

Media Coalition Supporting the Free Flow of Information Act

October 11, 2007

VIA FACSIMILE

The Honorable John A. Boehner
United States House of Representatives
1101 Longworth House Office Building
Washington, D.C. 20515-3508

RE: H.R. 2102, the Free Flow of Information Act

Dear Representative Boehner:

On behalf of the men and women across the nation who work to bring the American people vital news and information, we, the undersigned media and open government organizations, request respectfully that you support H.R. 2102, *the Free Flow of Information Act*, which is scheduled for **floor action during the week of October 15**. This legislation has received broad bipartisan support, including co-sponsorship by 45 Democratic and 26 Republican Members of the House. Your support is essential to ensure that the American people have access to information about their government and the institutions that affect their daily lives.

As evidenced by the many cosponsors from both parties, this is not a Republican or Democratic issue. Members of Congress from opposite ends of the political spectrum have joined together to support the public's right to have essential information and to protect the whistleblowers who are sometimes the only way the public can get this information.

With 49 states and the District of Columbia having either common law or codified protection for confidential sources, there is a growing bipartisan acknowledgement that enactment of a federal law is imperative. In a recent brief filed with the United States Supreme Court, a bipartisan group of 34 state attorneys general pointed out that lack of a clear standard of federal protection undermines state law.

H.R. 2102 has been amended to address both national security and business concerns. The legislation contains provisions to ensure that the privilege would not prevent law enforcement from preventing acts of terrorism, threats to national security, and death or bodily harm to members of the public. The bill's sponsors have recently made changes – incorporating language used in the Senate bill that recently passed out of the Senate Judiciary Committee by a 15 to 4 vote. We understand the Manager's Amendment to H.R. 2102 will address Representatives' concerns about national security, unauthorized disclosures of properly classified information, and the scope of the definition of a journalist. These changes represent a reasonable and well-balanced compromise.

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News organizations prefer to have their sources on the record whenever possible. However, history is replete with examples of news articles critical to the national interest that would have never been written had it not been for the protection of confidential sources.

As many of your Democratic and Republican colleagues have stressed and state legislatures have recognized, the time is now for the protection of confidential sources. *The Free Flow of Information Act* presents an opportunity for bipartisan legislation to protect both confidential sources and the public's right to know. Thank you for your consideration of this important legislation when it reaches the Floor next Tuesday.

If you have any questions or need additional information, please contact Paul Boyle or Laura Rychak of the Newspaper Association of America at 202-783-4697.

Very truly yours,
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