**CO-HOST (Andrew)**: I want to make the counter-argument to you, which is: you have testified before Congress against the Free Flow of Information Act, you have been very public in saying that you don’t think a reporter’s privilege is necessary and that it might allow journalists to shield criminal conduct as happened in the BALCO investigation. The counter-argument would be we have an administration right now that is at war with the press, that demonizes reporters. We had a Congressional candidate body-slam a reporter and then win election. Do the unique circumstances in Trump’s America – does that change your view or are you still kind of on board with it’s not necessary?

**Randall Eliason**: I think it affects it, definitely. One thing that was always the case in the past was that DOJ had – and still has – these voluntary guidelines about when they will and won’t subpoena a reporter and you could pretty much rely on the Department of Justice to abide by those, and as a result, actual subpoenas of reporters were extremely rare, which is part of my argument that this is kind of a solution in search of a problem for something that very rarely actually happens. And so the current atmosphere of more hostility towards the press would have to give you cause to re-evaluate that if you saw the Department of Justice actually changing up on that and beginning to go out and more aggressively subpoena reporters. But I don’t think we’ve seen that, so you have a lot of atmospherics and terrible rhetoric from some in the administration about the press, and the President calling them ‘the enemy of the people’ and things like that, but you still haven’t seen the Department of Justice running around and subpoenaing a bunch of reporters based on their negative stories about the administration and seeking their sources. If those facts changed and if it became clear you could no longer trust the Department of Justice to abide by its own guidelines and respect the press they way they have historically, then you might need to re-evaluate whether there is a need for a legislative privilege. But I think despite all the rhetoric, in terms of facts of what’s actually happening, we haven’t seen that yet.