

Statement of

The Honorable Patrick Leahy

United States Senator
Vermont
December 10, 2009

Opening Statement Of Chairman Patrick Leahy (D-Vt.),
Senate Committee On The Judiciary,
Executive Business Meeting
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As we approach the end of the year, 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. This bill has been on the Committee's agenda for many weeks. In my view, it is time for us to act on the Free Flow of Information Act.

During last week's Executive Business Meeting, Senator Schumer requested that I convene a meeting with Senators Sessions, Kyl, Specter and himself to find a way forward on this bill. I did so the next day. And since then, we have met again. I thank Senator Kyl for meeting with us and hosting the second meeting in his office. I have continued to encourage the lead sponsors to have further discussions with the Republican Senators who have remaining amendments to this bill. I understand that there has been some progress in limiting the amendments to this bill and in establishing an expedited procedure to debate the remaining amendments. I hope that we can immediately move to debating those amendments, so that the Committee can get to an "up-or-down" vote on the Federal shield bill today.

A tremendous amount of work has gone into addressing concerns with this legislation. The lead sponsors have reached a compromise with the Obama administration that resolves the administration's law enforcement and national security concerns. 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 the bill also restores important protections that I helped craft to protect legitimate bloggers and freelance journalists. I will oppose any effort to eliminate or weaken these protections, which I believe are crucial to protecting the public's right to know.

Last week, 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 continue to hope that will not be necessary. Benjamin Franklin noted: "A good conscience is a continual Christmas." Let us move forward in

the spirit of the holiday season. 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, including those who will vote against the bill, to work in a constructive manner so that we can report this bill today.

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