October 16, 2007 - Slaughter Urges Passage of Bill to Protect Journalists Sources

Washington, DC - Rep. Louise M. Slaughter (D-NY-28), Chairwoman of the House Rules Committee, today delivered remarks on the House floor supporting the Free Flow of Information Act (H.R. 2102), better known as the "Shield Law".

FOR IMMEDIATE RELEASE

Tuesday, October 16, 2007

Slaughter Urges Passage of Bill to Protect Journalists Sources

Washington, DC - Rep. Louise M. Slaughter (D-NY-28), Chairwoman of the House Rules Committee, today delivered remarks on the House floor supporting the Free Flow of Information Act (H.R. 2102), better known as the "Shield Law".

The Free Flow of Information Act of 2007 would provide journalists with a qualified privilege as to sources and information, while at the same time, recognizing the public interest in effective law enforcement and robust national security. Individual states across the country have enacted their own journalist "shield laws" to guarantee that a member of the press can continue to maintain their anonymous sources without fear of prosecution - but there still is no Federal statute providing uniformity.

"The Free Flow of Information Act before us today, would, for the first time on the federal level, explicitly protect journalists and their sources from the kind of vengeful legal actions that threaten to keep all those necessary whistles un-blown," said Rep. Slaughter. "Should we in any way compromise the freedom of the press, we will deny our citizens their right to be informed about their government, and retreat from the true nature of the political system that made our country unique."

"Unless Congress passes a comprehensive shield law that will guarantee the rights of journalists to speak with anonymous sources and ensure their confidentiality, the freedom of the press will be undermined along with the public good it has the power to defend."

"The past six years have produced one disturbing reminder after another that the legitimacy of our government and the integrity of our democracy are dependent on the ability of journalists to protect their sources. Ensuring the free flow of information and providing protection for whistleblowers is vital in a free society," Slaughter continued.

The complete text of the speech is below:

I rise today to speak on one of the most critical issues facing our democracy today -- the freedom of the press and the sacred, historic protection afforded to journalists, allowing them not to reveal their sources.

Understanding this, in 1799, one of our Founding Fathers, Thomas Jefferson, said "Our citizens may be deceived for awhile, and have been deceived; but as long as the presses can be protected, we may trust to them for light."

M. Speaker, with the birth of this new nation came a government that was designed to be open and transparent to its people and held accountable for its actions. America's founding fathers established and implemented a system of checks and balances to ensure that one branch of government could not unilaterally impose its will on the others, aggressively overstep its authority, or greedily infringe upon the rights of the citizens.

Beyond the checks and balances of government is an often overlooked, but equally important, element of our system - the freedom of the press.

Embodied in the First Amendment, this right grants active citizens and vocal journalists the power to expose corruption and misbehavior committed by those elected and appointed to office. They serve as protectors of our democracy, and work to make up for our system's failings where they exist.

Ensuring the free flow of information and providing protection for whistleblowers is vital in a free society.

The Watergate scandal epitomized the value of a free press, and with it the need to protect the relationship between journalists and their confidential sources.

For a moment, I would like my colleagues to consider a reality in which journalists could routinely be forced to reveal the names of their informants, and where sources would undoubtedly become reluctant to share important information

unknown to the public.

Think of the scandals journalists have revealed just in the last few years: the Central Intelligence Agency's clandestine prisons across Eastern Europe; Jack Abramoff trading expensive trips for political favors from lawmakers; and our veterans returning home from Iraq and Afghanistan to dilapidated facilities at Walter Reed Medical Center. Make no mistake, confidential sources made these reports possible.

And I would be remiss if I did not ask my colleagues - Would we rather be unaware of these incidents because shield laws don't exist, and our reporters are too afraid of prosecution when doing their jobs?

The past six years have produced one disturbing reminder after another that the legitimacy of our government and the integrity of our democracy are dependent on the ability of journalists to protect their sources. From uncovering the horrifying incidents of detainee abuse at Abu Gharib to revealing the Administration's covert domestic spying program, the press managed to expose illegal actions by the Executive Branch when Congress refused to do so.

The public has long valued this relationship as critical to the functioning of an open and free media. Unfortunately, the court record has been more mixed.

In December of 1972, the Supreme Court ruled that the journalist-source relationship is not protected under the Constitution. That ruling has allowed journalists to be forced to testify before grand juries about their sources. In response, individual states across the country have enacted their own journalist "shield laws" to guarantee that a member of the press can continue to maintain their anonymous sources without fear of prosecution.

In fact, 49 states and the District of Columbia all provide some form of shield law - but there still is no Federal statute providing uniformity.

Now, recent federal court cases are again challenging the critically important relationship between journalists and their sources, arguing that State interests supersede those of a free press.

And according to the Washington Post, in recent years more than 40 reporters have been questioned about their sources, notes and stories in civil and criminal cases.

The Free Flow of Information Act before us today, would, for the first time on the federal level, explicitly protect journalists and their sources from the kind of vengeful legal actions that threaten to keep all those necessary whistles un-blown.

Unless Congress passes a comprehensive shield law that will guarantee the rights of journalists to speak with anonymous sources and ensure their confidentiality, the freedom of the press will be undermined along with the public good it has the power to defend. Any such bill must, of course, take into account the legitimate needs of our government, as this bill does.

M. Speaker, should we in any way compromise the freedom of the press, we will deny our citizens their right to be informed about their government, and retreat from the true nature of the political system that made our country unique. Our fore fathers saw fit to enshrine this belief in the first sentences of our Bill of Rights and this Congress must continue to guarantee those rights.

And today, M. Speaker, as we debate extending these protections to the press, we must pause to remind the press of their obligation to the public.

I regret to say that for much of the recent past, some of the press which was intended to be the watchdog of our government, has quickly transformed into nothing more than a mouthpiece - exemplified in its coverage and lack of questions on the Iraq War.

M. Speaker, we saw time and time again the tough questions - expected by the American people before and after the invasion in Iraq - replaced with nothing more than patriotic propaganda and White House talking points.

Embedded journalists were fed information and painted rosy scenarios of our invasion and occupation.

Those who were skeptical and challenged this spoon-fed information were discredited and sometimes even fired for so much as questioning the actions of the War.

Thomas Jefferson also said, and I quote: "The press is impotent when it abandons itself to falsehood."

We all must remember that it is the prime directive of the press to inform the people. It is their duty to ask the tough questions when the American people are unable to.

It is their responsibility to shine light on government actions - secret or mundane - to hold it accountable.

And let me finish by asking this simple question: - will the press pay as much attention to Blackwater as they did to Whitewater?

I certainly hope so.

###