

July 29, 2008

United States Senate
Washington, DC 20510

Dear Senator:

On behalf of the American Bar Association and its over 400,000 members nationwide, I am writing to urge you to vote for cloture on a motion to proceed to consideration of S. 2035, the Free Flow of Information Act of 2007, legislation that would establish uniform federal ground rules to determine when journalists can be compelled by a federal judge to reveal their confidential news sources. This bipartisan compromise bill is the product of several years of deliberation and negotiation, during which it was painstakingly analyzed and refined to assure that it strikes the right balance between preserving the free flow of information to the public through a free and active press and protecting the public's right to effective law enforcement and the fair administration of justice. A sense of purpose and spirit of compromise and respect have dominated negotiations over the legislation, encouraging members to continue to collaborate to fine-tune the bill.

Despite some lingering opposition over specific provisions, there is overwhelming bipartisan congressional support for prompt enactment of a federal shield law. Last October, the House passed its version of the bill by a margin of 398-21; members of the Senate Judiciary Committee, likewise, demonstrated their strong bipartisan support by voting 15-2 to report S. 2035 to the Senate.

Forty-nine states and the District of Columbia already recognize an absolute or qualified privilege for journalists to protect their sources from unwarranted legal repercussions. This promotes a robust press that can undertake independent, objective investigations and share information that would not otherwise be public. These state laws are working and are not interfering with criminal investigations or the daily work of government.

There is no compelling reason to postpone floor consideration any longer; indeed, with this session of Congress starting to draw to a close, time is of the essence. Members of the Senate should have the opportunity to consider additional proposed revisions, engage in vigorous debate, and take final decisive action.

We urge you to allow S. 2035 to come to the floor for a vote and hope that you will support final passage of a robust and balanced federal shield law.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Susman". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Tom Susman
Director