



**STATEMENT ON NEED FOR A FEDERAL SHIELD LAW
TO PROTECT REPORTERS' CONFIDENTIAL SOURCES**

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The urgent need for a federal shield law was underscored this week by two court decisions – yesterday's D. C. Circuit Court of Appeals decision enforcing contempt citations against four reporters without addressing whether the journalists had a common law right not to testify and the Supreme Court's refusal Monday to take up the case of two reporters ordered to jail for refusing to testify before a grand jury. The free flow of information to the public depends on reporters' ability to protect anonymous sources, and the Association urges Congress to take action on a federal shield law in light of the failure of some courts to accommodate the needs of a free and independent press.

Confidential sources are essential to newsgathering. From the Colonial-era press who protected the anonymity of critics of the British government, to the AP reporter who refused to divulge to Congress the sources for his reporting on Civil War blunders, to the Wall Street Journal reporters who unveiled the massive scandal at Enron, our democracy has needed a robust and vigorous press. A fully functioning press cannot exist if reporters cannot protect their confidential sources.

In a report issued by this Association last fall, we maintained that the arguments favoring a federal common law privilege are overwhelming. Virtually all states currently provide, as a matter of state law, legal protection for reporters to preserve the confidentiality of their sources. The decision of the Court of Appeals today brings us further from establishing such a common law right. Congress must therefore act now. Throughout our history the courts and Congress have respected reporters' need to maintain confidences, absent extraordinary circumstances. The failure to do so can only damage our democracy.

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