
DOJ Drops Effort to Compel Times Reporter to Disclose Confidential Sources in Leak Case

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After a nearly eight year legal battle to keep *New York Times* reporter James Risen from having to testify about the identity of his confidential sources, the U.S. Department of Justice withdrew its effort to have him do so. Mr. Risen's 2006 book, *State of War*, used confidential sources to describe a failed CIA operation. Cahill has represented Mr. Risen in connection with this case since 2007, when he was first contacted by the Justice Department as part of an effort to compel him to identify those sources as part of the Government's efforts to prosecute a former CIA officer for allegedly leaking the information to Mr. Risen.

Mr. Risen moved to quash the subpoena on the grounds that the information sought was protected by the reporter's privilege under the First Amendment and/or federal common law. The district court granted Mr. Risen's motion and limited his testimony to authenticating his prior reporting as accurate without disclosing his source(s). On July 19, 2013, in a split decision, the Fourth Circuit reversed, finding no reporter's privilege under the First Amendment or federal common law. Mr. Risen filed a petition for certiorari with the United States Supreme Court, which was denied on June 2, 2014. Following these unsuccessful attempts to quash the subpoena, Mr. Risen testified in the district court on January 5, 2015 that, under no circumstances would he reveal the identity of his confidential sources. On January 12, both the Justice Department and the defendant announced that they would not call Mr. Risen as a witness in the case.

Attorney

- Joel Kurtzberg