

VIA FACSIMILE

October __, 2007

The Honorable
United States House of Representatives Washington, D.C. 20515

RE: H.R. 2012, *the Free Flow of Information Act*

Dear Representative :

Never before has there been such a need for a federal "reporter shield" law to protect the relationship between journalists and their confidential sources. Journalists have become the first stop, rather than the last resort, for civil litigants and prosecutors attempting to gain information about confidential sources.

Unfortunately, reporters are now becoming the first stop, rather than the last resort, for civil litigants and prosecutors attempting to obtain the identity of confidential sources. More than 40 reporters have been subpoenaed or questioned about their confidential sources, their notes, and their work product over the last few years in criminal and civil cases in federal court. One freelance photographer in California spent 226 days in prison this summer (longer than any other journalist in U.S. history) for his refusal to turn over his raw video of an incident involving the San Francisco Police. He would have normally been protected by California's strong shield law until prosecutors did an end-run around those protections by bringing the case in federal court.

The House bill is currently co-sponsored by 45 Democrats and 26 Republicans because a federal shield law is needed to provide important and balanced ground rules for when the confidential relationship between reporters and their sources can be protected. While 49 states and the District of Columbia have recognized a privilege through laws or court decisions, no federal shield law exists to provide similar ground rules at the federal level for shielding or compelling a reporter's confidential source.

I understand that the sponsors of H.R. 2102 have made reasonable concessions and changed the legislation to address national security and business interests concerns expressed by Members. Last week, the Senate Judiciary Committee approved S. 2039, a similar bill by a 15 to 4 vote. The House sponsors have incorporated some of the Senate language into H.R. 2102 to strengthen provisions concerning national security and the definition of a journalist.

On October 16, 2007, the House of Representatives will vote on this legislation. As a member of the National Press Photographers Association (NPPA), an organization comprised of 10,000 still and video photojournalists and editors throughout the country I urge you to vote "YES" when H.R. 2102 is brought up on the House floor for a vote and vote "NO" on any amendments that would weaken the bill.

Very truly yours,