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Statement of Special Counsel Patrick J. Fitzgerald regarding today's decision by the United States Court of Appeals for the District of Columbia Circuit, which is captioned *In Re: Grand Jury Subpoena*, 04-3138 (consolidated with 04-3139 and 04-3140):

“Today the Court of Appeals affirmed that reporters do not have a First Amendment privilege to refuse to comply with a grand jury subpoena issued in good faith. The Court was clear that this has been the law since the Supreme Court decided the *Branzburg* case in 1972. All three members of the Court also agreed that, even if a qualified privilege exists, the government has shown critical need for the reporters to comply with the subpoenas in this case. We look forward to resuming our progress in this investigation and bringing it to a prompt conclusion.”

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