

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 _____:

Please contact your representative in the House today and urge them to vote yes on H.R. 2102, the “Free Flow of Information Act.” The vote on this important bipartisan legislation will occur on Tuesday, October 16, 2007 and your call or email will determine the fate of federal shield legislation.

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. Over the last three years, more than 40 reporters and media companies have received subpoenas from prosecutors or civil litigants, a process that will continue if a federal standard is not enacted. Journalists and media companies are under siege for the identities of their confidential sources, notes, and video footage. A process that will have a chilling effect on matters of importance to the American public.

Contact your member of Congress today and ask them to support H.R. 2102, a bipartisan compromise sponsored by Representatives Conyers, Boucher and Pence. It is imperative Congress hear from the media industry, they respond when constituents call.

You can reach your member of Congress through the Capitol switchboard at (202) 224-3121. If you have contacts with members or staff we also encourage you to send the following email:

On October 16, 2007, the House of Representatives will vote on federal shield legislation. On behalf of a broad media coalition comprised of over 40 members, I urge you to vote yes on H.R. 2102, the “Free Flow of Information Act of 2007.” This bipartisan legislation was introduced by Reps. John Conyers (D-MI), Rick Boucher (D-VA) and Mike Pence (R-IN) and currently has 71 cosponsors.

Compelling the disclosure of confidential sources will have a chilling effect on the free flow of information to your constituents. This carefully drafted bipartisan bill would impose important and balanced ground rules for when the confidential relationship between reporters and their sources can be protected.

Allowing journalists to protect confidential sources would also serve the public interest by encouraging whistleblowers to provide important information to reporters. Currently, 33 states and the District of Columbia have state shield laws in place. The time is now for Congress to enact a federal standard. **I urge you to vote yes on H.R. 2102 and move this bill into law.**

Also, please use the following talking points when communicating to the hill.

I understand H.R. 2102, the Free Flow of Information Act, was approved by the House Judiciary Committee this summer and is now scheduled for a floor vote on **Tuesday, October 16**. This bill would protect the public’s right to know, while at the same time honoring the public interest in having reporters testify in certain

circumstances.

While news organizations prefer to have their sources on-the-record whenever possible, there are times when sources will not come forward without the promise of confidentiality. Groundbreaking stories – such as conditions at Walter Reed Medical Center, the Enron scandal and steroid abuse in Major League Baseball – would not have been known to the public – or to the Congress – without confidential sources.

Over the last few years, more than 40 reporters and media organizations have been subpoenaed or questioned about their confidential sources, their notes, and their work product in criminal and civil cases in federal court. The need for this legislation was underscored when, on August 13, a federal judge ordered five more reporters from major news organizations to reveal their confidential sources in the privacy lawsuit filed by Dr. Steven Hatfill against the federal government.

If sources – including government and private sector whistleblowers – are uncertain whether reporters have adequate protection, they will not come forward and the public dialogue on important issues will diminish.

While 49 states and the District of Columbia recognize a reporter's privilege through statute or common law, no uniform federal standard exists to govern when testimony can be sought from reporters.

We 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. 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.

Journalists should be the last resort – not the first stop – for civil litigants and prosecutors attempting to obtain the identity of confidential sources.

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.

Thank you for your time and attention to this matter. This is the closest we have come to passing a federal reporter shield bill and we need your help to ensure this becomes law.

Very truly yours,