

January 18, 2007

Attorney General Alberto R. Gonzales
Office of the Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Re: Grand Jury Subpoenas to the San Francisco Chronicle and Reporters Mark Fainaru-Wada and Lance Williams

Dear Attorney General Gonzales:

For the past four years, our country has been immersed in the steroid scandal that has plagued professional athletics, a crisis exposed and brought to the forefront by the extraordinary work of two San Francisco Chronicle reporters, Mark Fainaru-Wada and Lance Williams. Like most Americans, we have watched with great concern as the Department of Justice issued grand jury subpoenas to the reporters and their newspaper to learn the identities of their confidential sources on some of the most significant reporting in the history of professional sports. We write to you now to express my deep concern over the issuance of these subpoenas and to urge you to withdraw them.

There can be no doubt that the work of Mr. Fainaru-Wada and Mr. Williams and the San Francisco Chronicle has been significant. The newspaper published more than 450 articles, columns and editorials relating to the use of steroids and performance-enhancing drugs and the Bay Area Laboratory Co-Operative at the heart of your investigation, educating the public and our nation's youth about the rampant use of steroids by some of the biggest names in professional sports. This coverage spurred Congress to action, prompting hearings to get to the bottom of the growing scandal, and forced Major League Baseball, among others, to announce an historic change in their steroid rules and policies. Some of the most moving testimony before Congress was from parents of teenage athletes who had taken their own lives as a result of steroid abuse, demonstrating the public health crisis exposed by the two San Francisco Chronicle reporters now facing imprisonment.

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The subpoenas issued to those reporters and their newspaper seeking confidential source information are troubling both on the specific facts of their case and because of the great damage they could cause to our nation's press and the First Amendment. We understand that the supposed "leak" that the Justice Department is investigating arose not from a grand jury investigation but was one that occurred in the context of discovery in a criminal case. There are no Sixth Amendment issues at play. At most, the violation at issue is breach of a court-sanctioned protective order. While the sanctity of a protective order is an important interest, this case is significantly different from others involving a breach of national security, terrorism or serious criminal conduct. Certainly this is not a case where the vitality of the First Amendment should be compromised.

A free and uninhibited press is critical to our democracy. Some of the greatest change in our nation's history was brought about by the press through the use of confidential sources, which many in this country witnessed firsthand during the course of the hearings on the Watergate impeachment. Without protection of those sources we firmly believe that the most significant stories will not be told. The American public has been well-served by the BALCO stories told by Mark Fainaru-Wada and Lance Williams and in response they should be lauded, not punished.

We call on you to withdraw the subpoenas issued to the San Francisco Chronicle and its reporters, Mark Fainaru-Wada and Lance Williams. We look forward to your prompt response.

Very Truly Yours,

The Honorable John Conyers, Jr.
Chairman
Committee on the Judiciary

The Honorable Tom Davis
Ranking Member
Committee on Oversight & Government Reform