

Statement of

The Honorable Patrick Leahy

United States Senator
Vermont
December 3, 2009

Opening Statement of Chairman Patrick Leahy (D-Vt.),
Senate Committee on the Judiciary
Executive Business Meeting
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The Committee meets today with a full agenda. We have the opportunity to vote on five judicial nominees and six executive branch nominees. As we approach the end of the year, I hope that none of them will be needlessly delayed. They should be reported to the Senate now for final action before the end of the year.

We have a number of bills to consider including two, the Hate Crimes Against the Homeless Statistics Act and the Dale Long Emergency Medical Service Providers Protection Act, that I would expect can be reported without extended debate.

And I hope the Committee is finally allowed to complete its consideration of our bipartisan legislation to establish a qualified privilege for journalists to protect their confidential sources and the public's right to know. I remain committed to establishing a meaningful Federal shield law. In my view it is time for us to act on this open government bill, the Free Flow of Information Act.

Before we adjourned for the Thanksgiving recess, we heard from the Attorney General, who expressed his support for the substitute bill. We have received a letter from Attorney General Holder and Director of National Intelligence Blair in support of the measure. The intelligence community and law enforcement have had their concerns addressed, and we have before us a bill that now has the administration's support.

The bill as amended 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 bill now includes several improvements to better protect the Government's important national security and law enforcement interests. I am very pleased that it also restores important protections that I helped craft to protect bloggers and freelance journalists.

Benjamin Franklin noted: "You may delay, but time will not, and lost time is never found again." After years of debate and numerous cases of reporters being held in contempt, fined and even jailed for honoring their professional commitment to not publicly reveal their sources, the time has come for this Committee to again report, and for Congress to finally enact, a Federal shield law. I urge all Members, included those who will vote against the bill, to work in a constructive manner so that we can report this bill today.

When we last met before Thanksgiving I urged the Republican members who have been filibustering this bill to work with Senator Specter and Senator Schumer, and to come forward with a limited number of amendments that could be considered today so that we can consider

them and then vote on sending the bill to the Senate.

The Capitol Christmas tree this year comes from Arizona--not Vermont this year, but Arizona. I urge some Christmas spirit today on this Committee. Let us move forward today. If there are still a limited number of additional amendments that we need to consider, I ask that they be identified, debated and voted upon expeditiously.

Last month, I also said that if Republicans on the Committee are unwilling to cooperate in finishing our consideration of this bill, I expect Senator Specter and Senator Schumer to take this important measure directly to the Senate calendar. I hope that will not be necessary.

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