

PROTECT WHISTLEBLOWERS BEFORE EXTENDING REPORTER'S PRIVILEGE

I suggested the other day that there were likely to be some unintended consequences if the reporter's shield bill passes as is. What I didn't say in that post is that there is a better way to encourage the free flow of information—particularly in this era when everyone can fulfill the role of journalist: enforce FISA and extend whistleblower protection. Rather than establishing a protected class of people whose protection can and has been abused to shield nasty political smears, rather than extending the privileges of a class that has already proved itself irresponsible with the privileges it has, encouraging the free flow of information at the source achieves many of the same objectives without the potential untoward consequences.

Just take the Risen/Lichtblau wiretap story as an example. If the Administration weren't so worried about more scrutiny into their illegal wiretapping, they could easily use the new shield law, as written, to justify going after Risen and Lichtblau's sources. After all, the bill has an explicit exception for terrorism and national security (admittedly, it would take a little linguistic juggling to be able to claim they needed the source's identity "to prevent an act of terrorism against the United States," but such linguistic juggling is second nature for the sophists running our country). But if there were real whistleblower protection, then Risen and Lichtblau's sources could have gone on the record and explained to us, in explicit terms, why the wiretapping was illegal, rather than having to leak it anonymously to the reporters.

POGO has a post offering another reason why whistleblower protection ought to be extended:

because it's good for business.