

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

REPORTERS COMMITTEE
FOR FREEDOM OF THE PRESS,

Plaintiff,

v.

FEDERAL BUREAU
OF INVESTIGATION, *et al.*,

Defendants.

Case 1:17-cv-01701-RC

DECLARATION OF ABBY ELLIS

I, Abby Ellis, declare as follows:

1. I am an award-winning independent documentary filmmaker. I have worked in the film industry since 2010 with a focus on investigative documentary filmmaking. I have worked internationally, including in West Africa, the Middle East, southeast Asia, and Europe, as well as in domestic locations including Chicago, Detroit, Flint, Michigan, and pockets of rural America. I submit this declaration in support of Plaintiff's Opposition to Defendant's Motion for Summary Judgment and Plaintiff's Cross-Motion for Summary Judgment in the above-captioned case. I have personal knowledge of the matters stated in this declaration.

2. From in or around September 2016 to May 2017, I worked as an independent contractor on a documentary film for *FRONTLINE*, the weekly documentary series that airs on PBS. The film explored the 2014 standoff at Cliven D. Bundy's ranch and how the family's fight against the federal government invigorated militias around the country and helped lead to the 41-day occupation of Oregon's Malheur National Wildlife Refuge in 2016. The documentary, *American Patriot: Inside the Armed Uprising Against the Federal Government*, premiered on PBS on May 16, 2017.

3. Unburdened access to interview subjects is necessary to make powerful, investigative documentary films. In order to truly get at the heart of a subject for a documentary film, I seek extensive access to my interview subjects, including by spending time with them off-camera. I spend months conducting extensive off-the-record interviews before I even start filming, to ensure that I'm getting a fair and accurate view of who my interview subjects are. This was true for *American Patriot* and has been true for every film I have worked on.

4. While we were filming *American Patriot*, I had access to a number of interview subjects, including Ammon Bundy, the leader of the 2016 occupation who had previously participated in a 2014 standoff with federal authorities at the Nevada ranch owned by his father, as well as other militia members who had traveled to Malheur and Bunkerville. Obtaining that access was difficult for a number of reasons. Specifically, the Bundy family and those connected to them, including their defense counsel, as well as other militia members I spoke to were distrustful of members of the media, including, specifically, documentary filmmakers.

5. While we were filming *American Patriot*, I became aware of rumors that the FBI had impersonated documentary filmmakers with a fake documentary film company called "Longbow Productions" in order to obtain incriminating, videotaped statements from individuals involved in the 2014 standoff at Cliven Bundy's ranch. It was because of those rumors that I believe individuals I spoke to were distrustful of the media. I had to spend a lot of time with my interview subjects in order to persuade them that I was a legitimate documentary filmmaker interested in hearing their story.

6. Toward the end of filming for *American Patriot*, I learned from public media reports that the rumors regarding "Longbow Productions" were true. I learned that, among other things, the FBI had created fake credentials and a website for "Longbow Productions," so that

the targets of the FBI's investigation would believe that they were speaking to a legitimate documentary film crew.

7. Certain individuals that I interviewed during the course of making *American Patriot* told me that they believed that I was an FBI agent. While working on *American Patriot*, I was asked by militia members and those connected to them whether I was an FBI agent. On more than one occasion while working on the documentary, individuals I spoke to recorded our conversations and took pictures of me and uploaded them to the Internet because they suspected that I was an FBI agent. For me, personally, this was a very unsettling experience. I speak with people often in my line of work who do not immediately trust documentary filmmakers, but it was clear to me that at least some of the individuals I spoke to while working on *American Patriot* did not trust that I was who I said I was, and were suspicious that I was an undercover FBI agent. Some individuals I attempted to speak to for the documentary would not speak to me, I believe, because they thought I was an undercover FBI agent. Some militia members who support the Bundys, to this day, have told me that they still believe that I am an undercover FBI agent.

8. As an independent documentary filmmaker, I view the FBI's impersonation of documentary filmmakers and its creation of the fake "Longbow Productions" to be deeply troubling and offensive. By pretending to be a documentary film crew and creating a fake documentary film production company in order to convince targets of an investigation to give on-camera interviews, the FBI erodes trust in real documentary filmmakers, like me, and creates a more difficult environment for us to work in.

9. Though I was not harmed while working on *American Patriot*, I firmly believe that the FBI's impersonation of a documentary film crew could have put me in danger, and that

the FBI's use of that tactic continues to jeopardize my safety, and the safety of other, real investigative filmmakers. Like many documentary filmmakers, I often meet interview subjects alone in remote locations that I may have never visited before. That was true while I was working on *American Patriot* and, in the case of the Bundys and the often-armed militia members who supported them, many of those individuals harbored anger and distrust toward the federal government. It is unsettling to think that a subject's false belief that I was an undercover FBI agent—based on the FBI's impersonation of a documentary film crew—could have put me in danger.

10. The FBI's "Longbow Productions" fake documentary film crew will also have real detrimental effects on the ability of actual documentary filmmakers, like me, to obtain access to subjects and to get them to appear on camera. In my experience, individuals will be less likely to speak to me, and especially on-camera, if they think that I could be an undercover FBI agent.

11. The chilling effect of the FBI's conduct is particularly felt by independent journalists and documentary filmmakers, like me, who are not formally affiliated with a large, well-known media entity. While working on *American Patriot*, I was asked by potential interview subjects to provide proof that I was working with *FRONTLINE*. In some cases, even after I provided proof that I was working with *FRONTLINE*, some individuals still refused to speak with me.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 11, 2018 in Flint, Michigan.



Abby Ellis