

Statement of
The Honorable Patrick Leahy

United States Senator
Vermont
November 19, 2009

Opening Statement Of Chairman Patrick Leahy (D-Vt.),
Senate Committee On The Judiciary,
On Consideration Of The Free Flow Of Information Act
Executive Business Meeting
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Today, the Committee resumes, and I hope is finally allowed to conclude, its work on bipartisan legislation to establish a qualified privilege for journalists to protect their confidential sources and the public's right to know. I support the Free Flow of Information Act, S. 448, and I was proud to chair this Committee when we reported Federal shield legislation for the first time during the last Congress. I hope that the Committee will favorably report this carefully balanced bill today.

When the President took office in January, I encouraged the Obama administration to work with us to reach consensus on a carefully-crafted Federal bill. I congratulate and commend Senators Schumer and Specter for reaching a compromise with the administration on this important bill. It has taken time, effort, perseverance and good faith on all sides. I also thank the many organizations that support the Free Flow of Information Act. Without their commitment this would not have been possible.

Yesterday, we heard from the Attorney General, who has expressed his support for the substitute we should consider today. I have also received a letter from the Attorney General and Director of National Intelligence Blair in strong support of the measure and will include it in the record. The intelligence community and law enforcement have had their concerns answered, and we have before us a bill that takes into account those prior concerns. I hope and urge the Committee to adopt the substitute without further unnecessary delay. This measure has already been subjected to a filibuster and enough delay. It is time for us to act.

The substitute strikes a balance. It recognizes the need to protect our Nation and enforce our criminal laws, while also ensuring freedom of expression and the public's right to know. The compromise includes several improvements to better protect the Government's important national security and law enforcement interests. I am very pleased that the compromise also restores important protections that I helped craft to protect bloggers and freelance journalists.

The time has come for the Committee to take action on this important bill. This bill was introduced in February and it has been on the Committee's agenda for months. This bill is supported by more than 70 news media and journalism organizations, including ABC News, the

Associated Press, CNN, the National Newspaper Association, the Society of Professional Journalists and the Vermont Press Association. Every Member of this Committee has had an opportunity to review the compromise bill and to question the Attorney General about the bill. The Committee has also carefully considered Federal shield legislation during the last three Congresses. The time for stalling should be over. No more excuses. Let us move forward. Thomas Jefferson once wisely noted: "Our liberty depends on freedom of the press, and that cannot be limited without being lost." After years of debate and numerous cases of reporters being held in contempt, fined and even jailed for honoring their professional commitment not to publicly reveal their sources, the time has come to enact a Federal shield law. I urge all Members to work in a constructive manner so that we can report this bill today.

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