

**Fighting for a Free Press:
Protecting Journalists and Their Sources**

Subcommittee on the Constitution and Limited Government

U.S. House Committee on the Judiciary

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Good morning, Chairman Jordan, Ranking Member Nadler, Chairman Roy, and Ranking Member Scanlon and Members of the Subcommittee. I am here today with a deep sense of gratitude and humility. I appreciate the subcommittee taking the time to focus again on the importance of protecting reporters' sources and the vital safeguards provided by the PRESS Act.

As you know, in February, I was held in contempt of court for refusing to disclose my confidential reporting sources on a national security story. I think my current situation can help put the importance of the PRESS Act into context.

One of our children recently asked me if I would go to jail, if we would lose our house, and if we would lose our family savings to protect my reporting sources. I wanted to answer that, in this country, where we say we value democracy and the role of a vibrant and free press, it was impossible. But I couldn't offer that assurance.

The bipartisan PRESS Act, which came out of this House committee, would put an end to the sort of legal jeopardy that I have experienced first-hand in the federal courts. And without the legislation, more journalists will run the uncertainty of the contempt gauntlet in the future. This legislation will provide protections for every journalist in the United States, now and for the next generation.

The legislation provides strong protections—at the federal level—for reporters and their sources. It would block litigants and the federal government from prying into a reporter's files, except when there is an imminent threat of violence, including terrorism, and in defamation cases. At the state level, similar rules are already in place to protect press freedom. It is my sincere hope that the passage of the PRESS Act will provide similar protections at the federal level. I hope that I am the last journalist who has to spend two years or more in federal court protecting their confidential sources.

I began my career with ABC News in London 37 years ago. Since then I have focused on national security and intelligence reporting at Fox News and more recently with CBS News where I was a senior investigative reporter.

My current situation arises from a Privacy Act lawsuit. I am only a witness in this case. It is not common for these cases to reach the stage of holding a reporter in contempt, but when such cases happen, they have profound consequences, impacting every journalist in the United States. Forcing a reporter to disclose confidential sources would have a crippling effect on investigative journalism, because without reliable assurances of confidentiality, sources will not come

forward. The First Amendment provides protections for the press because an informed electorate is at the foundation of our democracy.

If confidential sources are not protected, I fear investigative journalism is dead. Each day, I feel the weight of this responsibility.

As you know, I was held in contempt of court for upholding the basic journalistic principle of maintaining the pledge of confidentiality to my sources. I have complete respect for the district court and the judicial process and I am not here to litigate the merits of that case. It will play out before the appellate court in Washington D.C.

But the fact that I have been fighting in the courts for two years, and that I am now potentially facing crippling fines of 800 dollars a day, to protect my reporting sources, underscores the vital importance of the PRESS Act.

When you go through major life events, as I have in recent weeks, losing your job, your health insurance, having your reporting files seized by your former employer, and being held in contempt of court, it gives you clarity. The First Amendment, the protection of confidential sources, and a free press are my guiding principles. They are my North Star.

When I was laid off in February, an incident reinforced in my mind the importance of protecting confidential sources. CBS News locked me out of the building and seized hundreds of pages of my reporting files, including confidential source information. Multiple sources said they were concerned that by working with me to expose government corruption and misconduct they would be identified and exposed.

I pushed back, and with the public support of my union, SAG-AFTRA, the records were returned. CBS News' decision to seize my reporting records crossed a red line that I believe should never be crossed by any media organization.

The litigation, and being held in contempt, have taken a toll on me and my career. This is not a battle you can fight alone. I am grateful for the support of fellow journalists and multiple First Amendment organizations including the Reporters Committee for Freedom of the Press, the Press Freedom Foundation, the Coalition for Women in Journalism, the Knight First Amendment Institute, the Society of Professional Journalists, as well as the Columbia Journalism School.

I have also been fortunate to have support from my former employer as I continue in this fight. Not many journalists could count on a former employer, in this case Fox News, to support a costly and vigorous defense of the First Amendment. That is why the PRESS Act comes at the right time when independent journalism and news platforms are expanding opportunities for reporting diverse voices that strengthen democracy.

I know I join many journalists who are encouraged by the recent comments of the Senate Majority Leader, Chuck Schumer, who said he hopes to have the legislation through the Senate and onto the President's desk this year.

I deeply appreciate the Committee taking the time to focus attention on the PRESS Act, and hope this hearing will encourage action in the Senate.