



# ARLEN SPECTER

## UNITED STATES SENATOR, PENNSYLVANIA

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### **Bipartisan Coalition of Senators Introduce Free Flow of Information Act of 2007**

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U.S. Senators Arlen Specter (R-Pa), Chuck Schumer (D-NY), and Richard Lugar (R-IN), today introduced the **Free Flow of Information Act of 2007**. The Act seeks to protect the public's right to information and a free press by providing appropriate protections to reporters and their employers in order to protect confidential sources while ensuring effective law enforcement.

"There has been a growing consensus that we need to establish a federal journalists' privilege to protect the integrity of the newsgathering process - a process that depends on the free flow of information between journalists and whistleblowers, as well as other confidential sources," stated Specter. "It is time to simplify the patchwork of court decisions and legislation that has grown over the last three decades. It is time for Congress to clear up the ambiguities journalists and the federal judicial system face in balancing the protections journalists need in providing confidential information to the public with the ability of the courts to conduct fair and accurate trials."

"A vibrant, free press that provides accurate information to citizens is fundamental to a healthy democracy. And a reporter's ability to effectively gather information is central to that process. Our courts already protect the privacy of many forms of communication, and this balanced bill recognizes that a reporter's relationship with a source deserves substantial protection, too. We have struck a proper balance between preserving journalistic integrity with the public's right to seek justice," said Schumer.

"This committee bill makes some modifications to the earlier legislation introduced in the House by Cong. Mike Pence, and Sen. Chris Dodd and myself in the Senate. Bills are moving forward in both houses and I am grateful for the continued progress addressing this important issue," stated Lugar.

This legislation establishes a federal reporters' privilege to protect and encourage the free flow of information between journalists and confidential sources. It seeks to reconcile reporters' need to maintain confidentiality, in order to ensure that sources will speak openly and freely, with the public's right to effective law enforcement and fair trials.

In order to balance these competing interests, this bill creates a qualified privilege for reporters to withhold information they obtain under a promise of confidentiality. It ensures that a federal court can only force a journalist to reveal confidential source information where the information is truly critical to a case or investigation. It also requires the party seeking a reporter's confidential information to exhaust all reasonable alternative sources before turning to the media.

The bill also contains exceptions to the privilege for those situations where information sharing is critical. A reporter may not withhold his source information where it is needed to prevent a terrorist attack, significant harm to our national security, death, kidnapping, or substantial bodily harm. Journalists who witness crimes also cannot refuse to share their eyewitness observations.

This bill strikes the proper balance between effective law enforcement and protection for reporters' confidential sources.

A copy of the bill is attached along with Senator Specter's floor statement, which was submitted into the record.