

David K. Rehr
President and CEO



January 28, 2008

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

Dear Majority Leader Reid:

On behalf of the approximately 8,300 local radio and television stations and the networks in the National Association of Broadcasters (NAB) membership, I am writing to express support for bringing S. 2035, the "Free Flow of Information Act," before the full Senate for a vote. This legislation will help ensure the flow of important information to all Americans by allowing journalists to protect the identity of their confidential sources.

Broadcast journalists take seriously their responsibility of serving every local community with timely news and information. This bipartisan legislation strikes a careful balance between ensuring citizens stay informed and honoring the public interest in having reporters testify about their sources in certain carefully defined situations. By passing S. 2035, Congress has the ability to craft important ground rules balancing the need for compelled disclosure from reporters in limited situations with the need to encourage individuals to bring forward information on matters of public concern.

Members from both sides of the aisle have come together to draft a bill that addresses both national security and business concerns. S. 2035 clarifies that journalists would not have an absolute privilege and a confidential source's identity can be compelled if disclosure is necessary to prevent "a specific case of terrorism against the United States or significant harm to national security that outweighs the public interest in newsgathering and maintaining a free flow of information to citizens." Currently, 33 states and the District of Columbia have shield laws in place and 16 other states have recognized reporters' privilege as the result of judicial decisions. However, there is no uniform set of standards in federal courts to govern when testimony about sources may be sought from reporters.

On October 16, 2007, the House of Representatives approved H.R. 2102, companion legislation, by a vote of 398-21. With the leadership of Senate Judiciary Chairman Patrick Leahy (D-VT), Ranking Member Arlen Specter (R-PA) and Senator Chuck Schumer (D-NY), S. 2035 was voted out of committee by a vote of 15-4. Both versions of the "Free Flow of

1771 N Street NW
Washington DC 20036 2800
Phone 202 429 5449
Fax 202 429 5410
www.nab.org

Information Act" are available for immediate floor consideration on the Senate Calendar and we respectfully request support for the current language.

Passage of a federal shield law has been needed for years and has been previously considered. However, legislative efforts have proceeded further in this Congress than ever before. Your support for the advancement of S. 2035 would be greatly appreciated by NAB and its membership.

Please do not hesitate to contact me at (202) 429-5449 if I can be of any assistance.

Best Wishes.

Sincerely,

A handwritten signature in blue ink that reads "David K. Rehr". The signature is written in a cursive style with a blue background behind the text.

David K. Rehr