



OF THE

REPORTER'S PRIVILEGE

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Trump DOJ repeals protections for journalist-source confidentiality

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Attorney General Pam Bondi talks to reporters.

AP Photo/Evan Vucci

Attorney General Pam Bondi has reportedly rescinded her predecessor's policy restricting federal prosecutors from forcing journalists to reveal their sources. Her memo follows news that Director of National Intelligence Tulsi Gabbard asked the Department of Justice to investigate recent leaks to reporters.

Freedom of the Press Foundation (FPF) Director of Advocacy Seth Stern said:

“Every Democrat who put the PRESS Act on the back burner when they had the opportunity to pass a bipartisan bill codifying journalist-source confidentiality should be ashamed. Everyone predicted this would happen in a second Trump administration, yet politicians in a position to prevent it prioritized empty rhetoric over putting up a meaningful fight.

Because of them, a president who threatens journalists with prison rape for protecting their sources and says reporting critically on his administration should be illegal can and almost certainly will abuse the legal system to investigate and prosecute his critics and the journalists they talk to.”

The PRESS Act, which would have prohibited the government from compelling journalists to burn sources except in life-or-death emergencies, twice passed the House unanimously.

It had bipartisan support in the Senate, including from Republican co-sponsors Sen. Mike Lee and Sen. Lindsey Graham. It was endorsed by everyone from the New York Times editorial board to former Fox News journalist Catherine Herridge.

Yet it spent months stalled in the Senate Judiciary Committee, despite the best efforts of Lee and co-sponsor Sen. Ron Wyden to move it forward. Then, President Donald Trump was elected and instructed Republicans to kill the bill in a Truth Social post.

The Biden administration also deserves blame, not only for failing to vocally support the PRESS Act but for the bogus criminal theories it pursued against WikiLeaks founder Julian Assange and Florida journalist Tim Burke under the Espionage Act and Computer Fraud and Abuse Act, respectively. Biden's validation of those theories provides Trump with significant leverage against journalists who publish secrets provided by sources.

The only good news is that those prosecutions – as well as Trump and others' insistence that routine journalism should be illegal – opens a door for journalists who are subpoenaed to invoke the Fifth Amendment right against self-incrimination. That would effectively dare Trump's administration to grant immunity to reporters he calls “enemies of the people.”

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