of HB 1362 which provides that the "[n]ews media should refrain from publishing or broadcasting victims' names to protect them from notoriety and scandal." Although this language does not require us to refrain from publishing this information, it represents a strong statement from the state government about what the press should and should not publish, in direct contrast to the freedom of the press contained in the First Amendment.

In addition to our constitutional concerns about these bills, we believe that they are unnecessary for two reasons. First, no Pennsylvania newspapers that I am aware of publish the names of rape victims without their consent. Second, under the current Open Records or Right-to-Know Act, the police can deny the press access to any information which is the subject of an investigation. Thus, the police can deny this information to us during the initial stages of an investigation before any court action takes place.

Because the measures are not necessary, I hope that the sponsors of this legislation as well as the Judiciary Committee Members assembled here will tell us why they have drafted this legislation which we believe represents an attempt by the state government to interfere in our freedom of the press. Thank you in advance for responding to our concerns. Now, I would like to turn over the microphone to Bill Northrop, who has additional concerns and questions.