

PATRICK J. LEAHY, VERMONT, CHAIRMAN

EDWARD M. KENNEDY, MASSACHUSETTS
JOSEPH R. BIDEN, JR., DELAWARE
HERB KOHL, WISCONSIN
DIANNE FEINSTEIN, CALIFORNIA
RUSSELL D. FEINGOLD, WISCONSIN
CHARLES E. SCHUMER, NEW YORK
RICHARD J. DURBIN, ILLINOIS
BENJAMIN L. CARDIN, MARYLAND
SHELDON WHITEHOUSE, RHODE ISLAND

ARLEN SPECTER, PENNSYLVANIA
ORRIN G. HATCH, UTAH
CHARLES E. GRASSLEY, IOWA
JON KYL, ARIZONA
JEFF SESSIONS, ALABAMA
LINDSEY O. GRAHAM, SOUTH CAROLINA
JOHN CORNYN, TEXAS
SAM BROWNBACK, KANSAS
TOM COBURN, OKLAHOMA

United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

BRUCE A. COHEN, *Chief Counsel and Staff Director*
STEPHANIE A. MIDDLETON, *Republican Staff Director*
NICHOLAS A. ROSSI, *Republican Chief Counsel*

March 6, 2008

The Honorable Harry Reid
Majority Leader
United States Senate
S-221, U.S. Capitol
Washington, D.C. 20510

The Honorable Mitch McConnell
Republican Leader
United States Senate
S- 230, U.S. Capitol
Washington, D.C. 20510

Dear Senators Reid and McConnell:

We write to request that you schedule floor time for Senate consideration of S.2035, the Free Flow of Information Act of 2007. The bill creates a clear and uniform standard applicable to federal entities, including federal courts, regarding compelled disclosure by journalists of their confidential sources. We need to protect the relationship between reporters and their sources and to strike a proper balance between (a) the need to maintain the free flow of information to journalists and, through a free press, to the public, and (b) the need for effective law enforcement and national security.

Last month, Toni Locy, a professor of journalism at West Virginia University and former *USA Today* reporter, was held in contempt of court for refusing to divulge her confidential sources for two articles she wrote in 2002. Ms. Locy faces penalties of \$500 to \$5,000 a day; she may have to pay the fines personally if there is a court order prohibiting payment of the fines by her former employer USA Today. Scores of reporters have been questioned by federal prosecutors about their sources, notes and reports in recent years, and there is definitely a chilling effect as a result.

On October 4, 2007, the Committee on the Judiciary favorably reported S.2035 by a bipartisan vote of 15-4. On October 16, 2007, the House passed a similar bill, H.R.2102, by a veto-proof majority of 398-21. The bipartisan majority support in the House and in the Senate Judiciary Committee demonstrates that federal shield legislation deserves floor time and we urge you to promptly take up the Free Flow of Information Act of 2007, S. 2035.

The Honorable Harry Reid
The Honorable Mitch McConnell
March 6, 2008
Page 2 of 2

We thank you for the consideration of this request and we look forward to working with you on federal shield legislation in the near future.

Sincerely,



PATRICK LEAHY
Chairman



ARLEN SPECTER
Ranking Member