

Framing the discussion about press freedom.



**REPORTERS
COMMITTEE**
FOR FREEDOM OF THE PRESS

Annual Report 2015

On the cover: Then-Reporters Committee Chair Pierre Thomas asks former U.S. Attorney General Eric H. Holder Jr. about free press and open government issues during the Reporters Committee's 45th anniversary celebration in Washington, D.C. (See page 4 for more photos from the event.)

Annual Report 2015



Reporters Committee for Freedom of the Press

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Steering Committee 2016-17

Executive Committee: *Chair:* David Boardman, Temple University School of Media and Communication • *Vice Chair:* Susan Goldberg, National Geographic • *Secretary-Treasurer:* Anthony Mauro, The National Law Journal • Stephen J. Adler, Reuters • Jane Mayer, The New Yorker • Margaret Low Smith, The Atlantic • Pierre Thomas, ABC News

Steering Committee: J. Scott Applewhite, The Associated Press • Wolf Blitzer, CNN • Chip Bok, Creators Syndicate • Michael Duffy, Time Magazine • Richard S. Dunham, Tsinghua University • Ashlea Ebeling, Forbes Media LLC • Manny Garcia, Naples Daily News • Alex Gibney, Jigsaw Productions • James V. Grimaldi, The Wall Street Journal • Laura Handman, Davis Wright Tremaine • John C. Henry, Freelance • Karen Kaiser, The Associated Press • David Lauter, Los Angeles Times • Dahlia Lithwick, Slate • Andrea Mitchell, NBC News • Scott Montgomery, NPR • Maggie Mulvihill, Boston University • James Neff, Philadelphia Media News • Carol Rosenberg, The Miami Herald • Thomas C. Rubin, Seattle, Wash. • Charlie Savage, The New York Times • Ben Smith, Buzz Feed • Jennifer Sondag, Bloomberg News • Saundra Torry, USA TODAY • Judy Woodruff, PBS

Senior Advisor: Paul Steiger, ProPublica

Annual Report 2015

Framing the discussion about a free press

When a once-in-a-generation opportunity to reform federal guidelines on subpoenas to the press arose, the Reporters Committee swung into action, playing a leadership role in coordinating across the news media and the Justice Department to revise the guidelines to better protect reporters. We put hundreds of *pro bono* hours into these negotiations over almost two years, and the revisions – issued in January 2015 – contain significant improvements.

It took a lot of hard work to deliver these reforms, which included bringing search warrants into the policies for the first time, ensuring that reporters are not investigated as “co-conspirators,” and tightening notice provisions so news organizations are not caught off guard by secret requests to phone companies and e-mail providers for journalists’ records.

The DOJ dialogue is just one recent example of the many ways we work for the benefit of both the craft and the bottom-line of journalism. We are the national journalism organization that “has your back” when legal threats surface. Our projects organize the news media in ways that are absolutely necessary for the advancement of our industry as a whole but on which no single company or news outlet could be expected to lead, either substantively or financially.

2015 also saw tremendous growth in our *pro bono* litigation practice, in which we are now representing journalists and news organizations in access to courts and freedom of information cases. We led a media coalition that was successful in unsealing sentencing documents in the case of retired general and former CIA Director David Petraeus, and we obtained greater disclosure of CIA records on the use of “extraordinary rendition.”

Last year marked more engagement for us in the technology area, as we launched an interactive map to track access to police bodycam footage throughout the U.S. and submitted arguments to French regulators on behalf of over two dozen media and journalism organizations explaining that overreaching in the implementation of the EU’s right to be forgotten laws threatens press freedoms.

We marked our 45th anniversary in 2015. As always, our best success comes as a result of your support and encouragement, for which we thank you deeply.



David Boardman
Steering Committee Chair, 2016-17



Bruce D. Brown
Executive Director

The Year in Review

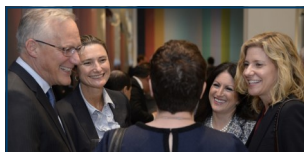
45th Anniversary Celebration



On Oct. 14, the Reporters Committee celebrated its 45th anniversary year with a reception and fundraiser for some 150 guests at the offices of Covington & Burling in Washington.

The cornerstone of the evening was an in-depth discussion with Reporters Committee Chairman Pierre Thomas posing questions to former Attorney General Eric H. Holder Jr. (*at far left*) about “Freedom of the Press Today.” (See rcfp.org/45thanniversary)

Holder and Thomas were introduced by Reporters Committee Executive Director Bruce Brown (*right*).



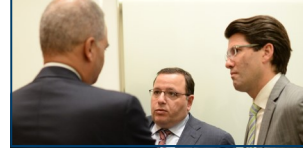
1/ Vinson & Elkins partners William Lawler and Craig Margolis, and Baruch Weiss of Arnold & Porter talk with Eric Holder. **2/** John Frank, Kate O'Sullivan, Kathryn Yontef and Lani Cossette of Microsoft talk to Julia Angwin from ProPublica (back to camera). **3/** AP photographer J. Scott Applewhite, a Reporters Committee Steering Committee member, and communications consultant Barbara Semedo. **4/** Stuart S. Taylor Jr. of the Brookings Institute with Marshall Wolff of Zuckerman Spaeder.



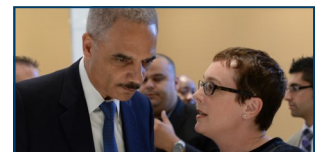
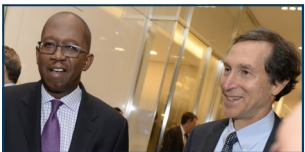
1/ Reporters Committee Steering Committee member Jennifer Sondag and Marty Schenker, both from Bloomberg. **2/** Jenner & Block attorneys Kenneth Doroshow, Jessica Ring Amunson and Paul Smith. **3/** Patrick J. Carome of WilmerHale. **4/** Listening to the discussion (l-r): Jay Kennedy, The Washington Post; Julie McLaughlin, George Washington University Law School; Jim McLaughlin, The Washington Post; David Bowker, WilmerHale; Baruch Weiss, Arnold & Porter; Stuart Taylor Jr., Brookings Institute; Mark Davies, Orrick; Tom Bondy, Orrick; Amy Rifkind, Arnold & Porter; Alison Schary, Davis Wright Tremaine.



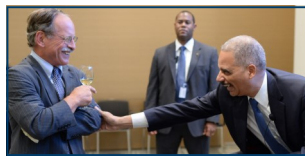
1/ Eric Holder talks with Toni Cook Bush of News Corp. and Cliff Sloan of Skadden Arps. **2/** Reporters Committee then-Vice Chair David Boardman of Temple University and Gregg Leslie of the Reporters Committee. **3/** Vinson & Elkins attorneys William Lawler and John Elwood. **4/** Bill Sternberg, USA TODAY.



1/ Levine Sullivan Koch & Schulz colleagues Nathan Siegel and Chad Bowman. **2/** Paul Waters of The Democracy Fund. **3/** Eric Holder talks with Ali Rezaian, the brother of formerly imprisoned Washington Post reporter Jason Rezaian, and WilmerHale Partner David Bowker. **4/** Washington Post colleagues Ann E. Marimow and Sari Horwitz.



1/ Pierre Thomas with Steve Mufson of The Washington Post. **2/** Retired editor and educator Frank Quine, Robert Corn-Revere of Davis Wright Tremaine, and Bruce Collins from C-SPAN. **3/** Robin Sproul, ABC News. **4/** Julia Angwin of ProPublica talks with Eric Holder.



1/ Stuart Taylor Jr. of the Brookings Institute and Eric Holder chat after the program. **2/** Katie Townsend of the Reporters Committee greets Kate Barry from Gannett and TEGNA's Chris Moeser. Paul Waters of the Democracy Fund is behind them. **3/** Aron Goetzl, Kalea Clark and Jay Kennedy of The Washington Post legal department listen to the program. **4/** Reporters Committee Steering Committee member Tony Mauro of the National Law Journal talks with Cliff Sloan of Skadden Arps.



1/ Roger and Flo Stone, of the Environmental Film Festival, chat with Eric Holder. Margaret Richardson of Covington & Burling is behind them. **2/** Jacqueline Lewis and Dan Lewis of the WISH Foundation. **3/** Matt Zapotosky of The Washington Post, Josh Gerstein of POLITICO, and Pierre Thomas. **4/** Michael Isikoff of Yahoo News talks with Eric Holder.

Photos by Tom Williams / tomwilliams.photoshelter.com

Lead sponsors for the event were: Covington & Burling, LLP; Microsoft; and WilmerHale. Additional sponsors were: BakerHostetler; Davis Wright Tremaine LLP; Jenner & Block, LLP; Levine Sullivan Koch & Schulz, LLP; POLITICO; Skadden Arps Slate Meagher & Flom, LLP; Vinson & Elkins LLP; and The Washington Post.

The Year in Review

Fighting for access to police body camera video



Reporters Committee attorneys testified twice before the Washington, D.C. council on ongoing efforts by Reporters Committee attorneys to secure release of Metropolitan Police Department bodycam footage.

After an initial FOIA request was unfulfilled, and the mayor proposed exempting all video images, the Reporters Committee filed an administrative appeal, eventually gaining release of some footage.

In May, Reporters Committee Litigation Director Katie Townsend (*above left*) told the Judiciary Committee that use of body-worn cameras by police “can be a positive step toward making the MPD more transparent and accountable to the public, and help build trust between police and the community, only if the public has access to the records that are created through the use of this technology.”

Adam Marshall, Reporters Committee Jack Nelson-Dow Jones Foundation Legal Fellow (*right*), testified in October at a D.C. Council hearing on public access policies for police body camera images.



Marshall warned against proposed amendments to the bodycam access policy, including new exemptions to the District’s FOIA that would limit release of relevant images.

Interactive, online map of police bodycam access laws, policies launched

In July, the Reporters Committee for Freedom of the Press launched an interactive, online map charting the policies of more than 100 police departments and laws in nearly every state regarding public access to police body camera videos.



Built with Google Maps, the map shows which states have passed bodycam legislation, which are considering action and which have nothing on the books. Clicking on a state or city will bring up links to legislation, policies and other materials. Also included are court decisions, as relevant.

The online map, located at rcfp.org/bodycams is made possible by a grant from the Sigma Delta Chi Foundation of the Society of Professional Journalists.

By the numbers: **44** briefs, letters and comments filed; **80** organizations joining the Reporters Committee on briefs, comments and letters ; **Nearly 1,000** journalist queries answered by our legal experts.



French regulators urged to rescind “Right to be Forgotten” delisting order

The Reporters Committee for Freedom of the Press, joined by a coalition of media and journalism organizations, in September urged the independent French data protection agency to rescind its order that Google search delistings required under the European Union’s “right to be forgotten” rule include domains not just in France or Europe, but around the world.

In its letter to the Commission Nationale de L’informatique et des Libertés (CNIL), the Reporters Committee recognized “France’s right to weigh the competing interests between promoting personal privacy and data protection and protecting free expression and access to information in a way that reflects its values. But when CNIL seeks to compel Internet users outside of the EU to live with the balance it has struck in this area, it crosses a line and creates an ominous new precedent for Internet censorship that jeopardizes speech and press freedoms worldwide.”

Reporters Committee, News Media Dialogue Group work with DOJ on new guidelines for news media subpoenas and warrants

Since 2014, the Reporters Committee has been helping to coordinate a dialogue between leading reporters and editors and DOJ officials. The dialogue, which started under Attorney General Eric Holder, Jr. and has continued under Attorney General Loretta Lynch, gives the industry an opportunity to express its concerns about subpoenas and to offer suggestions for improving the process to protect newsgathering and reporter-source relationships.

In January 2015, the Justice Department announced further changes to its internal guidelines for issuing subpoenas and search warrants to journalists. Among the most important revisions was the removal of the term “ordinary” newsgathering to ensure that the policy is applied as broadly as possible to all forms of journalism. Annual reporting by DOJ on cases under the guidelines have been an important new oversight tool.

Mobile apps offer legal info, reporting tools

In March, the Reporters Committee launched mobile apps to help with answers regarding the right to record, cover schools, or access information from police and courts. The apps were made possible by a grant from the Gannett Foundation.

Each app also includes a legal guide for that subject; a feature that gathers all the elements for a news story into a database; and direct posting to social media. The apps, plus the Reporters Committee FirstAid app, are available free for all mobile platforms, are at [**rcfp.org/app**](http://rcfp.org/app).



The Year in Litigation

With just over a year of litigation activity under its belt by year's end, the Reporters Committee saw several significant legal victories and initiated new cases in 2015. A two-year, \$200,000 grant in 2016 from the John S. and James L. Knight Foundation to fund the Knight Litigation Project will ensure the Reporters Committee will continue to assist journalists and media companies in court. More information, including source documents, about litigation brought by the Reporters Committee is online at rcfp.org/litigation.

Cases successfully litigated in 2015 included:

United States v. Petraeus

Reporters Committee attorneys, working with local counsel McGuire Woods LLP, represented a media coalition that successfully petitioned the U.S. District Court for the Western District of North Carolina to unseal documents related to the sentencing of retired Gen. and former CIA Director David Petraeus, who pleaded guilty to mishandling classified materials. The media coalition were The Associated Press, Bloomberg, *The Charlotte Observer*, Dow Jones, First Look Media, NPR, *The New York Times* and *The Washington Post*.



Petraeus arrives at his sentencing hearing. (AP Photo/Bob Leverone)

Morrison v. CIA

Attorneys from the Reporters Committee successfully negotiated a settlement in a federal FOIA case filed by law professor Alan Morrison that sought access to the government's legal analysis and opinions justifying the use of "extraordinary rendition." The CIA produced several records after the complaint was filed, including a letter detailing the steps it took in responding to Morrison's request. In addition, the CIA agreed to pay \$2,390 in attorneys' fees and costs to the Reporters Committee.

People v. Hincapie

Working with local counsel from Steger Krane LLP, Reporters Committee attorneys successfully argued that New York's shield law protected freelance reporter William Hughes against a subpoena from the Manhattan District Attorney's office, which was seeking notes and other materials from a story about convicted murderer Johnny Hincapie, who had filed a motion to overturn his conviction.

The judge quashed most of the subpoena but allowed for limited disclosure of some nonconfidential materials.



Planes ready for takeoff in the Battle of Midway.

In re Carlson

Reporters Committee attorneys, working with local counsel Mandell Menkes LLC and in conjunction with several historical associations, were successful in convincing the U.S. District Court for the Northern District of Illinois to unseal grand jury documents from a 1942 Espionage Act investigation of the Chicago Tribune over publication of allegedly classified information about the Battle of Midway. No indictment was ever returned. The government has appealed the release.

Branstetter, et al. v. Fallin, et al.

Local counsel Hall Estill and Reporters Committee attorneys represented Ziva Branstetter, a reporter for The Frontier and the Tulsa World in litigation seeking documents related to the state of Oklahoma's botched execution of a death-row inmate. As a result of the lawsuit, the Department of Public Safety released 5,000 pages of documents, and as a result of a motion to compel discovery, the governor's office has released an additional 40,000 pages. Attorneys continue to seek information from DPS and the governor's office.



Branstetter visits the Reporters Committee office in 2015.

RCFP and The Associated Press v. FBI and DOJ

Reporters Committee attorneys filed a federal FOIA complaint in conjunction with AP over records concerning the FBI practice of impersonating the news media during an investigation. The case stems from revelations that FBI agents posed as an AP reporter to get a suspect to unknowingly download tracking software. In April 2016, many of the documents were released.

Reporters Committee et al. v. Missouri Department of Corrections

In a challenge to the Missouri Department of Corrections' denial of a state Sunshine Law request for information about the use of lethal drugs in death-penalty executions, attorneys from the Reporters Committee and the ACLU of Missouri, and reporter Christopher McDaniel were successful in convincing the court to rule in favor of disclosure. The court granted summary judgment to the plaintiffs in 2016.

Golden et al. v. New Jersey Institute of Technology, et al.

Reporters Committee attorneys filed a complaint on behalf of Pulitzer Prize-winning reporter Daniel Golden who was denied access to records about NJIT's relationship with the FBI.

In re Reporters Committee for Freedom of the Press, CBS Broadcasting Inc., Sergio Gomez, Daniel Pacheco, and Univision (Giraldo-Serna/Tovar Pupo)

In re Reporters Committee for Freedom of the Press, CBS Broadcasting Inc., Sergio Gomez, Daniel Pacheco, and Univision (Mancuso/Sierra-Ramirez)

Representing a coalition of news organizations, Reporters Committee attorneys filed a petition to unseal documents in federal criminal proceedings against Colombian paramilitary leaders who were extradited to the United States in 2008 for trial on drug trafficking charges. Since the legal challenge was initiated, a majority of the documents have been unsealed.

Yanofsky v. United States Department of Commerce

Reporters Committee attorneys are representing Quartz reporter David Yanofsky *pro bono* in his request for database information about foreign travel to and from the U.S.

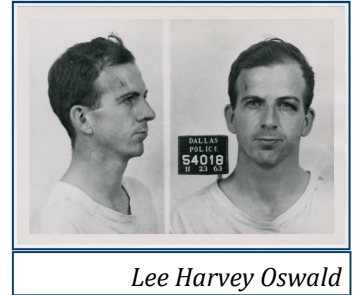
The Year in Briefs, Comments

FREEDOM OF INFORMATION

January

Detroit Free Press v. U.S. Department of Justice

In a brief to the Sixth Circuit supporting disclosure of federal mug shots, the Reporters Committee argued that neither constitutional nor common law recognizes a privacy interest of people who have been arrested, indicted and appeared in open court. The trial court held for the Detroit Free Press and media amici, but in 2016 the government was successful on appeal in its argument to withhold the images.



Lee Harvey Oswald

Peer News LLC c. City & County of Honolulu

The Reporters Committee filed an amicus brief in support of an investigative journalism outlet in Hawaii that was denied information about disciplinary actions against Honolulu police officers. The trial court ordered the records be released, but the State of Hawaii Organization of Police Officers appealed. In response, the Reporters Committee argued that the only way to protect the public interest is to open government records to scrutiny.

Letter to Texas Attorney General on Disclosure of Use-of-Force Policies

In response to a letter from the city of Victoria, Texas, seeking guidance from the state attorney general about disclosing use-of-force policies, Reporters Committee argued that the city incorrectly relied on the assertion that releasing the information would impede law enforcement activity.

February

ACLU of Southern California v. Superior Court of Los Angeles County

Supporting a lawsuit filed by the ACLU of Southern California and the Electronic Frontier Foundation over records from automatic license plate recognition systems, the Reporters Committee argued that categorizing these records as investigatory and exempt from disclosure was overbroad and erroneous. The court upheld the denial, and the Reporters Committee in June filed an amicus brief asking for review by the California Supreme Court, arguing that the lower court's interpretation was overbroad.

Letter to Virginia Legislature on Execution Secrecy Bill

A bill was introduced in the Virginia Legislature that would have exempted from FOIA any information about drugs used in executions, the pharmacies that produce them and any investigations into those pharmacies. The Reporters Committee argued that this information should not be kept from the public. The legislation was later withdrawn.

The Tennessean et al. v. Metropolitan Gov't of Nashville

Although the trial court granted access to certain categories of records in response to news media requests for Nashville Police Department records regarding a rape report on the Vanderbilt campus, the appeals court later held that the records should be exempt. In an amicus brief to the state high court, the Reporters Committee and others argued that the records act mandates maximum access to government records, including information created by third parties and received by law enforcement agencies.

March

Milner v. Department of Defense

The Reporters Committee submitted an amicus letter supporting reporter Glen Milner in his request for records related to explosives handling at a Naval base. The request was denied under the “critical infrastructure” exemption, but the Reporters Committee argued the public interest balancing test required by the FOIA statute must include an opportunity for public input on the importance of access.

April

New Richmond News et al. v. City of New Richmond

An amicus brief filed with the Wisconsin Newspaper Association argued that police reports were not controlled by the federal Driver’s Privacy Protection Act, and even if they were, they should be released under one of the permissible use exemptions.

July

Abdur-Rashid v. New York City Police Dep’t

In an amicus brief the Reporters Committee argued that a New York trial court upholding the NYPD’s use of the “Glomar” response (neither confirm nor deny) to a FOIL request seeking information about police surveillance of Muslim communities would change open records law.

August

Competitive Enterprise Institute v. Office of Science and Technology Policy

Access to email about government business, even on officials’ personal accounts, should be treated as a public record, the Reporters Committee argued in an amicus brief to the D.C. Circuit. In July 2016, the U.S. Court of Appeals ruled that agency records are subject to FOIA regardless where they are kept.



A woman demonstrates outside the U.S. Courthouse in Philadelphia in January 2015. Later that year, a federal appeals court reinstated a lawsuit against the New York Police Department over its surveillance of Muslim communities. (AP Photo/Matt Rourke, File)

September

Comments on DHS FOIA Regulations

In comments to the Department of Homeland Security about changes to its FOIA regulations, the Reporters Committee lauded the department’s efforts to update its rules, but cautioned that provisos regarding response time, fees and exemptions should be reviewed with a presumption of openness.

The Year in Briefs, Comments

FREEDOM OF INFORMATION (cont'd)

October

First Amendment Coalition v. Dep't of Justice

The Reporters Committee submitted a brief to the Ninth Circuit supporting the First Amendment Coalition's claim for costs and fees in a FOIA case after a lower court denied the claim based on the fact that the documents had been released because of a decision in another case.

Grabell v. NYPD

The Reporters Committee supported a records request by ProPublica journalist Michael Grabell seeking records related to the New York Police Department's use of Z Backscatter Vans, arguing that use of the vans' x-ray technology is a matter of significant public interest. The court ruled that the information must be released.

Pittsburgh Post-Gazette v. Governor's Office of Administration & Pennsylvania Dep't of Education

The Reporters Committee headed a media coalition supporting the Pittsburgh Post-Gazette's challenge to a policy that would give employees of Pennsylvania's executive branch discretion over whether to preserve their email and whether to permanently delete them after five days.

November

Hamdan v. Department of Justice

The Reporters Committee submitted a brief supporting an en banc hearing on the grounds that the District Court and appeals panel applied a highly deferential standard of review to government claims that records regarding the detention and torture of Naji Hamdan, a U.S. citizen, in the United Arab Emirates were exempt as national security secrets.



Hamdan at his home in Beirut, 2009.
(AP Photo/Bilal Hussein)

LIBEL

January

Pensler v. Fox

The Reporters Committee submitted an amicus brief arguing that a reporter for a local FOX station in Chicago should not be forced to turn over his communications with an in-house lawyer regarding a libel suit, as attorney-client privilege protects reporters and producers as well as top executives.

February

New World Communications of Atlanta v. Ladner

Atlanta FOX 5 broadcast reports detailing the police investigation of an accident at a veteran's parade and the indictment of Shane Ladner for lying about having a Purple Heart. Ladner sued for defamation, and FOX 5 attempted to use the Georgia anti-SLAPP law to have the suit dismissed. The trial court ruled that the anti-SLAPP law was inapplicable. The Reporters Committee supported FOX 5, arguing that the trial court applied a narrow interpretation of the anti-SLAPP statute.

March

Ventura v. Kyle

The Reporters Committee joined an amicus brief written by Cahill & Gordon that argued basing former governor Jesse Ventura's successful libel verdict against the estate of "American Sniper" Chris Kyle on book profits rather than damages was unprecedented and inappropriate.



Chris Kyle (left) and Jesse Ventura.
(AP Photo/File)

April

Letter to Nevada State Assembly on Proposed Revisions to Anti-SLAPP Law

The Reporters Committee urged Nevada lawmakers to reject changes that would scale back protections under the state's anti-SLAPP law. The original changes proposed were eventually dropped, although lawmakers did pass a measure to strengthen the law in light of legal challenges in other states.

June

Kelley v. Sun Publishing

In its amicus brief, the Reporters Committee argued that the trial court misapplied the "actual malice" standard and had not required proof that the reporter knew a statement was false or recklessly disregarded the truth.

September

Doe v. Burke

Joining an ACLU brief to the D.C. Court of Appeals, the Reporters Committee argued the lower court's reasons for denying fees in a successful anti-SLAPP lawsuit were faulty. In March 2016 the appeals court agreed that the defendant was entitled to "reasonable" attorney's fees.

December

Angel v. Winograd

The Reporters Committee and five media organizations supported the appeal of blogger Marcy Winograd, whose anti-SLAPP motion was rejected in a lawsuit against her, which alleged she defamed the owner of a local petting zoo with articles about inhumane conditions there. The amicus brief argued that the court applied an unprecedented interpretation of the "actual malice" standard.

NATIONAL SECURITY

February

Twitter v. Holder

The Reporters Committee submitted a brief in the Northern District of California supporting Twitter's right to discuss government efforts to obtain its customer information through FISA requests and national security records. The case became moot after a new federal law allowed for disclosure.

The Year in Briefs, Comments

NATIONAL SECURITY (cont'd)

March

Merrill v. Holder

The Reporters Committee filed an amicus brief in support of Nick Merrill, who sued the FBI in an effort to lift a 10-year-old gag order related to a National Security Letter he received in 2004. The Reporters Committee argued that the press and the public have a constitutional right to hear the information Merrill wanted to disclose, and that there are significant statutory and constitutional implications regarding how the FBI uses NSLs to obtain communications records.

June

PCLOB E.O. 12333 Comments

The Reporters Committee argued in comments filed with the Privacy and Civil Liberties Oversight Board that more information about government counterterrorism programs should be available to ensure constitutional oversight.

August

Davis v. United States

In a brief to the U.S. Supreme Court, the Reporters Committee argued that a higher standard for searching cell phone data and location records is required by the First and Fourth Amendments to protect sensitive, private and protected information.

NEWSGATHERING

February

Prison Legal News v. Kane

Joined by three local amici, the Reporters Committee filed an amicus brief arguing that a Pennsylvania law limiting speech by convicted prisoners that caused “mental anguish” to their victims and people close to them was an unconstitutionally vague prior restraint. The Chief Judge for the Middle District of Pennsylvania agreed and struck down the law a couple of months later.

Rule 41 Comment

In comments regarding a proposed amendment to Federal Rule of Criminal Procedure 41 concerning “remote access” searches of electronic media, the Reporters Committee argued that the amendment offered insufficient safeguards for newsgathering and other First Amendment protected activity.

April

People v. Raef

In April, the Reporters Committee filed an amicus brief supporting photographer Paul Raef, who was prosecuted under a California vehicle code that imposes penalties for reckless driving with the intent “capture any type of visual image...for a commercial purpose.” The appellate court ruled against Raef in the so-called anti-paparazzi law. In November, Reporters Committee filed a friend-of-the-court letter with the California Supreme Court.



August

Protest Letter Regarding Ferguson Charges Against Journalists

On behalf of a 39-member media coalition, the Reporters Committee wrote a letter to St. Louis County, Mo., officials protesting charges against journalists covering unrest in Ferguson, Mo., the year before. The charges were later dropped.

PRIOR RESTRAINTS

March

Pasadena Police Officers Ass'n v. L.A. Cnty. Superior Court

On behalf of a coalition assembled in one day, the Reporters Committee filed an amicus letter protesting the court's sealing of a document that had been previously filed and served on the Los Angeles Times, noting that the First Amendment protects the media's right to publish information in the public interest that has been legally obtained.

September

National Abortion Federation v. Center for Medical Progress

The Reporters Committee filed an amicus letter arguing against a temporary restraining order prohibiting release of abortion conference video based on a breach of contract claim, noting that any order enjoining speech must be subject to strict scrutiny under the First Amendment.

December

Defense Distributed v. Dep't of State

In an amicus brief, the Reporters Committee argued that the International Traffic in Arms Regulations are impermissibly content-based, overbroad and vague, and could criminalize routine reporting about defense technologies. In addition, the State Department's ability to prosecute, without judicial review, creates a deterrent that chills reporting.

SECRET COURTS

February

In re The Wall Street Journal

Immediately following the indictment of former CEO Donald Blankenship in conjunction with the deadly Upper Big Branch mine explosion, a federal judge ordered the parties, attorneys, witnesses, families of victims and others from making any statements to the media, and restricted all access to filings in the case. The Reporters Committee and a coalition of media outlets intervened to overturn the restrictive orders, but the judge denied the request and found that news coverage could prejudice Blankenship's right to a fair trial. The media intervenors appealed to the Fourth Circuit, which invalidated the gag order and sealing order.



*Blankenship at his 2015 trial.
(AP Photo/Tyler Evert)*

The Year in Briefs, Comments

SECRET COURTS (cont'd)

March

Dwyer v. United States v. John Doe

Independent journalist Johnny Dwyer was unsuccessful in his bid to unseal documents in a criminal proceeding against a John Doe defendant who pleaded guilty to terrorism-related charges. The Reporters Committee supported Dwyer's appeal to the Second Circuit, arguing that such blanket sealing and closing of court proceedings violates the First Amendment, which requires a higher burden to justify such extreme secrecy.

In re WP Company LLC (U.S. v. McDonnell)

The Reporters Committee and 22 media organizations filed an amicus brief supporting The Washington Post's efforts to get completed jury questionnaires in the trial of former Virginia Gov. Robert F. McDonnell and his wife. The district court had released the questionnaires but with names and juror numbers redacted, making it impossible to correlate the documents with seated jurors. The Fourth Circuit ordered the lower court to identify the questionnaires of the seated jurors.



Courtroom sketch made during jury selection in the trial of former Va. Gov. McDonnell and his wife. (AP Photo/Dana Verkouteren)

May

Gerawan Farming v. Calif. Agricultural Relations Board

The Reporters Committee joined an amicus brief arguing that state-created, mandatory mediation and conciliation hearings in agricultural disputes must be open to the press and public, as the hearings are substantially similar to civil proceedings.

In the matter of James v. Donovan (Eric Garner grand jury access)

Joined by 28 media organizations, the Reporters Committee filed an amicus brief supporting an appeal by the New York Post and public interest groups seeking release of information from the grand jury investigation of the death of Eric Garner after New York Police Department officers put him in a choke hold. The appeals court upheld the lower court's decision to withhold the documents.



The appellate court panel (right) listens to arguments against release of grand jury documents from the investigation into the death of Eric Garner. (AP Photo/Bebeto Matthews)

June

Caplan and WP Company LLC v. District of Columbia

The Reporters Committee filed an amicus brief in support of The Washington Post's effort to see sealed judgment records in a civil case filed by a couple whose children were removed from the home on suspicion of child abuse.

Reporters Committee briefs and comments are online at rcfp.org/browse-media-law-resources.

July

In re Clendennen (Waco gag order)



Bikers gather in Waco after a gun battle between rival biker gangs.

(Rod Aydelotte/Waco Tribune-Herald via AP)

The Reporters Committee filed an amicus brief appealing a broad gag order in the case of a shootout outside a restaurant in Waco, Texas, in which nine people were killed, 18 were injured and more than 100 bikers were arrested. The brief argued that the order was overly broad and violated the First Amendment and the Texas Constitution.

White v. Chapman

In an amicus letter to a federal judge in Virginia, the Reporters Committee argued against a civil defendant's contention that lack of media interest in a case made sealing proper, and noted that contemporaneous presence was not relevant to sealing decisions.

September

Missouri ex rel. v. BuzzFeed v. Cunningham

BuzzFeed asked the Supreme Court of Missouri to review a trial court's decision to seal the jury list in a high-profile criminal case against a man accused of recklessly transmitting the HIV virus. The Reporters Committee amicus in support of BuzzFeed argued that jury lists are presumptively open under the First Amendment and may be closed only if a compelling government interest can be shown.

November

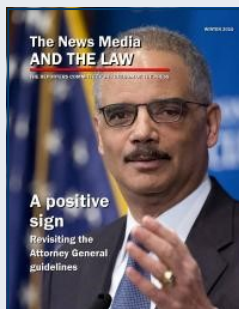
Stackhouse v. Colorado

In an amicus brief to the U.S. Supreme Court, the Reporters Committee argued in support of open court proceedings, particularly juror voir dire, and that First and Sixth Amendment rights of access require trial courts to independently examine whether closure is warranted.

Times Publishing v. Gawker, Hogan

The Reporters Committee joined a media coalition on an amicus brief written by Holland & Knight seeking access to documents in the libel case brought by former professional wrestler Hulk Hogan against Gawker.

The News Media and The Law



WINTER 2015



SPRING 2015



SUMMER 2015



FALL 2015

The Year in Briefs, Comments

**The following news outlets and organizations
joined the Reporters Committee on briefs in 2015:**

ALM Media, LLC
American Society of News Editors
AOL Inc. — The Huffington Post
The Associated Press
Association of Alternative Newsmedia
Association of American Publishers, Inc.
Atlantic Media, Inc.
Bloomberg L.P.
Bloomberg News
BuzzFeed
Cable News Network, Inc.
California Newspaper Publishers Association
Californians Aware
The Center for Investigative Reporting
The Charlotte Observer Publishing Company
Committee to Protect Journalists
Courthouse News Service
Cox Media Group, Inc.
Criminal Justice Journalists
The Daily Beast Company LLC
Daily News, LP
D.C. Open Government Coalition
Dow Jones & Company, Inc.
The E.W. Scripps Company
First Amendment Coalition
First Look Media, Inc.
Forbes Media LLC
Freedom of the Press Foundation
Gannet Co., Inc.
GateHouse Media LLC
Gawker Media LLC
Hearst
Inter American Press Association
International Documentary Association
Investigative Reporting Workshop
 at American University
Journal Communications, Inc.
The Kansas City Star
Los Angeles Times Communications LLC
The McClatchy Company
The Media Consortium

Media Law Resource Center
Media Legal Defence Initiative
MediaNews Group, Inc.
MPA — The Association of Magazine Media
National Association of Black Journalists
National Geographic
National Newspaper Association
The National Press Club
National Press Photographers Association
NPR
NBCUniversal Media, LLC
New England First Amendment Coalition
New England Newspaper and Press Association Inc.
New England Society of Newspaper Editors
News 12
News Corp
Newsday LLC
The News Guild-CWA
Newspaper Association of America
The New Yorker
The New York Times Company
North Jersey Media Group Inc.
NYP Holdings, Inc.
Online News Association
Pasadena Star-News
PEN American Center
Radio Television Digital News Association
Reporters Without Borders
Reuters America LLC
Sacramento Bee
The Seattle Times Company
Society of Professional Journalists
Stephens Media LLC
Student Press Law Center
TEGNA Inc.
Texas Press Association
Time Inc.
Tribune Publishing Company
Tully Center for Free Speech
The Washington Post

Financial Report 2015

From the Reporters Committee Audited Financial Statement for the year ended Dec. 31, 2015

Functional Expenses, Cash Basis

Legal Defense and Research	\$979,120	68.2%
Fundraising	162,392	11.3
Management and General	294,039	20.5
TOTAL	\$1,435,551	100%

Revenue

Special Events	\$39,587	2.5%
Contributions and Grants	994,039	65.1
Interest, Dividends and Capital Gains	319,498	20.9
Program Services	71,147	4.6
In-kind Contributions	77,800	5.1
Publications and Subscriptions	165	0.3
Other	23,781	1.5
TOTAL	\$1,526,017	100%

Assets, Liabilities and Fund Balances, Cash Basis

ASSETS

Current Assets:

Cash	\$303,712
Investments:	
• Certificates of Deposit	625,180
• Government Bond Obligations	698,817
• Corporate Bond Obligations	895,924
• Corporate Stocks	2,577,096
• Money Market Funds	1,066,170
Total Investments	5,863,187
Total Current Assets	6,166,899

Other Assets:

Security Deposits	27,636
TOTAL ASSETS	\$6,194,535

FUND BALANCES

Unrestricted	
• Undesignated	\$1,190,444
• Board Designated	769,788
Temporarily Restricted	4,234,303
TOTAL FUND BALANCES	\$6,194,535

Thank you to our 2015 Donors

\$100,000 & Over

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The Reporters Committee for Freedom of the Press relies on foundation, corporate and individual support to provide the unrivaled pro bono media law guidance and resources that journalists and news organizations have relied on for more than four decades.

Donations to the Reporters Committee can be made in two easy and convenient ways:

- **Online:** Secure online donations can be made to the Reporters Committee at rcfp.org/donate via the Network for Good system.
- **By check:** Please send checks payable to the Reporters Committee for Freedom of the Press, to 1156 15th Street NW, Suite 1250, Washington, DC 20005.

We hope you will also consider a legacy gift to ensure that your support for freedom of the press continues for future generations of journalists. More information about legacy giving can be found at rcfp.org/donate/legacy-giving.

rcfp.org/donate

About the Reporters Committee

The Reporters Committee for Freedom of the Press was founded by leading journalists and media lawyers in 1970 when the nation's news media faced an unprecedented wave of government subpoenas forcing reporters to name confidential sources.

Today it provides pro bono legal representation, amicus curiae support and other legal resources to protect First Amendment freedoms and the newsgathering rights of journalists, including:

- **Litigating** important First Amendment, access to courts, and freedom of information lawsuits in state and federal courts across the country for the benefit of journalists and news organizations.
- **Drafting, coordinating and filing amicus briefs** in courts around the country, often in conjunction with major news and transparency organizations.
- **Writing statements of support and organizing the opposition** when newsgathering rights and the freedom to publish are under attack.
- **Participating in legislative and public affairs outreach** on reporter's privilege, the Freedom of Information Act and other issues important to journalists and the First Amendment.
- **Developing new tools for journalists**, such as mobile apps and the iFOIA electronic Freedom of Information Act request and tracking system (*see below*).
- **Providing on-the-spot legal assistance** to reporters and producing comprehensive publications and media law resources, all of which are available online at no charge.
- **Offering a variety of fellowships and internships** for the next generation of free press lawyers and reporters.
- **Assisting journalists** on media law stories.

Funded by corporate, foundation and individual contributions, the Reporters Committee serves the nation's leading news organizations; thousands of reporters, editors and media lawyers who call for help; and many more who use our online and mobile resources.

Reporters Committee Resources

The Reporters Committee for Freedom of the Press produces myriad First Amendment and freedom of information resources, all of which are available free online via rcfp.org.

Included among them are the popular **iFOIA** system for filing and tracking federal and state Freedom of Information Act requests online. To learn more or to start using iFOIA, go to ifoia.org.

The Reporters Committee also developed a series of **mobile apps** that give journalists on-the-spot information about open government laws and recording rights in their state and on specific reporting beats. Find the apps online at rcfp.org/app.

In addition, with such mainstays as the federal and state **Open Government Guides**, **media law guidebooks**, and **news and analysis** on the website and in the quarterly ePub *The News Media & The Law*, materials and personal help from Reporters Committee attorneys help journalists report the news without interference.



**REPORTERS
COMMITTEE**

FOR FREEDOM OF THE PRESS
