

Protect whistle-blowers

by The Milwaukee Journal Sentinel

If journalists can't protect their sources, it's likely that fewer whistle-blowers will come forward to expose corruption in government or the private sector. A shield law is needed.

It probably comes as no surprise that the idea of offering journalists more protection under federal law is a tough sell.

But it's a necessary sale. A bill now before the House Judiciary Committee and the Senate would give reporters qualified protection from revealing their sources in federal cases. It should be passed.

The real beneficiary is the public. A media shield law, as envisioned in HR 2102, would help ensure that whistle-blowers who want to expose corruption will come forward. Nearly every state offers similar protections either written into law or, as in Wisconsin, based on case law. But that only covers state courts.

We urge Rep. Jim Sensenbrenner (R-Wis.), the former Judiciary Committee chairman, to support this effort to broaden protection to the federal courthouse. Democratic Rep. Tammy Baldwin, a member of the committee, and Republican Rep. Paul Ryan are co-sponsors of HR 2102. Democratic Wisconsin Sens. Herb Kohl and Russ Feingold have signaled support for a shield law; we urge them to get behind the Senate version, S 1267.

The Free Flow of Information Act would protect journalists from revealing their sources unless a judge ruled that authorities had exhausted other sources of information and that the information was essential. The protection is needed because prosecutors seem more willing to go fishing through reporters' work. Several prominent reporters have been jailed in recent years for refusing to comply with subpoenas.

Journalists still could be compelled to testify - if information would prevent "imminent and actual harm to national security," for instance, or to prevent the imminent death of a person.

The Bush administration says the bill defines the word "journalist" too broadly and raises fears that terrorists could hide behind its protections. That seems unlikely - there is already a national security exception. But there may be other ways to address this concern without gutting the bill. More than likely, this secretive administration simply fears more openness.

Previous attempts at a shield law defined "journalists" as only those who gathered news for financial gain or

livelihood. This bill would cover citizen journalists such as bloggers, an appropriate recognition of how journalism is changing.

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