



REPORTERS COMMITTEE

FOR FREEDOM OF THE PRESS

National Support. Local Impact.



REPORT TO DONORS
July 2020 — June 2021

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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As we reflect on the past year, one thing is clear: Journalism is a cornerstone of democracy.

There have been many significant headlines in the past 12 months: a still-raging COVID-19 pandemic, an uncertain economic recovery, a swell of racial justice protests, a tumultuous election, and a violent uprising at our nation's capital.

Journalists risked their lives to tell these stories — stories that helped us keep our loved ones safe, make sense of the numerous challenges facing our country, and cast informed votes that will shape our future.

Along the way, reporters confronted a wave of threats to press freedom, including physical attacks, arrests, libel lawsuits, and subpoenas.

Journalists fought through these threats in the pursuit of truth — to inform our communities and hold government officials accountable. In small towns and large cities, journalists of all kinds, from local nonprofits to national newspapers, documented history as it unfolded.

They chased down leads, filed public records requests, and analyzed data, digging deeply into important issues such as voting rights, public health, national security, the environment, and social justice, among others.

And in many cases, they did so with the unwavering legal support from attorneys at the Reporters Committee for Freedom of the Press.

This past year, we responded to journalists' legal needs, quickly and effectively: We published resources and hosted trainings to guide journalists through their coverage of the pandemic; we responded to a record number of hotline requests, offering immediate support to journalists in crisis; we organized large coalitions of news media leaders to defend journalists' newsgathering rights at protests; we successfully advocated for a Justice Department policy that will protect journalists' sources and the free flow of information to the public; and we significantly expanded the legal services we provide to local news organizations. You will read about these accomplishments — and many more — in the pages to come.

There will always be legal threats to press freedom, just as there are always more stories to be told. But with your steadfast commitment to our mission, we will continue to rise to the challenge.



Bruce D. Brown
Executive Director



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

OUR MISSION

The Reporters Committee was founded in a moment of crisis for journalism.

Today, we've reached a similar flashpoint characterized by government secrecy, subpoenas, and hostility toward journalists. Over the past year, in the face of national protests against systemic racism, the COVID-19 pandemic, and a contentious national election, reporters worked tirelessly to provide their communities with crucial information.

THROUGH ALL OF IT, WITH YOUR HELP, WE HAD THEIR BACKS.



Los Angeles Times

Associated Press sues after FBI impersonates journalist in sting operation

HELPING TELL IMPORTANT STORIES

When the Reporters Committee protects and empowers journalists, we ensure the free flow of information so crucial to the health of a functioning democracy.

Your support protects the free press and ensures that investigative journalists — reporting about our government, about the health of our communities, and more — can gather a complete picture of the story, including through access to requested data and documents.

THE INTERROGATION OF REALITY WINNER



In June 2017, Air Force veteran and former intelligence contractor Reality Winner was arrested for the unauthorized release of government information to the media. She later pled guilty and received the longest prison sentence ever in

a civilian court by a journalistic source under the Espionage Act.

All too often, the details of investigations into leaks like this — stories with vital national impact — happen behind closed doors, and the details are never revealed to the public. For years, documentarian Sonia Kennebeck and Codebreaker Films fought for access to audio and video recordings of Reality Winner's interrogation. When Reporters Committee attorneys got involved, they refused to take no for an answer.

Reporters Committee attorneys represented the filmmakers in their Freedom of Information Act lawsuit and successfully obtained an order requiring the FBI to produce the requested audio files. The ruling enabled the audio files to be used — and to be heard by the public for the first time — in the documentary film “United States vs. Reality Winner,” which premiered at South by Southwest in March 2021.

PURDUE PHARMA'S ROLE IN THE OPIOID CRISIS

Purdue Pharma, the manufacturer of OxyContin, has been the focus of significant public scrutiny as a result of the opioid crisis. The company has been widely accused of being a driving force behind the public health epidemic that has had devastating consequences for individuals and communities across the country. In 2020, Reporters Committee attorneys represented Dow Jones, the Boston Globe, and Reuters in an effort to unseal thousands of pages of court records filed in bankruptcy proceedings involving Purdue Pharma.

Thanks to these efforts, we now know that members of the Sackler family, who own the company, discussed their potential exposure to lawsuits stemming from Purdue's role in the opioid crisis as far back as 2007. The unsealed records also provided evidence that the company may have unlawfully transferred billions of dollars overseas over nearly a decade to protect their assets in any future litigation.

Our unsealing efforts were credited in “Empire of Pain,” journalist Patrick Radden Keefe's new, best-selling book about the Sackler family.

PROTECTING JOURNALISTS ONLINE

Data journalists — those seeking to report important stories by collecting and analyzing data — provide important coverage of our increasingly digitized society. Unfortunately, their work has been vulnerable to prosecution under the Computer Fraud and Abuse Act, a sweeping federal hacking law that has serious implications for all journalists. As written, the CFAA could be used to hold members of the press liable for routine acts of data journalism, including the automated collection of public information online.

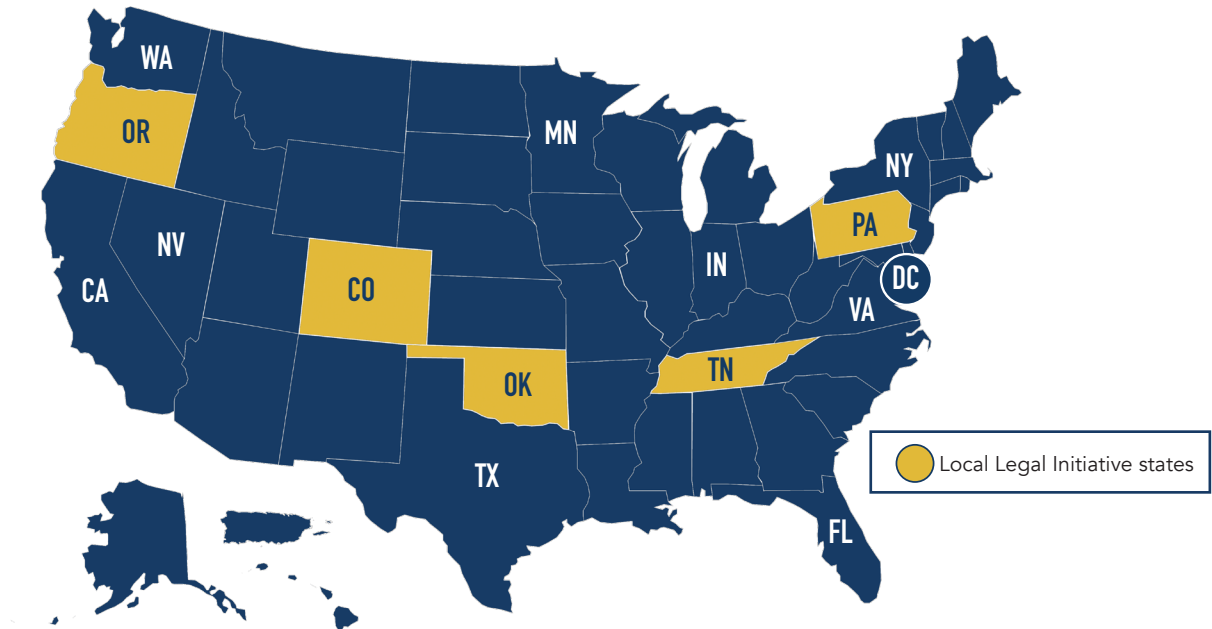


In a 2020 landmark decision, the U.S. Supreme Court narrowed the scope of the CFAA. In doing so, the Court directly cited and credited arguments made in a friend-of-the-court brief by the Reporters Committee and 41 news organizations, arguing that a broad interpretation of the statute would have turned “millions of otherwise law-abiding citizens” into criminals, including by outlawing routine “journalism activity.” The coalition was represented by Paul, Weiss, Rifkind, Wharton & Garrison LLP.

Credit: (Lincoln County Sheriff's Office via AP, File)

Credit: (AP Photo/Elise Amendola)

OUR NATIONWIDE IMPACT



The Reporters Committee's experienced staff attorneys and legal fellows provide indispensable resources for thousands of journalists and news organizations. We support journalists in communities across the country, including local journalists and newsrooms located in our Local Legal Initiative states of Colorado, Oklahoma, Oregon, Pennsylvania, and Tennessee.

BIG-PICTURE NUMBERS

17

investigative journalism projects supported by pre-publication review

56

active litigation matters as this report goes to print

127

friend-of-the-court briefs and letters submitted

620

requests resolved through the RCFP hotline

6000+

journalists and media lawyers trained

FL

FLORIDA: We led free press advocates in a friend-of-the-court brief urging a federal district court in Florida to block enforcement of the state's "must carry" social media law.

NY

NEW YORK: RCFP authored a letter to NY government officials denouncing arrests and uses of force by law enforcement against journalists during 2020 protests.

OR

OREGON: We filed a friend-of-the-court brief weighing in on legal actions related to police powers directed against journalists at protests.

VA

VIRGINIA: RCFP attorneys serve as adjunct faculty at the University of Virginia First Amendment Clinic.

IN

INDIANA: RCFP attorneys supported news outlet WTHR in a public records case concerning the disciplining of a high school teacher and former football coach.

TX **TEXAS:** The Reporters Committee intervened in a case before the Texas Supreme Court arguing for access to exhibits from a highly publicized trade secrets trial brought by HouseCanary against Title Source, Inc. We were represented by attorneys from Jackson Walker.

CA **CALIFORNIA:** RCFP attorneys and co-counsel at Gibson, Dunn & Crutcher, LLP are representing IP Video Market Info Inc., a group of journalists who report on surveillance technology who were sued for defamation by technology startup Royal Holdings Technology Corp.

DC **WASHINGTON, D.C.:** RCFP attorneys filed a FOIA lawsuit against the U.S. Labor Department on behalf of the Washington Blade for records related to alleged attempts by Trump administration officials to undermine regulations intended to protect LGBTQ individuals from employment discrimination.

MN **MINNESOTA:** The Samuelson Law, Technology and Public Policy Clinic at UC Berkeley School of Law, representing RCFP, filed a lawsuit asking the MN federal district court to unseal records in an effort to bring greater transparency to government surveillance processes.

NV **NEVADA:** RCFP updated our Election Legal Guide to include information that focuses on the right of the public and press to access information related to elections in multiple battleground states, including Nevada.

WA **WASHINGTON:** RCFP attorneys filed an unsealing matter on behalf of Forbes and one of its reporters seeking access to court records related to All Writs Act orders compelling Sabre, a travel technology company, to engage in real-time monitoring of individuals subject to active arrest warrants.



TN **TENNESSEE:** TN LLI Attorney Paul McAdoo, representing Courthouse News Service, successfully moved to unseal more than 90 court records, including the deposition of former U.S. Sen. David Perdue, in a class action lawsuit that was settled in 2008 related to the sale of Dollar General to a private equity firm.

CO **COLORADO:** CO LLI Attorney Rachael Johnson filed a lawsuit against the Fremont County Coroner on behalf of Denver's KDVR-TV and one of the state's reporters seeking photos included in the autopsy report of an inmate who was allegedly murdered at CO's Supermax facility.

OK **OKLAHOMA:** OK LLI Attorney Kathryn E. Gardner worked with Kassie McClung of The Frontier to gain access to the dates of death for those who succumbed to COVID-19, data that had been previously denied by the Oklahoma State Department of Health.

OR **OREGON:** OR LLI Attorney Ellen Osoinach sued a local school board on behalf of the Malheur Enterprise seeking records related to discrimination allegations against several board members.

PA **PENNSYLVANIA:** After the 2020 presidential election, we sent letters urging federal courts to use technology to promote public access to judicial proceedings concerning the Trump campaign's challenge to Pennsylvania's election results.

ADVOCATING FOR TRANSPARENCY AT THE LOCAL LEVEL



In 2020, in order to meet an increasing demand for legal support for journalists at the local level, we launched a significant expansion of our work in five states across the country: the Local Legal Initiative.

In rural towns and urban centers alike, government agencies and officials have long shielded records from the public, ignoring journalists' requests for data, documents, and other information, or issuing significantly delayed responses. They've gotten away with it because many local journalists and news organizations lack the legal support to push back.

Thanks to your help, that's beginning to change.

Over the past year, Colorado, Oklahoma, Oregon, Pennsylvania, and Tennessee have each welcomed a Reporters Committee attorney dedicated to bolstering the local news ecosystem. These are states with challenging laws, promising collaborations, and under-resourced newsrooms where the Reporters Committee can create better legal precedent going forward.

The Local Legal Initiative puts essential legal resources within the reach of the journalists who most need them, at no cost to the journalists or their newsrooms. By supporting newsgathering, our attorneys improve citizens' capacity to engage in a vibrant democracy.

The program was created with a 5-year, \$10 million endowment grant from the John S. and James L. Knight Foundation. We are now raising an additional \$10 million to sustain the efforts in each of the five pilot states while planning for future expansion.

COLORADO



Information about law enforcement — how officers are trained, how they are disciplined, and how departments are funded — is of fundamental importance to local communities. Unfortunately, that information is often hard to access.

In recent years, the Colorado Springs newspaper The Gazette and Chicago-based nonprofit newsroom The Invisible Institute filed separate requests seeking similar data from the Colorado Peace Officer Standards and Training Board. After the POST Board rejected these requests, which sought data regarding the certification, training, and personnel changes of law enforcement officers in Colorado, Reporters Committee attorneys stepped in to argue for transparency. In May 2021, Colorado Local Legal Initiative Attorney Rachael Johnson sued the POST Board on the newsrooms' behalf under Colorado's open records laws.

OKLAHOMA



When a traumatic event rocks a community, the government's response can have a huge impact. The Muskogee Phoenix has provided leading coverage of a high-profile murder case involving the deaths of six community members, including five young children. The newspaper sought access to police body-camera footage and a 911 call that would shed light on the aftermath and investigation of the incident — recordings that the state attempted to block from public access.

Oklahoma Local Legal Initiative Attorney Kathryn E. Gardner intervened in the criminal case on behalf of the Phoenix and successfully secured the release of the 911 call and portions of the body-camera footage, ensuring that the Phoenix had the access they needed to keep Oklahomans informed about this important case.

“Public access to police bodycam footage is a crucial aspect of police accountability.”
— Paul McAdoo, Tennessee Local Legal Initiative Attorney

OREGON



Transparency is essential in local government. But without journalists, that transparency can be nearly impossible to achieve.

In October 2020, the Malheur Enterprise filed a series of public records requests seeking information regarding the tension between the public and private roles of an Oregon state legislator involved in private economic development projects. There were significant concerns regarding his conflict of interest — particularly when it came to a development project that appeared to be subsidized by \$26 million in taxpayer dollars. After the Malheur County Economic Development Department produced unlawfully redacted documents 85 days after the request, the Reporters Committee got involved. Oregon Local Legal Initiative Attorney Ellen Osoinach successfully filed a petition urging the district attorney to immediately release the records.

Les Zaitz, the Enterprise’s editor and publisher, has encouraged smaller newsrooms to take advantage of the Reporters Committee’s support:

“Not only does it make your case stronger, but it also signals to other public officials in your state that, no, the press is not going to back down. We’re not going to take no for an answer. We are going to stand up and safeguard the public’s rights.”

— Les Zaitz, editor and publisher of the Malheur Enterprise

PENNSYLVANIA



Journalists often find themselves in the crosshairs of frivolous lawsuits meant to intimidate them and silence their reporting.

This was the case for The Caucus and two Pennsylvania journalists in August 2020, when they were sued by the political campaign

of Pennsylvania state Sen. Joseph Scarnati. After the journalists requested public records related to the lawmaker’s campaign spending, his campaign committee sued them for over \$5,000 in fees for the work allegedly done to produce the requested records.

Pennsylvania Local Legal Initiative Attorney Paula Knudsen Burke defended the journalists against the campaign’s deliberate attempt to chill newsgathering and obtained a judgment in their favor. Had this lawsuit been successful, it might have established legal precedent that would have made it much easier for political candidates to avoid public scrutiny in the future.

TENNESSEE



When things go wrong during altercations between law enforcement and

the public, oversight is key. In July 2020, journalist Marc Perrusquia submitted a public records request to the city of Memphis seeking body-camera footage from three separate incidents of alleged use of excessive force by a city police officer. The Memphis Police Department had reviewed the video footage while conducting an administrative investigation into the incidents and had concluded that the officer’s use of a taser violated the police department’s excessive force and taser policies. The city denied Perrusquia’s request. Perrusquia, a veteran Memphis journalist whose reporting has examined use of force by MPD officers, challenged the city’s response, asking for a legal basis for the denial. Tennessee Local Legal Initiative Attorney Paul McAdoo sued on Perrusquia’s behalf.

In May 2021, after the city produced the public records at no cost and issued a new written policy concerning the review of use-of-force cases, Perrusquia dismissed the case.

THE IMPORTANCE OF FOIA

Access to government records is one of the most crucial legal rights for reporters and investigative journalists. It offers the transparency that we need at all levels of government in order to ensure a healthy democracy.

At the federal level, the Freedom of Information Act, commonly known as FOIA, allows the public to request records from federal executive branch agencies. All 50 states and Washington, D.C., have their own public records laws that apply to local and state government agencies.



Your donations fuel active efforts to protect FOIA and state public records laws from threats and to monitor legislative efforts or agency guidelines that could hinder transparency.

We have a number of resources available for free online to support journalists navigating public records laws — including the FOIA Wiki, our legal hotline, and the Open Government Guide — all of which connect journalists to important information about each federal and state public records and open meetings law. We also provide comprehensive trainings to newsrooms and journalists seeking to understand their rights and gain access to government records.

This work became more urgent over the past year, as many government agencies broadly cited the COVID-19 pandemic as a reason for putting public records requests on the back burner. Over 30 states modified agencies'

obligations to comply with public records laws during the pandemic. We tracked these changes and advocated for proactive release of public records online.

Holding the FBI Accountable

Concern has been growing in recent years that FOIA has tilted so far in favor of government secrecy that it is failing to serve its core purpose of ensuring the public knows what their government is up to. In 2016, Congress added the "foreseeable harm" provision to FOIA, which prohibits agencies from withholding information unless the agency reasonably foresees that disclosure would harm an interest protected by the exemption, or that disclosure is prohibited by law.

A case brought by the Reporters Committee recently resulted in the U.S. Court of Appeals for the D.C. Circuit issuing an opinion with the most expansive and detailed explanation of the foreseeable harm provision to date — an explanation that is sorely needed in order to give the provision teeth and sets a precedent for government transparency.

The case in question is *Reporters Committee v. Federal Bureau of Investigation*, and it began in 2007, when an FBI agent impersonated an AP editor. The Reporters Committee and the AP submitted FOIA requests seeking more information in 2014. After some of the records were withheld, the case continued for another seven years before concluding with this groundbreaking decision from the D.C. Circuit.



GUNITA SINGH

Gunita Singh is a staff attorney at the Reporters Committee. She works on litigation, policy, and amicus work, primarily around state and federal freedom of information laws while also helping reporters and news organizations with records requests.

“Government documents are often crucial components to news stories, documentary films, and other works of members of the news media, yet numerous obstacles can stand in the way of access to such records.

At RCFP, we continually push back against undue delays and unjustified denials of access to information housed by government bodies. I'm glad to be part of a team that helps journalists obtain public records that they can use in their reporting all while helping to uphold and strengthen critical mechanisms for transparency and accountability.”

Journalists' legal needs can arise in any number of places — with a struggle to gain access to records, with confusion regarding their rights at protests, or with a lawsuit that comes after the publication of a story.

One key moment in the journalistic process comes before publication, when journalists may need a lawyer to review their work and help them avoid any legal pitfalls.

Reporters Committee attorneys work closely with journalists to vet stories before they are published to reduce legal risk. This pre-publication review helps give journalists, including documentary filmmakers, confidence to pursue important investigative stories.

Over the past year, our attorneys have reviewed dozens of investigative stories for a wide range of clients, including nonprofit newsrooms, freelance journalists, and independent, investigative filmmakers.



HOW A PLAN TO SAVE THE POWER SYSTEM DISAPPEARED

In an investigation published by The Atlantic and InvestigateWest, Peter Fairley detailed how the Trump administration blocked a federal research lab's plan to modernize the U.S. power grid, which would have reduced reliance on coal and helped slow climate change.

Credit: (AP Photo/David J. Phillip, File)



PHILLY DA

Filmmakers Ted Passon, Yoni Brook, and Nicole Salazar followed Larry Krasner during his first term as Philadelphia's district attorney. The result was "Philly DA" — an eight-part series exploring Krasner's work for criminal justice system reform that aired on PBS in 2021.

Credit: (AP Photo/Matt Rourke)



THE RUBBER INDUSTRY'S TOXIC LEGACY IN AKRON

The Reporters Committee provided pre-publication review for a series of articles by Fund for Investigative Journalism grantee Yanick Rice Lamb. The series, published through a partnership between Belt Magazine and the Center for Public Integrity, explores the toxic environmental and health impacts of the rubber industry in Akron, Ohio.

Credit: (AP Photo/Dake Kang)

GIVING JOURNALISTS THE TOOLS THEY NEED



Credit: (AP Photo/Mary Altaffer, File)



Credit: (AP Photo/Julio Cortez)



Credit: (AP Photo/Damian Dovarganes)

HOTLINE

The Reporters Committee's free legal hotline is one of the oldest and most immediate forms of support for the free press we offer. Through the hotline, our attorneys provide journalists in need with a uniquely valuable one-stop shop for legal information. The hotline combines our in-house resources with the resources of a growing national network of often pro bono and low bono resources provided by firm attorneys, law schools, and local partners.

This resource was a crucial lifeline for journalists over the past year. The Reporters Committee fielded 620 requests from July 2020 to June 2021 — the largest number of requests to the hotline on record and 60% more than the year before.

Every time the Reporters Committee receives a request through our hotline, we're prepared to go to bat for the free press. Journalists contact our legal hotline with any number of concerns — and while some might have routine newsgathering questions, others might face more complicated media law issues that may require in-depth, long-term support.

- Over the past year, we noticed an increase in the number of calls from journalists facing libel threats, which can chill investigative reporting and cost thousands of dollars in legal fees.
- We fielded a number of calls from Voice of America reporters facing deportation after the then-head of the U.S. Agency for Global Media refused to renew the visa applications of its foreign-born journalists. We connected these callers to attorneys with experience handling complex immigration matters. We also filed a friend-of-the-court brief in support of senior officials at USAGM who were suspended by the former CEO in 2020, arguing that their status as federal employees does not stop them from asserting their First Amendment rights.

Our assistance can last for several months after the initial hotline request. Sometimes the caller might become a Reporters Committee client. We also assist journalists by connecting them with law firms and law school legal clinics willing to assist them.



LEGAL GUIDES

Any number of legal issues can stop an investigation in its tracks: inability to gain access to public records, confusion regarding restrictions created in response to the COVID-19 pandemic, and more. The free legal guides published on the Reporters Committee website ensure that journalists always have resources they can turn to.

Many of our guides are the most comprehensive sources of information available regarding both federal and state laws and policies affecting journalists. These foundational sources of support would not be possible without the help of our wide network of pro bono attorneys — and our dedicated donors.

Over the past year, we updated a number of our most-used guides to better serve journalists across the country working to report in the face of an ongoing pandemic, a national election, large-scale protests, and a growing hostility toward the news media.

- We updated our Press Freedom on Tribal Lands guide, an essential source of legal information regarding press freedom issues on tribal lands located within the United States. We significantly expanded and revised this guide with the support of attorneys with tribal law experience and the Native American Journalists Association, a key partner in our Local Legal Initiative in Oklahoma.
- We updated our Police, Protesters and the Press guide to help journalists avoid arrest and understand their rights when reporting at protests.
- We also updated and expanded our Election Legal Guide to include information that focuses on the right of the public and press to access ballots, voter rolls, and the initial ballot count and recount process in several battleground states.
- We published our Pre-Publication guide, which helps journalists better assess the legal risks they may face when publishing an article or releasing a film.

TRAININGS

The Reporters Committee provides trainings on First Amendment and media law issues for newsrooms, journalists, and media lawyers. Our trainings offer valuable insight into tricky legal issues and help journalists think strategically about how to problem solve in order to get the story. We often give these trainings in partnership with other organizations, and aim to tailor them to our audience in order to provide the best support possible.

- Over the past year, we offered more than 20 trainings to help reporters understand their legal rights at protests and in connection with government-mandated curfew orders, as well as how to safely interact with police. The trainings, which enrolled more than 700 participants, were hosted by individual newsrooms such as WBUR in Boston, journalism affinity groups such as the Institute for Nonprofit News, Investigative Reporters & Editors, and the Society of Professional Journalists, and state-based broadcasters associations and journalism collectives.
- In June 2021, our Oregon and Colorado Local Legal Initiative attorneys led a practical training with Judith Matloff, journalism professor and media safety advocate at Columbia University. The training, hosted by the Reporters Committee and the DART Center for Journalism and Trauma and sponsored by Society of Professional Journalists in Oregon, covered media safety and resilience in Western rural communities when reporting on issues such as white separatism, militias, and domestic terrorism.
- At the Investigative Reporters & Editors conference in September 2020, Reporters Committee Staff Attorney Gunita Singh joined Mark Walker, the New York Times' Freedom of Information Act coordinator, and Salt Lake Tribune reporter Nate Carlisle, to discuss tips to help journalists overcome agency excuses and obtain public records during the pandemic.
- In June 2021, we received a grant from the Facebook Journalism Project designated for our hotline and the creation of a series of trainings about common legal issues journalists face.

PROTECTING REPORTERS' SOURCES

Protecting sources is integral to a free press. Reporters Committee attorneys have long fought to shield journalists from having to disclose their confidential sources and reporting materials.

By fending off subpoenas, advocating for strong, lasting federal prohibitions against obtaining journalists' communications, and filing briefs in support of journalists' efforts to avoid having to reveal their sources in court, our attorneys help ensure that journalists' confidential sources don't have to fear that they will come under government scrutiny just for speaking to the press. Removing that threat ensures the free flow of information and helps the public hold the government accountable.

DEMANDING ACCOUNTABILITY FROM THE JUSTICE DEPARTMENT

In July 2021, U.S. Attorney General Merrick Garland announced a new policy barring the Justice Department from seizing journalists' notes, work product, phone and email records, and other information. This new policy was a direct result of advocacy from the Reporters Committee and news media representatives following reports that the Trump administration had authorized prosecutors to seize phone and email records of reporters at the Washington Post, CNN, and the New York Times. These attempts to obtain journalists' data were a deliberate effort to identify confidential sources — part of a larger trend of seeking to prosecute journalistic sources as spies for disclosing government information to the news media.

This new DOJ policy is an historic win for press freedom. As Reporters Committee Executive Director Bruce D. Brown and Chairman Stephen J. Adler wrote in a guest essay for the New York Times, "It's not an overstatement to say that the new rule will increase transparency about the government's own workings, rather than allow them to be cloaked in secrecy."

The Reporters Committee's advocacy on this issue dates back many years. In 2014, we led a group of media organizations in working with the DOJ to strengthen and preserve the federal guidelines that protect journalists and news outlets from being forced to disclose their confidential sources or other

newsgathering records in the course of leaks probes or other federal investigations. Those efforts prompted then-U.S. Attorney General Eric Holder to strengthen the guidelines. More importantly, they laid the foundation for the Reporters Committee's advocacy in 2021, when news broke about the attempted records seizures by the Trump administration.

In statements and op-eds, the Reporters Committee immediately demanded answers and reforms. We mobilized to revive the dialogue group that had previously helped strengthen the news media guidelines years earlier, and we quickly helped organize two high-level meetings with Justice Department officials, including Attorney General Garland, and leaders of major news organizations to discuss the need for strong, lasting rules to ensure that such abuses of power never happen again.

With your generous support, we will continue to work with news leaders and officials as the Justice Department's new policy is drafted into a formal regulation and to urge federal legislators to enshrine the new rule in law.



Credit: (AP Photo/Alex Brandon)

“ The goal must be to ensure that such abuses never occur again.”
— Bruce Brown, Executive Director of the Reporters Committee

HELPING LOCAL, FREELANCE JOURNALISTS FEND OFF SUBPOENAS

Government efforts to obtain journalists' sources and records can create a significant challenge for reporters, especially independent journalists and freelancers. The Reporters Committee often provides support to news organizations and reporters struggling to fight back against subpoenas.

In Virginia, Reporters Committee attorneys were successful in quashing a subpoena seeking the confidential sources and work product of freelance journalist Zachary Petrizzo in connection with his reporting on right-wing provocateur Jack Burkman. As our attorneys argued in a motion to quash, the subpoena appeared to have been issued “primarily to burden and harass a non-party journalist who accurately reported on issues of significant public concern.”

Reporters Committee attorneys also helped stop a subpoena threat against Justin Wingerter, a former reporter for the Topeka Capital-Journal. The Kansas Attorney General's Office sought several years of records that Wingerter used to report news stories for his former newspaper and for his book published in April 2021, “Four Shots in Oskie.” Reporters Committee Senior Staff Attorney Sarah Matthews agreed to represent Wingerter. But after notice of the subpoena gained publicity, including comments from Wingerter and Matthews, the attorney general's office dropped the demand for the journalist's records.



PROTESTS

There were 438 physical attacks against journalists in 2020, according to the U.S. Press Freedom Tracker.

Ninety-one percent of those attacks occurred as journalists covered nationwide protests following George Floyd's murder in Minneapolis, Minnesota. Law enforcement was responsible for 80% of the assaults at demonstrations, and the majority of journalists attacked appeared to be deliberately targeted by police.



Credit: (AP Photo/Wong Maye-E)



Credit: (AP Photo/Seth Wenig)

In October 2020, Reporters Committee attorneys Sarah Matthews and Gabe Rottman appeared before the Inter-American Commission on Human Rights to discuss press freedom in the United States. Sarah testified that while protests are always some of the most dangerous places for journalists, the number of attacks and arrests increased dramatically last year.

The Reporters Committee has worked extensively to respond to the alarming trend of arrests and use of force by law enforcement against journalists during the protests. We authored letters to government officials, organized coalitions of media and press freedom advocates, trained journalists on their legal rights, fielded a record number of hotline calls from journalists facing threats, and updated our comprehensive legal guides to meet the growing demand for support. We also coordinated with local criminal defense attorneys to help expedite the release of journalists arrested while covering the protests.

The Reporters Committee filed several friend-of-the-court briefs in a class-action lawsuit against the city of Portland, Oregon, on behalf of journalists targeted by law enforcement while covering Black Lives Matter protests. We filed one of our briefs to strongly urge U.S. District Judge Michael H. Simon not to require journalists to register or obtain a license in order to receive legal protections while covering protests. During a hearing, Judge Simon thanked us for our brief and said he was no longer considering this restriction.

Having led this effort locally, we took our concerns to the national level when we pressed Attorney General Merrick Garland to make legal protection for journalists a part of any Justice Department investigation into policing across the country. Our letter was signed by 90 news organizations and journalism groups, an indication of the extraordinary consensus around this issue.

A stylized, light blue map of Los Angeles is positioned at the top of the page, partially overlapping the dark blue header. It shows the city's street grid and major freeways.

Reporters Committee attorneys responded swiftly to support journalists as they faced attacks and arrests while covering protests against police brutality and racial injustice.

Reporter Andrea Sahouri from the Des Moines Register was acquitted in March on two charges stemming from her arrest last May while covering a protest. We issued a statement strongly condemning the decision to prosecute her. While we are relieved the jury rightfully found Sahouri not guilty on all charges, we remain concerned for others in similar predicaments.

We also helped support Josie Huang, a journalist for National Public Radio member station KPCC who was violently arrested in September 2020 while reporting on a protest in Los Angeles.

Huang was violently and unlawfully arrested by Los Angeles County deputies after she recorded them tackling a peaceful protester on a public street. She was tackled to the ground, suffering physical injuries, and arrested — despite wearing her credentials and identifying herself as a journalist. She spent five hours in jail before being released.

Following her arrest, LASD officials made several false claims, including that Huang failed to identify herself as a journalist, that she “ran towards the deputies” and “interfered with the arrest,” and that she “ignored repeated commands” to stay back. This led to a flood of racist and misogynistic slurs and violent threats directed at Huang. Substantial video evidence shows that those statements are false, yet LASD has not retracted them. In video recordings of the incident, Huang can be heard clearly and

repeatedly telling the deputies that she was a journalist for KPCC. She was also wearing a visible press badge that identified her as a reporter.

Huang’s charges were dropped after Reporters Committee lawyers, joined by dozens of media companies, wrote a letter to the Los Angeles County Sheriff’s Department condemning her arrest.

“ Journalists in Los Angeles County should be able to record police activity in public without fear of retaliation. As the public’s eyes and ears, we must be able to cover protests and document how law enforcement responds to those protests.”

– Josie Huang, reporter for KPCC

THE POWER OF LOCAL SUPPORT

Much of our work helping journalists during protests, including the local coalition letters sent to government officials in Minnesota, New York, Colorado, California, and Washington, D.C., would not have been possible without the support of our local partners and volunteers.



“Over the past year and a half, the treatment of and disdain for journalists has been troubling, to say the least. It’s especially a concern for freelance journalists, who may have neither the name recognition of more established journalists, nor the resources of a large media organization behind them. It’s been an honor to help RCFP support these freelancers and others, all of whom are doing crucial work.”

– Leita Walker
Ballard Spahr attorney

In 2020 and 2021, Minnesota-based media attorney Leita Walker of Ballard Spahr provided indispensable help, frequently agreeing to be available for urgent, after-hours assistance to journalists who called our hotline as they covered protests in Minnesota. Following demonstrations resulting from the fatal police shooting of Daunte Wright in April 2021, she sent a letter to Minnesota Gov. Tim Walz and law enforcement officials expressing concern about the mistreatment of journalists during these protests. The letter, which was joined by the Reporters Committee and a coalition of news media organizations, highlighted numerous reports of officers attacking, arresting, dispersing, and detaining journalists despite a court order prohibiting the targeting of journalists at these protests.

Walker also led the dialogue between a media coalition that included the Reporters Committee and 21st Century Policing Solutions, a law enforcement consulting group. This series of meetings and focus groups were designed to inform a report for the Minnesota Department of Public Safety with recommendations on best practices in policing future demonstrations.

Walker, a former journalist herself, co-authors several of the Reporters Committee’s free legal guides, including the Minnesota chapters of our Open Courts Compendium, Open Government Guide, and Privilege Compendium, as well as the Eighth Circuit chapter of our Privilege Compendium. Our guide authors help ensure that our legal guides offer journalists across the country the comprehensive, accurate information they need to gather and report the news in their states.

EXPANDING SUPPORT FOR JOURNALISTS OF COLOR

In 2020, Borealis Philanthropy and the Reporters Committee partnered to expand pro bono legal support for independent journalists and news organizations that produce news for communities of color across the country. Supported by a generous investment of \$100,000 from Borealis Philanthropy's Racial Equity in Journalism Fund, the Reporters Committee welcomed Kamesha Laurry as our first Borealis Racial Equity in Journalism Fund Legal Fellow.

This new legal fellowship was established to better identify, support, and address the legal needs of journalists of color, and newsrooms led by and primarily serving people of color. It was created in direct response to the threats and other legal challenges journalists have faced, including access issues while covering the COVID-19 pandemic, which have disproportionately impacted communities of color.

Kamesha works alongside other Reporters Committee attorneys to provide free legal assistance with cases involving unlawful detention, prior restraint, court access, public records, and other First Amendment issues facing journalists and newsrooms led by and for people of color. She also helps respond to journalists' legal questions and emergencies through the Reporters Committee's hotline.



NATIONAL SUPPORT FOR LOCAL MEDIA

Thanks to an initial \$245,000 grant from the John S. and James L. Knight Foundation, the Reporters Committee is joining forces with Microsoft and Davis Wright Tremaine to develop a national pro bono media law network to further support local journalists. The initiative will seek to expand the Protecting Journalists Pro Bono Program, a pilot program launched last year by Microsoft and Davis Wright Tremaine.

The pilot program created a pool of volunteers, drawn from Davis Wright Tremaine's premiere First Amendment and media law practice and Microsoft's in-house legal department, to work with reporters and small news organizations that are not otherwise able to afford legal support to help them defend their legal rights. As part of our effort to expand the pilot program, our Pro Bono Director, Flavie Fuentes, will survey the legal needs of journalists across the U.S.; work with nonprofit and local newsrooms, law school clinics, and legal services organizations to promote interest in the initiative; and seek additional law firms and corporate legal departments to join the program.

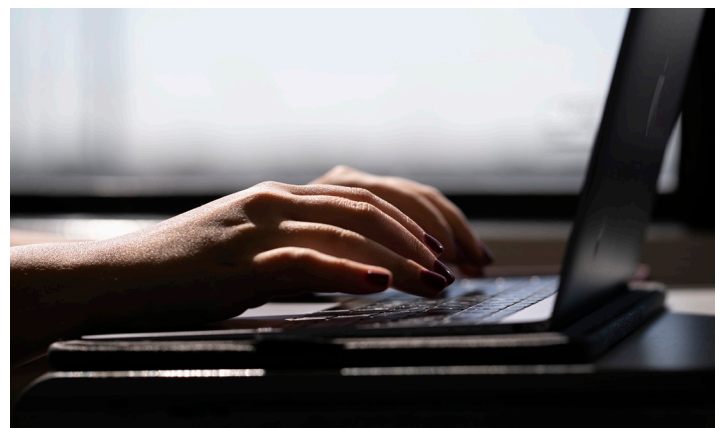
COORDINATING LEGAL CLINIC COLLABORATION

Over the past two years, the Reporters Committee has worked on two fronts to support the education of law students interested in defending the First Amendment.

In 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 clinics and academics that has grown to more than 30 law schools. We provide the essential staff infrastructure, host the website, manage communications, and support special projects.

We have supported new clinics and connected clinicians working on similar topics for learning and collaboration. In the fall of 2020, FELN launched a joint project to survey police policies that impact the press. Students from FELN-member clinics compiled relevant policies from major police agencies across the country, and the group is now working to analyze those policies, summarize them, and develop recommendations for improvement. The goal is to build a public database so that journalists can benefit from the collective information. Josh Moore of the Reporters Committee and Tyler Valeska formerly of the Cornell First Amendment Clinic coordinate the project and are working closely with the National Press Photographers Association and First Look Media. Josh's work has been generously supported by the Lodestar Foundation and First Look Media's Press Freedom Defense Fund.

Further, Reporters Committee attorneys are now in their third year as adjunct faculty running the First Amendment Clinic at the University of Virginia School of Law. This past fall, supported by a grant from the Legal Clinics Fund, Legal Fellow Ian Kalish joined the Clinic's team to coordinate the daily work of the students and build connections with local journalists who can benefit from the Clinic's assistance. The Legal Clinic 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.



Credit: (AP Photo/Jenny Kane)

50 years A VIRTUAL CELEBRATION

When COVID-19 started spreading across the globe in early 2020, we were forced to cancel our May 2020 Freedom of the Press Awards dinner and 50th anniversary celebration. That milestone celebration was rescheduled for September 2021.

The 2021 Awards, which took place online on Sept. 28, 2021, was hosted by Kristen Welker, co-anchor of "Weekend TODAY" and NBC News Chief White House Correspondent.

Freedom of the Press AWARDS 2021

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“Thank you, thank you, thank you ... I appreciate all of your work, always, but especially now when journalism is one of the most important efforts to save our country. I am not overstating this. What you do is crucial and important.”

— Karlene Goller, The Law Office of Karlene Goller and Of Counsel Jassy Vick Carolan

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“ I am a full-time investigative reporter covering US law enforcement and crime, as well as transportation safety. I believe in RCFP’s mission because I believe in mine, and RCFP’s mission supports my work.”


— Jay Horowitz, Reporters Committee donor and producer of Real World Police



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We also express our deep gratitude to donors who make recurring gifts, whose regular support creates greater financial stability.

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Susan Zirinsky

“I am proud to say that I was one of the first paid employees of the Reporters Committee, back in 1973 ... I am happy to be a contributor to a group that gave *me* so much as a 20-something.”

— Fielding M. McGehee III, Reporters Committee donor and former staff member

FINANCIAL HEALTH

The following information is from the Reporters Committee's Audited Financial Statement for the fiscal year spanning Jan. 1, 2020 through Dec. 31, 2020. Our operating budget for 2020 was \$4,370,898.

FUNCTIONAL EXPENSES, ACCRUAL BASIS



Legal Defense and Research
\$2,645,964

Fundraising
\$818,859

Management and General
\$906,075

REVENUE



Contributions and Grants
\$4,509,489

Interest and Dividends
\$222,885

Program Services
\$50,073

Other Income
\$6,931

ASSETS, LIABILITIES, AND FUND BALANCES, ACCRUAL BASIS

Current Assets

Cash and equivalents	\$ 2,546,057
Contributions and grants receivable	\$ 1,116,231
Prepaid expenses	\$ 113,573
TOTAL CURRENT ASSETS	\$ 3,775,861

Other Assets

Grants and contributions receivable-long term, net of discount	\$ 507,000
Investments	\$13,396,942
Property and equipment, net	\$ 532,072
Security deposits	\$ 36,595
TOTAL OTHER ASSETS	\$14,472,609

TOTAL \$18,248,470

LIABILITIES

Current Liabilities

Accounts payable	\$ 51,260
Accrued expenses	\$ 127,898
Deferred contributions revenue	\$ 318,337
Deferred rent, current portion	\$ 27,298
TOTAL CURRENT LIABILITIES	\$ 524,793

Other Liabilities

PPP loan	\$ 464,400
Deferred rent, net of current portion	\$ 617,408

TOTAL \$ 1,606,601

NET ASSETS

Without Donor Restrictions

Undesignated	\$ 7,940,437
Board designated long term capital requirements	\$ 1,096,518
TOTAL NET ASSETS WITHOUT DONOR RESTRICTIONS	\$ 9,036,955

With donor restrictions	\$ 7,604,914
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TOTAL \$16,641,869

Throughout 2020, the Reporters Committee provided important pro bono legal support to journalists as they worked to produce the news in the face of seismic changes around the globe. Our work over the past 12 months would not have been possible without the generous support of our donors.

2020 saw many shifts at the Reporters Committee — an adjustment to remote work and virtual support of journalists; the addition of several new fellowship positions; and the full launch of the Local Legal Initiative, the most significant expansion in our history. All of this work was accomplished while sustaining the docket of comprehensive legal services that we have provided for over 50 years.

As COVID-19 continued to spread internationally in 2020, the resulting economic changes impacted our fundraising efforts. The Reporters Committee applied for and received two loans under the Paycheck Protection Program (one, in May of 2020, for \$464,400; and one, in February of 2021, for \$553,005) to enable us to continue to meet journalists' need for legal support. Thanks to your generous support in previous years, as well as your continued support in 2021, we remain on strong financial footing.

The Reporters Committee for Freedom of the Press is a 501(c)3 nonprofit organization. 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.

OUR TEAM

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Executive Director

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2020-2021

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Stanton Foundation National
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2020-2022

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E.W. Scripps Legal Fellow
2021-2023

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Technology and Press Freedom
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2018-2020

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2021-2022

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