

“ We could not make the impact we have made without the Reporters Committee. At a time when press freedom is under attack from all sides, having the Reporters Committee on our side is a comfort and an inspiration.” (page 16)

– Wendi C. Thomas,
founder of MLK50: Justice Through Journalism

STEERING COMMITTEE

Since 1970, the Reporters Committee for Freedom of the Press has protected the right to gather and report the news; kept the government accountable by ensuring access to public records, meetings, and courtrooms; and preserved the principles of an unfettered free press, as guaranteed by the First Amendment. Our pro bono legal services, including representation in litigation, friend-of-the-court briefs, rapid response legal support, policy analysis, trainings and comprehensive online guides, and pre-publication review are made possible because you invest in our work.

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This past year has demanded a lot from us all.

In 2019, the Reporters Committee for Freedom of the Press was preparing to celebrate our 50th anniversary and launch our new Local Legal Initiative. We were wrapping up a successful public campaign and providing more legal services than ever to reporters across the country.

In 2020, however, we found ourselves in a new, uncertain world — one where journalists were barred from accessing public records and court proceedings because of the COVID-19 pandemic, and where some were tear-gassed, arrested, and harassed by police while covering nationwide protests against systemic racism and police brutality.

As a result, we all found ourselves at risk of losing access to key information during one of the most tumultuous years in our nation's history.

Thanks to your donations, the Reporters Committee rose to the challenge and provided rapid response legal support.

Every day, journalists across the country face roadblocks to their reporting. These roadblocks occur at every level of newsgathering. They range from restrictions on access to public hearings and records, to litigation aimed at intimidation, to

laws prohibiting the disclosure of police misconduct records. If not addressed, these and other obstacles prevent journalists from reporting on consequential issues that deeply affect Americans' daily lives.

That's why no matter where or at what level of government these legal roadblocks occur, the Reporters Committee is there to support journalists.

Our impact over the past year would not have been possible without the 50 years of work we've done to build the most comprehensive nonprofit legal support system for reporters in the U.S. — or without the donors who have funded us every step of the way.

When the Reporters Committee was formed as a part-time organization a half-century ago, we were a small but powerful voice for journalists, working on a national scale. As we've expanded, we've been able to enhance that support at every level, culminating this year with the launch of our ambitious Local Legal Initiative.

We're so proud to have worked beside you in support of First Amendment rights over the past 50 years. Here's to 50 more.



Bruce D. Brown
Executive Director



Stephen J. Adler
Steering Committee Chairman
Editor-in-Chief, Reuters

OUR HISTORY



Photo credit: Jeremy Galliani on Unsplash

- 1970** / RCFP forms in response to a wave of government subpoenas demanding reporters to name confidential sources.
- 1973** / RCFP publishes the first issue of the Press Censorship Newsletter, later known as News Media & The Law.
- 1974** / Jack C. Landau becomes RCFP's executive director. RCFP moves into an office space and hires its first staff attorney, Phil Lehman, allowing the organization to increase its legal support for reporters.
- 1978** / In partnership with the Society of Professional Journalists, RCFP begins handling Freedom of Information Act requests and establishes a computerized database of state and federal public records laws.
- 1985** / Jane Kirtley becomes RCFP's executive director, expanding the organization's work to include comprehensive legal guides.
- 2000** / Lucy Dalglish takes over as executive director of RCFP. After the 9/11 terrorist attacks, RCFP becomes the nation's leading authority on government efforts to prevent important information from reaching the public.
- 2012** / Bruce Brown becomes executive director of RCFP. Two years later, he hires Katie Townsend to build an in-house pro bono litigation team. A period of major staff and program growth begins at RCFP, including the creation of the Technology and Press Freedom Project in 2018.
- 2020** / Supported by a generous initial investment by the John S. and James L. Knight Foundation, RCFP launches the Local Legal Initiative, marking the most significant expansion in our history.

/ In the last five decades, the Reporters Committee has played a role in virtually every press freedom case that has come before the U.S. Supreme Court.

“ We have become a voice that's respected, a place to call for help, the recognized source of comment on reporters' issues.”

— Fred Graham, Co-Founder of the Reporters Committee for Freedom of the Press, speaking in 2004

YOUR GIFTS PAY FOR PRO BONO LEGAL SERVICES FOR JOURNALISTS.
FROM JULY 2019–JUNE 2020, THE IMPACT WAS SIGNIFICANT:

- 2,000+** / journalists, lawyers, students trained
- 37** / active litigation matters as this report goes to print
- 80** / friend-of-the-court briefs and letters submitted
- 26** / investigative journalism projects supported by pre-publication review
- 380+** / journalists assisted through RCFP hotline
- 19** / op-eds published in major news outlets promoting First Amendment rights



Special thanks to Liza Donnelly for this cartoon created in celebration of our 50th anniversary.

Our work over the past year — to support journalists at every stage of newsgathering, to make governments across the country more open, and to protect and advance First Amendment rights — confirms that we are the indispensable press freedom organization in the United States.

As we go to press with this report, the country is reeling from the COVID-19 pandemic and widespread protests against systemic racism and police brutality during a highly anticipated election year.

At the Reporters Committee, we know that an independent press, telling the stories that need telling and free from government censorship, has been the engine of social and political progress in our country and around the world.

Indeed, a free press is a cornerstone of democracy.

With your gift, you stand shoulder-to-shoulder with our lawyers as we support reporters in the field risking their own safety to keep all of us informed during this exceptional time.



COVID-19 and Journalism

Photo credit: AP Photo/Gerald Herbert

In early 2020, the COVID-19 pandemic upended daily life in the U.S. and presented new, unforeseen challenges for reporters across the country. As local, state, and federal authorities moved to implement strict public health measures to slow the spread of the virus, journalists faced a variety of obstacles that made it more difficult to access information.

The Reporters Committee and our staff quickly jumped into action, providing pro bono legal support for journalists bringing you the information you need to stay safe and informed.

/// In early March, we published comprehensive resources to address the unique legal issues confronting journalists and news organizations during the pandemic.

We continue to update these resources, which promote policies to safeguard the public's right to open meetings and public

records, examine the impact of social distancing and shelter-in-place orders on journalists' newsgathering rights, and offer recommendations to courts for providing the public access to judicial records and proceedings when many courthouses are closed.

/// The Reporters Committee also published a journalists' guide to the Health Insurance Portability and Accountability Act, with analysis examining its impact on newsgathering during a public health crisis.

/// Our attorneys are delivering direct pro bono legal services to reporters pursuing COVID-19 stories and covering other important issues within the constraints of the pandemic. We are responding to a high volume of calls to our legal hotline and offering webinars to inform journalists of their newsgathering rights. A number of these trainings are made possible through a generous gift from the Facebook Journalism Project.

The spread of COVID-19 in spring 2020 led us to cancel our May 2020 Freedom of the Press Awards Dinner, which we had planned as a celebration of our 50th year. We plan to celebrate our next awards dinner and milestone anniversary in fall 2021.

Journalists are often targeted for arrests during protests.

The Reporters Committee has historically offered support for journalists covering large political events, protests, and other demonstrations, including the protest that followed the 2014 police killing of Michael Brown in Ferguson, Missouri, and the 2017 presidential inauguration.

In 2020, reporters fanned across the country to cover the convulsions that followed the death of George Floyd at the hands of law enforcement. We were once again called upon to protect their legal rights.



Photo credit: AP Photo/Wong Maye-E

In response to the needs of journalists covering protests, the Reporters Committee:

/// Sent letters to officials in Minnesota, New York, Colorado, and California asking them to take immediate, concrete steps to end police arrests and attacks on journalists in their cities.

Our letter to New York City's mayor and police commissioner was co-signed by 126 news media and press freedom organizations, making it the largest coalition of allies in the Reporters Committee's 50-year history.

These coalitions demonstrate our ability to speak on behalf of the industry in a time of emergency and set up the Reporters Committee for the next stage of this work: seeking substantive police reforms

safeguarding journalists' newsgathering rights during protests.

/// Tracked curfew orders imposed across the U.S. and identified which of them rightly included exemptions for journalists.

/// Responded to a surge of urgent questions from journalists about their legal rights at protests through our legal hotline.

/// Connected journalists to our legal resources, including our Police, Protesters and the Press Legal Guide and our tip sheet for covering protests.

THE LAUNCH OF THE LOCAL LEGAL INITIATIVE



Local news outlets are crucial sources of investigative journalism. They provide us with news about everything from the conduct of our local officials to the cleanliness of our drinking water. The importance of local news has grown even more apparent with the spread of COVID-19, as local reporting has been a lifeline for those of us seeking information about testing, local businesses, and infection rates in our own backyards.

Unfortunately, these very same news sources we depend on have suffered economic hardship and growing legal challenges for years. Many local newsrooms no longer have the resources to pay for the legal services that help bring news to light. Public records request denials go uncontested, local governments avoid scrutiny, and the public is left in the dark about stories important to their communities.

This year, **thanks to a generous initial \$10 million investment from the John S. and James L. Knight Foundation**, the Reporters Committee launched the Local Legal Initiative to bring essential expert legal resources within ready



reach of the journalists who most need them.

The Local Legal Initiative brings direct legal services to local newsrooms and journalists.

Through this ambitious expansion, Reporters Committee attorneys will be based in five states — Colorado, Oklahoma, Oregon, Pennsylvania, and Tennessee — to help local journalists and news organizations defend their rights to gather and report the news, gain access to public records, open meetings, and court proceedings, and hold state and local government agencies and officials accountable. These attorneys will work in full collaboration with our team based in Washington, D.C.



“Today is a big day, because the fight for government transparency and freedom of the press in Pennsylvania is about to get a big boost.”

Though often unseen, journalists here fight every day to obtain documents, data and other records in order to inform you, the public, about what the government is doing (or failing to do) and how your tax dollars are spent. But that work is hard, expensive, and there are a lot of obstacles.

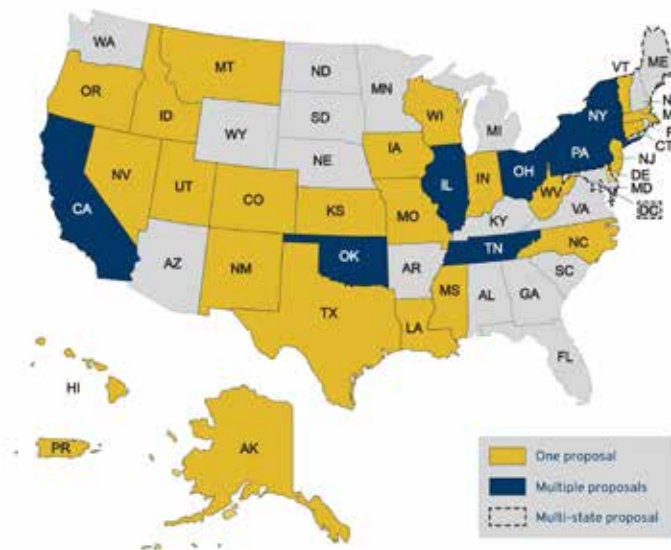
This new effort by the Reporters Committee ... will add much-needed legal muscle to ensure the state government properly complies with the laws that grant access to public records and meetings.”



— Christopher Baxter, Editor-in-Chief of Spotlight PA

In order to choose the five states in which to launch the Local Legal Initiative, we asked journalists, news organizations, and other stakeholders around the country to tell us where they see the greatest need for support. We requested proposals describing the biggest legal challenges reporters face in their communities, and how direct legal support would enable them to pursue more local stories.

In all, **we received 45 proposals representing more than 30 states, territories, and regions submitted by more than 240 organizations, newsrooms, and individuals.** The proposals we received reflect a widespread need for legal support for local journalism in communities across the country.



WE LEARNED:

- Legal resources for affirmative access work are often the first to be cut from local newsroom budgets.
- There is an increasing culture of secrecy in local and state governments that shields data, documents, and other public records, especially those related to law enforcement.
- Journalists are frequently shut out from public meetings and court proceedings, making it difficult for them to report on government entities and the judicial system.
- Local journalists, government officials, and the public need training and education about the public's right to access information.

Local journalists and newsrooms would feel more confident pursuing investigative reporting if they had access to an attorney to review sensitive stories before they are published and provide defensive support when reporters are served with subpoenas or threatened with lawsuits.

We continue to raise funds for this new initiative. With your support, the Local Legal Initiative aims to improve the newsgathering climate by providing direct legal services in places where we can meet those needs.

While we are initially launching this initiative in five states, we hope to expand it in the coming years. The information we've received throughout this process will help inform those next steps.

LOCAL LEGAL INITIATIVE: MEET PAUL



In early March 2020, our first Local Legal Initiative attorney hit the ground running. Paul McAdoo is a veteran First Amendment lawyer based in Nashville, Tennessee.



“ Frequently, it takes a lawyer to push back against recalcitrant governmental entities when they stymie access to records and proceedings that should be public.

In Tennessee, we both advocate for access for journalists across the state for their crucial local and statewide reporting and bring strategic litigation that will help journalists now and in the future on issues of government transparency.”

— Paul McAdoo, Local Legal Initiative Staff Attorney – Tennessee

Since our launch in Tennessee, Paul has been busy. Over the past few months, he has engaged in outreach efforts, responded to hotline calls and requests for assistance from Tennessee journalists, collaborated with the Tennessee Coalition for Open Government and its members, and published an op-ed in USA Today Network newspapers in Tennessee.

He has also filed two lawsuits:

/// In April 2020, as the COVID-19 crisis set in, Reporters Committee attorneys filed a lawsuit on behalf of a coalition of news media and open government organizations against the Tennessee Registry of Election Finance for violating the state’s Open Meetings Act.

The complaint alleges that the Registry secretly conducted a vote regarding campaign finance penalties via email, despite provisions in the law clearly stating that all votes by government bodies must be public.

In September 2020, the Davidson County Chancellor ruled in favor of the coalition.

/// In May 2020, we filed our second lawsuit in Tennessee, this time in federal court against the city of Memphis on behalf of Wendi C. Thomas, the founder, editor, and publisher of the nonprofit newsroom MLK50: Justice Through Journalism.

The complaint argues that the city repeatedly refused to add Thomas to its media advisory list in retaliation for her coverage of the city and the mayor, a clear violation of her First Amendment rights. The media advisory list is used to notify journalists of newsworthy events, and, during the COVID-19 lockdown, to communicate how to join virtual press conferences held by local officials.

The City later revised its policy regarding distributing information to the media, resulting in a dismissal of this case. Paul has since filed a notice of appeal.



KatieBeth Gardner (Oklahoma), Rachael Johnson (Colorado), Paula Knudsen Burke (Pennsylvania), Paul McAdoo (Tennessee), and Ellen Osoinach (Oregon) have joined the Reporters Committee as Local Legal Initiative attorneys.

With the help of our donors, the Reporters Committee's legal team pursues impact and needs-based litigation in state and federal courts around the country. As we go to press with this report, we have 37 active litigation matters currently pending before a trial or appellate court. Reporters Committee attorneys also filed more than 80 important friend-of-the-court briefs and letters addressing a wide range of issues that affect the rights of journalists to gather and report the news.

/// Supporting journalists' right to White House access

Members of the White House press corps provide indispensable coverage of the U.S. presidency. The Trump administration threatened access to White House grounds when it abruptly suspended the press credentials of Playboy White House Correspondent Brian Karem in August 2019 following a verbal dispute between the journalist and former Trump adviser Sebastian Gorka in the Rose Garden. The Reporters Committee and a coalition of 44 news media organizations filed a friend-of-the-court brief urging the U.S. Court of Appeals for the District of Columbia Circuit to restore Karem's credentials, arguing that the U.S. Constitution requires that the White House provide reporters due process before it revokes, suspends, or denies a press pass. In June 2020, the appeals court unanimously ruled in Karem's favor.

/// Arguing for transparency in legal proceedings

In December 2019, Reporters Committee attorneys and William S. Fish, Jr. of Hinckley Allen & Snider LLP filed a federal lawsuit on behalf of the Hartford Courant challenging the constitutionality of the Connecticut Juvenile Transfer Act, which shields courtroom proceedings and judicial records from the public in juvenile felony cases transferred to criminal court. We argued that the law violated the longstanding and constitutionally guaranteed right of the press and public to attend criminal proceedings and to review court dockets and other records. In a preliminary injunction ruling issued in July 2020, a federal judge ordered Connecticut courts to unseal all judicial records in cases transferred from juvenile court to criminal court, an important ruling that will help the public and press hold the state's court system accountable.

/// Fighting for public access to misconduct accusations

At the Reporters Committee, our fight for transparency extends to public access to records of all kinds. In 2019, our attorneys helped the Philadelphia Inquirer unseal court records involving Pennsylvania's Milton Hershey School. The school, a private philanthropic institution for low-income children, has faced federal discrimination lawsuits in recent years, including allegations of mistreatment of students with depression and mental illness. Attorneys from the Reporters Committee and Ballard Spahr LLP filed suit on behalf of The Philadelphia Inquirer, seeking to unseal documents in two federal lawsuits alleging negligent care at the Hershey School. Reporters Committee attorneys argued that the public has a right to the records, as they are necessary to understand how Pennsylvania's richest charity cares for its vulnerable students and how the court is handling the allegations of mistreatment. In response, in early 2020, the federal district court in Pennsylvania unsealed numerous court records in those cases, a major victory for transparency in matters that had previously been largely litigated in secret.

/// Shining a light on government surveillance

The Reporters Committee engages in various types of litigation in order to help journalists learn about how the government is monitoring its citizens. This work provides critical government oversight and allows us to understand how the public — and individual journalists — are being surveilled. This type of litigation can drag on for years and cost journalists lots of money in legal fees, making pro bono legal support particularly valuable.

Gellman v. U.S. Department of Homeland Security

Pulitzer Prize-winning journalist Barton Gellman, who broke the news in 2013 about widespread National Security Agency surveillance programs, filed a Freedom of Information Act request in 2016 seeking records concerning himself in connection with his recently released book about government surveillance and former NSA contractor Edward Snowden. When the agencies failed to respond, Reporters Committee attorneys filed suit on Gellman's behalf in an effort to pierce through the veil of government secrecy that shields records about U.S. citizens in the name of national security. In March 2020, the federal district court in D.C. ordered a number of the requested records to be released.

Leopold v. United States

In 2016, Reporters Committee attorneys joined investigative reporter Jason Leopold and his attorney Jeffrey Light in his suit to unseal judicial records that will enable the press and the public to monitor the government's use of surveillance tools. These tools allow law enforcement to collect private electronic information during criminal investigations, including metadata about a person's phone calls or text messages and, in some cases, the contents of emails. In June 2020, the U.S. Court of Appeals for the District of Columbia Circuit reversed a district court's previous decision and sided with Leopold and the Reporters Committee, holding that the "public's right of access to judicial records is a fundamental element of the rule of law."

Ending decades of law enforcement secrecy

Transparency reforms enacted across the U.S. are often met with pushback from government officials seeking to restrict the rights of the news media. In September 2019, the Reporters Committee supported journalists in California after the state's Justice Department tried to limit the scope of a bill that gave the public the right to access records of police misconduct and uses of force through California Public Records Act requests. The First Amendment Coalition and KQED filed a public records request seeking records released under the legislation, including incidents of firearm discharges and sustained

disciplinary records of police misconduct. After the California attorney general challenged a trial court order requiring the release of all records maintained by the agency, the Reporters Committee and 35 news media organizations filed a friend-of-the-court brief in support of the news organizations. We argued that the California Justice Department's interpretation of the bill undermined an attempt to lift decades of secrecy regarding law enforcement in the state. In January 2020, the appeals court ordered the attorney general to release all records subject to disclosure under the bill.

Opposing government censorship

In 2020, the Reporters Committee supported challenges to several unconstitutional attempts to block the publication of books about President Trump. Cases such as these are essential to protecting First Amendment rights and preventing government censorship.

U.S. v. Bolton

In June 2020, the Trump administration sued John Bolton, the president's former national security adviser, in order to enjoin the release of his memoir. The administration argued that Bolton's book, which covered his time in the White House, contained classified information. The Reporters Committee, along with the Association of American Publishers, Dow Jones, The New York Times, and The Washington Post, filed a friend-of-the-court brief arguing that the government's request was an unconstitutional prior restraint. A federal judge denied the government's request.

U.S. v. Mary Trump

In June 2020, President Trump's brother, Robert S. Trump, filed a lawsuit in an attempt to block the publication and distribution of a book written by their niece, Mary Trump. The suit alleged that the book, which painted an unflattering portrait of the president and the family that raised him, violated a 19-year-old confidentiality agreement. After a New York state trial court temporarily blocked the book's publication, the Reporters Committee, the Association of American Publishers, and PEN America filed a friend-of-the-court brief arguing that the First Amendment

protects the dissemination of speech from prior restraint, especially speech of significant public interest about government officials. A New York judge later rejected the Trump family's effort to stop the book's release.

/// **Protecting journalists' sources and materials**

While many searches and seizures of journalists' materials occur at the border, the most high-profile incident in 2019 happened when San Francisco police searched freelance journalist Bryan Carmody's home and office as part of an effort to uncover a confidential source.

San Francisco judges ultimately quashed all of the search warrants, deeming them illegal under California's shield law. The Reporters Committee led a coalition of 60 news organizations urging a California court to return Carmody's seized materials, successfully sued to unseal records about the arrest and searches, and filed a public records lawsuit against the Justice Department and FBI seeking information about why federal

officers were present during the raid and tried to question Carmody about his source.

As a result of those lawsuits, we learned in July 2020 that the FBI agents involved in the raid likely did not follow Justice Department guidelines intended to protect journalists and their sources when they questioned Carmody. The FBI also failed to adequately search for records related to the raid in response to our Freedom of Information Act requests and unlawfully withheld the names of two of the agents who questioned Carmody. In response, Reporters Committee attorneys asked a federal court in Washington, D.C., to reject the government's request to resolve the FOIA lawsuit in our favor and instead order the bureau to produce all responsive records related to the case.

Separately, through a state public records request, the Reporters Committee learned that officers who conducted the raid were instructed not to use their body-worn cameras.



SHANNON JANKOWSKI

Shannon Jankowski is the Reporters Committee's inaugural **E.W. Scripps Legal Fellow**. In addition to assisting the organization in its national litigation work, Shannon focuses on supporting local enterprise and investigative journalism, including bolstering access to public records and encouraging greater government transparency.

Since she started at the Reporters Committee, Shannon has drafted several friend-of-the-court briefs in support of broadcast news organizations in challenges to restrictive government interpretations of public access laws. This includes a brief in support of a media coalition's efforts to obtain high school disciplinary records of a man who killed nine people during a mass shooting in Dayton, Ohio.

She has also represented news organizations in direct litigation, including a suit on behalf of several Ohio organizations seeking to unseal court records in a high-profile defamation case concerning allegations of racial profiling made by students at Oberlin College against a local bakery.

“ Strong and vibrant local journalism is essential to providing the public with meaningful information about the communities in which they live and work. When local news outlets are faced with legal challenges, it can threaten their ability to investigate these stories. Through my work at the Reporters Committee, I help local journalists navigate these challenges, so they can continue to shed light on important issues within their communities and around the country.”

Legal support is important at every stage of newsgathering. Reporters Committee attorneys regularly provide pre-publication legal review for investigative stories produced by journalists, including documentary filmmakers.

During this process, Reporters Committee attorneys work closely with journalists to vet stories before they are published or broadcast to reduce legal risk. This legal support helps give journalists and news organizations the confidence to pursue important investigative stories.

With your help over the past year, we offered pre-publication support to 26 investigative projects through our partnerships with the International Documentary Association, the Fund for Investigative Journalism, and Freelance Investigative Reporters and Editors.

These partnerships allow us to provide pro bono support where it is most needed. FIJ is offering emergency grants to journalists working on stories related to COVID-19 and police misconduct. We have offered our pre-publication support to the recipients of these emergency grants.

HERE ARE A FEW OF THE PROJECTS WE PROVIDED SUPPORT FOR OVER THE PAST YEAR:

Journalist Victoria McKenzie's investigation about sexual violence against women in Nome, Alaska. The Associated Press published the story as part of a partnership with National Native News, with support from the Pulitzer Center on Crisis Reporting and FIJ.

"And She Could Be Next," a two-part documentary series about the history-making campaigns of women of color running for public office. The series aired on PBS in late June 2020.

Freelance journalist Max Blau's three-part series investigating how the prison privatization movement helped Georgia's "Dr. Death" build a correctional health care empire. The investigation was published by the Macon Telegraph and Atlanta Magazine.



The Reporters Committee was honored to receive the Amicus Award from the International Documentary Association in December 2019.

(left: RCFP Legal Director Katie Townsend and Executive Director Bruce Brown at the IDA Documentary Awards.)

“The Reporters Committee for Freedom of the Press has fought for and defended the rights of countless journalists and filmmakers, and has been a key partner for IDA-funded filmmakers.”

— Simon Kilmurry,
Executive Director of International Documentary Association

At the Reporters Committee, we believe First Amendment rights are crucial to our democracy.

Over the past few years, however, those rights have increasingly come under attack.

Your donations fund our legal work as a national voice for the U.S. news media in conversations on First Amendment rights and the legal issues affecting newsgathering. We do this with a strong presence on social media, by providing helpful resources on our website, and publishing op-eds, newsletters, and thoughtful analyses about trends harmful to journalism.



Over the past year, we published 19 op-eds authored by Reporters Committee staff in outlets including the New York Daily News, IRE Journal, The Washington Post, The Kansas City Star, Just Security, CALmatters, and Lawfare. As a part of our participation in The Washington Post's Press Freedom Partnership, we published three full-page ads promoting press freedom and raising awareness of the rights of journalists in print editions of the paper in 2019 and 2020.

In November 2019, the Reporters Committee and the Committee to Protect Journalists, along with a coalition of more than 30 news media, technology, and

nonprofit partners, launched the "Protect Press Freedom" campaign to mobilize the public to stand up for press freedom and actively protect their right to be informed. Through video, radio, digital, print, and social media, the campaign communicates a simple, powerful truth: In order to be free, we must be informed.

The campaign was featured in advertisements aired during primetime shows like CBS's "Hawaii Five-O," in podcast placements through Stitcher, in public service announcements like NBC's "The More You Know," on digital content platforms like NowThis, and more.



We were honored to support **Wendi C. Thomas**, the founder, editor, and publisher of MLK50: Justice Through Journalism, in her work to inform the city of Memphis, Tennessee.

Our work with Thomas began in 2018, when Reporters Committee attorneys filed a lawsuit on behalf of Thomas and The Marshall Project to support their efforts to access public

records about a secretive nonprofit group's funding of the Memphis Police Department. We also recently supported Thomas in one of the first lawsuits filed as a part of our Local Legal Initiative. You can read more information about this case and the LLI on page 10.



How did the Reporters Committee's support impact your work?

MLK50: Justice Through Journalism exists, in part, to dismantle the status quo. That doesn't win us friends among institutions that benefit from the status quo.

The Reporters Committee has represented me in two lawsuits — one against a secretive nonprofit that sets the criminal policy agenda and another against the City of Memphis, which refused to add me or MLK50 to its media advisory list.

MLK50 is only three years old and still very small. We don't have the resources to hire attorneys to represent us and are so grateful for the Reporters Committee's support.

The Reporters Committee is excited to be expanding our work in Tennessee. What changes do you hope to see in the industry with the Reporters Committee's legal support?

I hope that more newsrooms are emboldened to hold powerful institutions accountable, even if it means adopting a more adversarial stance. I hope that newsrooms can collaborate to solve common challenges, particularly with public records requests. Taxpayer-funded entities and others that have an outsized impact on residents' quality of life should know it's a new day for press freedom and transparency and govern themselves accordingly.

What would you want a journalist or donor to know about the Reporters Committee?

Newsrooms like MLK50: Justice Through Journalism have the will and persistence to hold powerful institutions accountable, but we don't often have the resources to put sustained pressure on those institutions, up to and including legal action.

Hiring lawyers is cost-prohibitive and can mean that the newsroom abandons important stories. Reporters Committee's support changes the game. The committee's lawyers get press freedom, they're knowledgeable about public records laws and have proven immensely helpful as journalists do their job. We could not make the impact we have made without the Reporters Committee.

At a time when press freedom is under attack from all sides, including the nation's highest office, having the Reporters Committee on our side is a comfort and an inspiration.

Through our partnerships and pre-publication work, the Reporters Committee supports a diverse group of newsgatherers, including documentary filmmakers, print, and online journalists, and freelancers.

We provided pre-publication support to award-winning filmmaker Stephen Maing, helping vet “Crime + Punishment,” his documentary film covering a historic class-action lawsuit over illegal policing quotas in New York City.

We came to work with Maing, whose film premiered at the Sundance Film Festival, through our partnership with the International Documentary Association.

Also through IDA, the Reporters Committee offered pre-publication support to the directors of “The People vs. Agent Orange”. This documentary is about the use of the deadly chemical compound, Agent Orange, both in Vietnam and in the United States, as well as related herbicides still used widely in the United States.

You can read more about our pre-publication work on page 14.



Photo credit: Scott Sinkler

“ After experiencing truly astonishingly helpful legal support in conjunction with our IDA Enterprise grant for “The People vs. Agent Orange”, we’re moved to express our thanks to each of you and detail ... how that truly expert legal assistance has been of such essential support.

The Reporters Committee attorneys reviewed numerous cuts of our documentary, flagging ways to reduce risk exposure without substantial loss to the impact of the film’s content. [Your] commitment has been remarkable, taking the initiative to follow up repeatedly, reviewing how we’d sorted out various issues in the editing room.”

— Alan Adelson and Kate Taverna, producers/directors, and Véronique Bernard, producer of “The People vs. Agent Orange”

The Reporters Committee advances journalism's mission to keep the public informed by working to make governments at all levels more accessible to the people they serve.

We have long argued for increased access to court proceedings as a key component of legal transparency.



Photo credit: Michaela Potter

When COVID-19 began spreading across the country in early 2020, courts at all levels closed their doors, making it more challenging for journalists to cover legal proceedings. In March 2020, after the U.S. Supreme Court closed to the public, we urged the Court to broadcast hearings and oral arguments live — a step that the Court later took in May 2020, when it made 10 oral arguments available to the public via a live audio feed. According to data gathered and analyzed by the Reporters Committee, more than 1.9 million people had listened to an oral argument at the Supreme Court by June 24.

In January 2020, RCFP, joined by 57 news organizations, asked U.S. Senate leadership to reconsider press restrictions during the impeachment hearings for President Trump. As we noted in our letter, the restrictions threatened to impair reporters' ability to cover a historic news story and a matter of intense public interest for Americans of all political stripes.

We also testified before a number of local, state, and federal government bodies over the past year.

/// In September 2019, the Reporters Committee testified before the Baltimore City Public Safety Committee in support of legislation banning the use of nondisclosure clauses, or "gag orders," in city settlements for police brutality and discrimination cases. The gag orders ensured that details of police violence were hidden from the

public. A month after the Reporters Committee testified, Baltimore City Council unanimously passed the bill banning the use of gag orders.

/// In October 2019, the Reporters Committee submitted testimony to the New York Senate Standing Committee on Codes advocating for the repeal of Section 50-a of the New York Civil Rights Law, a provision that shielded personnel records of police officers, firefighters, and corrections officers from public disclosure. In June 2020, as protests against police brutality swelled across the country, the Reporters Committee sent a letter to New York Gov. Andrew Cuomo and other state officials strongly urging them to immediately repeal the provision, arguing that it "is a necessary step not only to ensuring police accountability, but also to restoring trust between law enforcement and the communities they serve." Days later, New York lawmakers voted to repeal Section 50-a.

/// In June 2020, the Reporters Committee testified before the U.S. House Subcommittee on Courts, Intellectual Property, and the Internet, stressing the need for greater public access to federal courts during the COVID-19 pandemic. We urged the federal judiciary to continue to ensure remote court access through future legislation, to follow the Reporters Committee's recommendations for better practices, and to preserve these advances toward greater transparency once the crisis is over.

THE TECHNOLOGY AND PRESS FREEDOM PROJECT

Advances in technology have significantly altered the way reporters gather the news — and have created a number of new legal issues that threaten newsgathering. The Reporters Committee’s Technology and Press Freedom Project integrates the law, policy analysis, and public education to defend and promote press rights on issues at the intersection of technology and press freedom, such as reporter-source confidentiality protections and electronic surveillance law.

In recent years, there has been a dramatic rise in leaks prosecutions, which actively chill newsgathering and make it more difficult for journalists — particularly those reporting on national security — to gather information from sources. The TFPF team, which launched a weekly newsletter in October 2019, closely monitors these cases so we are able to quickly intervene with friend-of-the-court briefs or litigation as necessary.



Photo credit: AP Photo/Elise Amendola

Photo credit: AP Photo/Andrew Harnik

/// In September 2019, the Reporters Committee supported Daniel Hale, a former Air Force service member and National Security Agency official, in his constitutional challenge to Espionage Act charges after he was accused of leaking classified information to a reporter from *The Intercept*. In a friend-of-the-court brief, the Reporters Committee, represented by the University of Virginia First Amendment Clinic, argued that the proliferation of news media leak cases in the last decade is directly relevant to whether the Espionage Act could be used arbitrarily or in cases where leaked information is newsworthy and in the public interest — both of which would chill newsgathering and violate the Constitution.

/// In another case, the Reporters Committee, joined by 41 news organizations and represented by Paul, Weiss, Rifkind, Wharton and Garrison LLP urged the U.S. Supreme Court to reject a lower court’s broad interpretation of a federal hacking law, arguing that it could significantly chill traditional newsgathering and data journalism. The case involved a former Georgia police officer who was convicted of violating the Computer Fraud and Abuse Act for “exceeding authorized access” to a computer. We argued that the U.S. Court of Appeals for the Eleventh Circuit’s

interpretation of the law could dissuade sources from coming forward and potentially lead to conspiracy charges against reporters themselves.

/// For much of the past year, the Trump administration has threatened the editorial independence of Voice of America and its sister organizations. In April 2020, the White House attacked VOA, which is funded by Congress, as “Chinese propaganda.” In response, the Reporters Committee sent a letter to the House Committee on Foreign Affairs and the Senate Committee on Foreign Relations, urging lawmakers to preserve the editorial independence of Voice of America, which has historically been a trusted source of news for people around the world. Later, Michael Pack, the new chief executive at the U.S. Agency for Global Media, which administers VOA, fired senior leadership and refused to renew visas for hundreds of foreign journalists, effectively terminating them and depriving VOA and its sister broadcasters of expertise that is essential for their reporting. As this report goes to press, the Reporters Committee is actively working with journalists impacted by these moves to ensure their legal rights are protected.

THE LAW SCHOOL CLINICS NETWORK

Just as we are deeply invested in supporting journalists with legal services, we are also dedicated to training the next generation of media lawyers.

/// In September 2019, the Reporters Committee and Yale Law School's Media Freedom and Information Access Clinic launched the **Free Expression Legal Network**, a coalition of law school clinics that provide



pro bono legal support for public interest journalism. FELN's launch was generously supported by the Lodestar Foundation.

FELN helps law students gain important hands-on experience representing newsgatherers while also connecting potential clients with legal support. The Reporters Committee provides day-to-day staff support for FELN, which currently includes 27 law clinics, as well as two dozen non-clinician law professors who frequently write and research in the areas of free expression, media law, and government transparency.

“Over the past few years, RCFP spearheaded the creation of the Free Expression Legal Network (FELN). At a time when the press and the right to protest are under attack, FELN fills an urgent need. It also engages with and helps to train a new generation of First Amendment lawyers. I am very proud to serve on FELN's steering committee, and immensely grateful to RCFP for bringing FELN to life.”

– Heidi Kitrosser,

Robins Kaplan Professor of Law at the University of Minnesota Law School
and FELN steering committee member

/// The First Amendment Clinic at the University of Virginia School of Law

is administered by Reporters Committee attorneys Gabe Rottman and Jennifer Nelson, who also teach the clinic's students. The clinic is one of the oldest programs of its kind among major U.S. law schools, and is one of only two First Amendment clinics in its region.

In the fall of 2019, the Reporters Committee relaunched the clinic. During the 2019-2020 school year, the clinic quickly reestablished itself as a leading program. The clinic promotes free expression, free press, and the free flow of



information and ideas. Students in the clinic work on active litigation and provide pro bono needs-based services to nonprofit newsrooms and reporters who would otherwise not be able to secure legal assistance.

In 2020, the Legal Clinic Fund announced a grant for the UVA Clinic, which has enabled the Reporters Committee to hire a new legal fellow, Ian Kalish. The Fund, for which the Miami Foundation serves as fiscal sponsor, is generously supported by The Abrams Foundation, Democracy Fund, Heising-Simons Foundation, and The Klarman Family Foundation.

As a part of our pro bono legal services, the Reporters Committee offers free and easily accessible resources for members of the news media. Our legal guides and hotline, some of our longest-existing services, provide an invaluable lifeline for journalists in need of help.

Your donations fund our legal hotline, which is available to journalists and media lawyers seven days a week. In addition, the Reporters Committee also creates special hotlines during political conventions and other large

scheduled events to ensure that reporters on deadline get the information they need.

Our hotline received a particularly high number of requests in 2020 — the highest we've seen since we began collecting this data — as journalists turned to the Reporters Committee with questions about their rights during COVID-19 shutdowns and national protests. We provided assistance to more than 230 hotline inquiries from reporters in 29 states during the first six months of 2020.



FREE LEGAL GUIDES

The Reporters Committee publishes a number of free legal guides on our website. Our guides help journalists navigate the laws affecting newsgathering, which vary greatly from state to state. Many of our guides are the most comprehensive sources of information available regarding state-level laws and policies.

Over the past year, we have published or updated a number of guides, including:

/// The Open Government Guide, a complete compendium of information on every state's open records and open meetings laws; the Open Courts Compendium, a general guide to court access issues; and the Reporter's Privilege Compendium, a detailed examination of the rights of reporters to protect confidential sources and materials in court.

/// The Police, Protesters and the Press Guide, which helps journalists understand their rights at protests and avoid arrest when reporting on these events.

/// The Election Legal Guide, which offers an overview of legal issues that journalists may face while covering the primaries and general election. This guide has also been translated into Spanish.

/// The Anti-SLAPP Legal Guide, which provides members of the press and the public with a comprehensive state-by-state analysis of laws meant to thwart strategic lawsuits against public participation. SLAPPs are often used to intimidate and silence criticism through expensive, baseless legal proceedings.

TRAININGS

Thanks to your donations, the Reporters Committee has expanded the reach of our legal support by offering pro bono legal trainings to newsrooms, journalists, media lawyers, and the general public. Over the past year, Reporters Committee attorneys trained more than 2,000 students, journalists, and lawyers on their First Amendment rights.

Through these trainings, we provide journalists with relevant, comprehensive information regarding their rights under the law. **Here are just a few trainings we offered in 2020:**

/// In April 2020, the Reporters Committee co-hosted a webinar with Investigative Reporters and Editors. Reporters Committee attorneys Adam Marshall and Gunita Singh joined BuzzFeed investigative journalist Jason Leopold to provide guidance to journalists seeking to cover the COVID-19 response. They discussed specific records to request and resources to help push back against agencies that claimed they were unable to fulfill public records requests during the crisis. More than 560 people attended the webinar.

/// The Reporters Committee provided a number of specialized trainings in preparation for the 2020 presidential election. In July and August 2020, we collaborated with the National Press Photographers Association and the Committee to Protect Journalists to offer a series of trainings, supported by the Society of Professional Journalists Foundation, for journalists covering the political conventions — providing legal training (RCFP and NPPA), physical security training (NPPA and CPJ), and digital security training (CPJ).



Photo credit: AP Photo/Julio Cortez

In June 2020, Reporters Committee Staff Attorney Sarah Matthews spoke to WBUR in Boston about the legal challenges reporters may face when covering protests.

“ Like so many local newsrooms across the country, WBUR journalists have hit the streets to cover the demonstrations unfolding in the wake of George Floyd’s killing. While everyone is galvanized by the story and the moment, the level of risk is new and our reporters expressed an urgent need for guidance. [Staff Attorney Sarah Matthews] provided a phenomenal presentation about First Amendment rights. And despite the short turnaround, customized it for Massachusetts. She explained how to avoid getting arrested and then, what to do if you are.”

**– Margaret Low,
CEO of WBUR and vice chair of RCFP’s Executive Committee**

The Reporters Committee for Freedom of the Press would like to thank the following organizations and individuals who supported our work between July 1, 2019 and June 30, 2020.

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“First, my family believes that a free press is the foundation of a strong democracy. Your organization’s work is more essential now than ever before. Second, I happen to be the publisher of the daily newspaper (LNP/LancasterOnline) in Lancaster County, Pennsylvania, and several other titles, including a substantial trade publication serving the northeastern US (Lancaster Farming) and a watchdog publication in the Pennsylvania state capital (The Caucus). RCFP is a great way for my family to help support issues that are near and dear to us.”

– Robert Krasne

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THANK YOU

“Murray would so proud and grateful for what the Reporters Committee for Freedom of the Press has become in 50 years. The Reporters Committee has grown phenomenally, along with the need for its existence. Our family realizes this and is delighted that the organization has received well-deserved recognition and support from a growing number of individuals and foundations in recent years. We remain at your side, supporting all you do.”

- Dodi Fromson (Reporters Committee donor and widow of Reporters Committee Co-Founder Murray Fromson) and Family

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“ I’ve been a reporter for 50 years, the first 30 with the Associated Press and the last 20 with the San Francisco Chronicle, mainly covering legal affairs. I think the last few years have raised my awareness of why and how much a free press must be defended and supported, in this country and elsewhere. I think the public is increasingly realizing it too. Thank you for your work.”

- Robert Egelko
 Reporters Committee donor

THANK YOU

“With some seeing the press as the ‘enemy of the people’ and lies as good as truth and fantasies and conspiracies as valued as facts, journalists and journalism are more important and critical than they have ever been. So, that in a nutshell is what ‘inspired’ us to support your mission and we are very glad to do that.”

- William E. Bell
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“ I have been proud and fortunate to be with the Reporters Committee for Freedom of the Press for more than 35 years. I have seen fellow journalists and our allies working hard so that our profession can do what the First Amendment calls for us to do: report the news to the public without government interference. With its team of dedicated lawyers as well as technology, security and communications experts, the Reporters Committee has made a tremendous impact by leading swift and direct litigation and served journalists in doing their jobs, with legal guides, workshops and a hotline. The challenges journalists face today are more severe than ever, and the Reporters Committee for Freedom of the Press has risen boldly and admirably to the occasion.”

- Tony Mauro,
Reporters Committee Honorary Leadership Council member

FINANCIAL HEALTH

The following information is from the Reporters Committee's Audited Financial Statement for the fiscal year spanning January 1, 2019 through December 31, 2019. Our operating budget for 2019 was \$4,023,384.

FUNCTIONAL EXPENSES, ACCRUAL BASIS



Legal Defense and Research	\$3,100,644
Fundraising	\$297,136
Management and General	\$625,604

REVENUE



Contributions and Grants	\$3,404,111
Fundraising Events*	\$786,887
Interest and Dividends	\$276,131
Program Services	\$278,026
Miscellaneous Income	\$39,562

*Net after expenses

ASSETS, LIABILITIES, AND FUND BALANCES, ACCRUAL BASIS

Current Assets

Cash and equivalents	\$ 1,440,080
Contributions and grants receivable	\$ 725,000
Prepaid expenses	\$ 123,162
TOTAL CURRENT ASSETS	\$ 2,288,242

Other Assets

Grants and contributions receivable-long term, net of discount	\$ 682,500
Investments	\$12,846,956
Property and equipment, net	\$ 615,986
Security deposits	\$ 36,595
TOTAL OTHER ASSETS	\$14,182,037
TOTAL	\$16,470,279

LIABILITIES

Current Liabilities

Accounts payable	\$ 77,964
Deferred rent, current portion	\$ 41,509
TOTAL CURRENT LIABILITIES	\$ 119,473

Other Liabilities

Deferred rent	\$ 690,182
TOTAL	\$ 809,655

NET ASSETS

Without Donor Restrictions

Undesignated	\$ 7,794,091
Board designated long term capital requirements	\$ 977,556
TOTAL NET ASSETS WITHOUT DONOR RESTRICTIONS	\$ 8,771,647

With donor restrictions	\$ 6,888,977
TOTAL	\$15,660,624

Over the past 50 years, the Reporters Committee has provided essential pro bono legal services to journalists across the country. Our long success is fueled by passionate and generous donors who believe, like we do, that a free press is essential to our democracy.

The Reporters Committee closed fiscal year 2019 with \$15.6 million in net assets. This financial stability has given us the confidence to embrace the most significant expansion in our history, while simultaneously sustaining the exceptional legal services docket for which we are respected. Our newest programs in 2019 elevated our national reach. The high-profile Protect Press Freedom campaign and the launch of the Local Legal Initiative in five states were seeded in part by funds saved from successful fundraising in previous years.

In early 2020, economic changes stemming from the international spread of COVID-19 began to impact the nonprofit sector and our fundraising efforts. The Reporters Committee applied for and received a \$464,000 loan under the Paycheck Protection Program to enable us to continue to meet journalists' increasingly urgent pro bono legal needs. Thanks to your generous support in previous years, as well as your continued support in 2020, we remain on strong financial footing.

The Reporters Committee for Freedom of the Press is a 501(c)3 nonprofit organization incorporated in the District of Columbia. All contributions are tax deductible to the fullest extent of the law. Copies of current financial statements are available on our website at <https://www.rcfp.org/annual-report/>. You can also receive them upon request by contacting the Reporters Committee at 1156 15th St. NW, Suite 1020, Washington D.C. 20005 or by telephone at 202-795-9300.

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Special thanks to all of the interns
and volunteers who worked with us.



Special thanks to Matt Wuerker for this cartoon created
in celebration of our 50th anniversary.

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