



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

June 20, 2008

The Honorable Harry Reid  
Majority Leader  
United States Senate  
S-221 Capitol Building  
Washington, DC 20510

The Honorable Mitch McConnell  
Minority Leader  
United States Senate  
S-230 Capitol Building  
Washington, DC 20510

Dear Senators Reid and McConnell:

I write to support federal legislation creating a reporter's privilege.

As you know, the United States Senate is currently debating S. 2035, which creates the first federal reporter's shield law. With that legislation pending, Congress has the opportunity to strengthen First Amendment-guaranteed freedoms of the press and speech while also protecting national security and law enforcement interests.

As Attorney General, I have consistently supported a qualified reporter's privilege that would allow journalists to conceal their confidential sources under specific—and appropriate—circumstances. In 2005, we filed a brief with the United States Supreme Court arguing that the federal courts should recognize a common-law reporter's privilege. Urging the high court to recognize this protection for journalists, we wrote that “an informed citizenry and the preservation of news information sources are of vital importance to a free society.”

Preserving sources' identities would strengthen the constitutionally protected freedoms of the press and expression by ensuring that government cannot unilaterally compel reporters to reveal confidential sources. As Texas' chief law enforcement official, however, I believe that any legislation creating a reporter's privilege must be balanced with law enforcement and national security interests.

With that in mind, I urge the Senate to pass legislation creating a qualified federal reporter's privilege. The Congress should ensure that independent third parties evaluate on a case-by-case basis when governmental access to confidential sources is necessary to protect our nation. Thus, when authorities want access to journalists' confidential sources, they should have a mechanism that renders that information accessible—but only after satisfying an independent arbiter that the government met the burden established by the Congress.

If passed, a reporter's shield bill would preserve our nation's longstanding commitment to freedom of the press while also protecting our ability to protect our fellow citizens.

Sincerely,

Greg Abbott  
Attorney General of Texas