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Affiliations appear only for purposes of identification.

February 25, 2026

Mr. Stephen Walker

Superintendent of Schools, Croton-Harmon Union Free School District
10 Gerstein Street

Croton-on-Hudson, New York 10520

Stephen.Walker@chufsd.org

Board of Education, Croton-Harmon Board of Education

10 Gerstein Street

Croton-on-Hudson, New York 10520

boe@chufsd.org

Re: Exclusion of The Croton Chronicle from Media Distribution
List

VIA EMAIL

Dear Mr. Walker:

The Reporters Committee for Freedom of the Press (“Reporters Committee” or “RCFP”) is a non-profit organization that provides pro bono legal representation, amicus curiae support, and other legal resources to protect the First Amendment and newsgathering rights of journalists across the country. It has come to our attention that the Croton-Harmon Union Free School District (the “District”) has excluded Mr. Michael Balter, journalist and publisher of [The Croton Chronicle](#), from its media distribution list despite Mr. Balter’s multiple requests to be included on the list. The District has failed to respond to Mr. Balter’s November 15, 2025, November 18, 2025, and January 5, 2026 requests and has continued to exclude The Croton Chronicle from all press release distributions. While Mr. Balter appreciates that the District has responded to FOIL requests for information, this is no substitute for inclusion on the District’s media distribution list.

It is also our understanding that the District has, over time, stopped responding to Mr. Balter’s requests for comment. While Mr. Balter acknowledges that the District has no obligation under the law to respond to any particular request for comment, the District’s relatively recent pattern and practice of refusing to respond to Mr. Balter’s inquiries appears to be retaliatory. While the District was happy to respond to Mr. Balter’s requests when The Croton Chronicle launched in 2023, *see* Exhibit A (Dec. 15, 2023 email from Jackie Burton), and later in 2024, *see* Exhibit B (Apr. 3, 2024 email from Stephen Walker), the District stopped responding after Mr. Balter reached out for comment regarding his reporting on the District’s ethics rules. *See* Exhibit C (May 11, 2024 email to Jackie Burton) and Exhibit D (May 22, 2024) email to Jackie Burton).

In the space of only a few months, the District went from congratulating Mr. Balter on the launch of The Croton Chronicle to determining “that The Croton Chronicle [is] not an actual media outlet our communications team would engage, as there is no fact checking or editorial review.” See Exhibit E (Aug. 8, 2024 email from Ana Teague). The Board of Education later rescinded this determination, stating in an email from later the same month that “there has been no Board or District determination, or any Board or District action, finding or declaring that the Croton Chronicle is ‘not an actual media outlet’ or restricting communication with the Croton Chronicle.” See Exhibit F (Aug. 21, 2024 email from Ana Teague). This confusing back-and-forth about whether the District deems The Croton Chronicle to be “an actual media outlet” and the timing of the District’s sudden refusal to respond to Mr. Balter’s requests for comment suggest that the District may have sought to retaliate against The Croton Chronicle following Mr. Balter’s investigation into allegations concerning certain members of the District.

Mr. Balter estimates that he has sent approximately 24 requests for comment since the spring of 2024 to which the District has refused to respond.

These actions raise serious First Amendment concerns and are inconsistent with the District’s Media Relations policy, which states that “[t]he Board of Education invites and welcomes the active participation of *all* forms of media in informing the public and improving education within the District and the wider community” (emphasis added).

For the reasons herein, we ask that you add Mr. Balter and The Croton Chronicle to your media distribution list and commit, going forward, to provide all members of the press equal access to information issued by the District.

The First Amendment was intended to protect the “right of free public discussion of the stewardship of public officials . . . a fundamental principle of the American form of government.” *New York Times Co. v. Sullivan*, 376 U.S. 254, 275 (1964). The protections of the First Amendment apply equally to traditional and non-traditional journalists and news organizations, including freelance reporters and Substack sites such as The Croton Chronicle. In New York, [Civil Rights Law, Art. 7, Section 79-h\(a\)\(6\)](#) defines a professional journalist as “one who, for gain or livelihood, is engaged in gathering, preparing, collecting, writing, editing, filming, taping or photographing of news intended for a newspaper, magazine, news agency, press association or wire service *or other professional medium or agency* which has as one of its regular functions the processing and researching of news intended for dissemination to the public” (emphasis added). This definition does not include any requirement that the journalist be employed by a traditional print newspaper or broadcast news organization and certainly covers The Croton Chronicle.

We also write to emphasize the importance of non-traditional news outlets, including [Substack](#), in filling the gap left by the severe [decline in local, independent news](#) across the nation. In its [2025 report](#), Northwestern University’s Local News Initiative found that, “[t]he crisis of local news is often characterized as a rural problem, but in terms of magnitude, the disappearance of local newspapers has most starkly impacted

urban and suburban areas.” The Croton Chronicle is the only source of investigative reporting about Croton-on-Hudson and covers local news, politics, events, opinions, and more. The Local News Initiative report also highlighted that, “[s]uburban newspapers proved particularly vulnerable to the mass consolidations carried out by large chains,” a concerning trend given findings that “[s]maller, independent local outlets are a key backbone of the American local news ecosystem, as they are often the most active and trustworthy sources for community audiences.” In Croton-on-Hudson, this phenomenon is evidenced by The Croton Chronicle’s large number of subscribers—1,491 as of February 2, 2026.

For these reasons, we respectfully request that the District commit to providing all members of the press—including Michael Balter and The Croton Chronicle—equal access to press releases and other information issued by the District, starting immediately.

Please acknowledge receipt of this letter and confirm that you have added Mr. Balter to the District’s media distribution list by March 4, 2026.

Thank you for your timely attention to these matters. If you have any questions or would like to discuss, please feel free to contact me.

Sincerely,



Jennifer Nelson
N.Y. Bar No. 5009873
Director of Pre-Publication Review
& Journalist Support
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EXHIBIT A



Annie Seminara <aseminara@rcfp.org>

Fwd: Electric school buses

Michael Balter <michael.balter@gmail.com>
 Reply-To: michael.balter@gmail.com
 To: Annie Seminara <aseminara@rcfp.org>

Mon, Feb 23, 2026 at 9:49 AM

----- Forwarded message -----

From: **Michael Balter** <michael.balter@gmail.com>
 Date: Fri, Dec 15, 2023 at 1:17 PM
 Subject: Re: Electric school buses
 To: Jackie Burton <jackie.burton@chufsd.org>
 Cc: Lauren Fontana <concordantf@gmail.com>

Hi Jackie and Lauren,

Thanks so much for getting back to me.

The deadline is not that urgent, as I want to do a thorough and balanced job on this story.

If it were possible to set up something for the week between Christmas and New Year, that would be ideal, but I realize that is holiday time in the district.

So if we need to push it until after January 1 that would be fine, although I would hope for something that first week if at all possible.

I look forward to hearing from you further.

Best, Michael

Michael Balter

Writer/reporter (anthropology, #MeToo, mental health, environment)
 Publisher, "Words for the Wise" (<https://michaelbalter.substack.com/>)
 Publisher, "The Croton Chronicle" (<https://thecrotonchronicle.substack.com/>)
 Paris correspondent, *Science* 1991-2016
 Adjunct Instructor of Journalism "emeritus,"
 New York University, Boston University, and City College of NY

Email: michael.balter@gmail.comTweet: [@mbalter](https://twitter.com/mbalter)Web: michaelbalter.comBook: <http://tinyurl.com/13np9st>

"Lying is done with words and also with silence." --Adrienne Rich

On Fri, Dec 15, 2023 at 1:14 PM Jackie Burton <jackie.burton@chufsd.org> wrote:

Hi Michael. Thanks for contacting me, and congratulations on initiating the Croton Chronicle. I am your contact, along with my colleague Lauren (copied here).

It sounds like you might have a hard and fast deadline; can you please let us know what that is? Ideally, we would schedule something for after the holiday recess, but please let us know if that would work for you.

Best,
Jackie

On Fri, Dec 15, 2023 at 1:00 PM Michael Balter <michael.balter@gmail.com> wrote:

Hello, just coming back to you with this request.

Please let me know if I should be addressing it to someone else.

thanks again, Michael

Michael Balter

Writer/reporter (anthropology, #MeToo, mental health, environment)
Publisher, "Words for the Wise" (<https://michaelbalter.substack.com/>)
Publisher, "The Croton Chronicle" (<https://thecrotonchronicle.substack.com/>)
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On Thu, Dec 14, 2023 at 2:14 PM Michael Balter <michael.balter@gmail.com> wrote:

Dear Jackie Burton,

On the assumption that you either handle or can route media inquiries:

I am the editor/publisher of The Croton Chronicle, a fairly new village online newsletter.

I am doing a more comprehensive update on a fairly brief story we did about possible issues with the district's electric buses, which were discussed in the December 3 meeting of Croton's Sustainability Committee:

<https://thecrotonchronicle.substack.com/p/school-district-transportation-personnel>

For the more in-depth update, I would like to talk to one or more district officials, including someone from your transportation department, about the issues that have been raised. I am local here in Croton so ideally I would like to come to the district offices to do this in person at a time that would be mutually convenient. I would like to do this next week if at all possible.

My schedule is fairly flexible next week, with a few appointments I need to keep, so if there were multiple possibilities you could suggest for the meeting that would be much appreciated.

Could I ask your help in setting this up, or referring me to the right person to do that?

With thanks and best regards,

Michael Balter
The Croton Chronicle

Michael Balter

Writer/reporter (anthropology, #MeToo, mental health, environment)

Publisher, "Words for the Wise" (<https://michaelbalter.substack.com/>)
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--

Michael Balter

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EXHIBIT B



Annie Seminara <aseminara@rcfp.org>

Fwd: Collective bargaining agreement with ACU

Michael Balter <michael.balter@gmail.com>
Reply-To: michael.balter@gmail.com
To: Annie Seminara <aseminara@rcfp.org>

Mon, Feb 23, 2026 at 9:50 AM

----- Forwarded message -----

From: **Michael Balter** <michael.balter@gmail.com>
Date: Wed, Apr 3, 2024 at 8:13 PM
Subject: Re: Collective bargaining agreement with ACU
To: Stephen Walker <stephen.walker@chufsd.org>
Cc: Denise Cohen <denise.cohen@chufsd.org>, Jackie Burton <jackie.burton@chufsd.org>, John Griffiths <john.griffiths@chufsd.org>

Steve,

Thanks for getting back to me on this. I understand the position. I will send all of those copied here a link to the story when it is posted.

Best, Michael

Michael Balter
Publisher, "The Croton Chronicle" (<https://thecrotonchronicle.substack.com/>)
Publisher, "Words for the Wise" (<https://michaelbalter.substack.com/>)
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On Wed, Apr 3, 2024 at 6:27 PM Stephen Walker <stephen.walker@chufsd.org> wrote:

Michael,

Thank you for your email. The district is not in a position to comment on ongoing negotiations. As always, our goal is to arrive at an agreement which is fair, financially sustainable, and provides for high-quality working conditions for our team members.

Best regards,

Steve

Stephen Walker
Superintendent of Schools

Croton-Harmon Union Free School District
Go Tigers!

On Wed, Apr 3, 2024 at 8:51 AM Michael Balter <michael.balter@gmail.com> wrote:

Dear Stephen and Denise,

I understand that the current contract between the Aides of Croton United (ACU) and the school district expires after June 30 of this year.

The Croton Chronicle will be publishing a report on this no later than Friday.

I would like to ask a few questions for the article, as follows:

1. The hourly rates for Teacher Aides, School Monitors, and Food Service Helpers are just a bit over minimum wage, and even after six years of service Teacher Aides get only a 20 cent hourly increase. Do you believe these wages are equitable given the responsibilities and tasks of these workers, and do you intend to increase them in the new contract? A quick look at other school districts suggests that these wages are near the bottom of the scale for districts in our area.

2. I understand the attrition rate for these categories of workers is very high, with dozens of employees leaving over the past few years. Is this attrition rate acceptable in the view of the district, or does it negatively affect the students and teachers and need to be remedied?

3. I understand that the president of the ACU came to the district three times last year asking for some kind of increase in wages or other assistance, on the grounds that these employees were struggling and not able to provide adequately for themselves and their families--but was told that nothing could be done before contract negotiations begin. Could you explain why it was not possible to provide at least some temporary relief to these employees?

4. If there is anything you would care to add to your responses to the above questions, that would be very welcome.

Given our deadline, I would ask for your responses no later than the end of the working day tomorrow, Thursday.

With thanks and best regards,

Michael Balter
The Croton Chronicle

cc. Jackie Burton

--

Michael Balter
Publisher, "The Croton Chronicle" (<https://thecrotonchronicle.substack.com/>)
Publisher, "Words for the Wise" (<https://michaelbalter.substack.com/>)
Paris correspondent, *Science* 1991-2016
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--

Michael Balter

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Publisher, "Words for the Wise" (<https://michaelbalter.substack.com/>)

Paris correspondent, *Science* 1991-2016

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EXHIBIT C



Annie Seminara <aseminara@rcfp.org>

Fwd: Ethics rules for district

Michael Balter <michael.balter@gmail.com>
Reply-To: michael.balter@gmail.com
To: Annie Seminara <aseminara@rcfp.org>

Mon, Feb 23, 2026 at 9:52 AM

----- Forwarded message -----

From: **Michael Balter** <michael.balter@gmail.com>
Date: Mon, May 13, 2024 at 1:40 PM
Subject: Re: Ethics rules for district
To: Jackie Burton <jackie.burton@chufsd.org>

Thanks Jackie, that is very helpful.

Best, Michael

Michael Balter
Publisher, "The Croton Chronicle" (<https://thecrotonchronicle.substack.com/>)
Publisher, "Words for the Wise" (<https://michaelbalter.substack.com/>)
Paris correspondent, *Science* 1991-2016
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On Mon, May 13, 2024 at 1:22 PM Jackie Burton <jackie.burton@chufsd.org> wrote:

Michael,

The information is available on the District website. Section 9000 deals with any personnel topic about which there is a policy: https://boardpolicyonline.com/?b=croton_harmon&s=27102.

Jackie

On Sat, May 11, 2024 at 9:38AM Michael Balter <michael.balter@gmail.com> wrote:

Hi Jackie,

I have an entirely different question for you in your capacity as the district's public information person.

I have searched district policies but do not immediately see anything pertaining to guidelines or rules concerning romantic or sexual relationships between employees, especially between supervisors and those they supervise, as well as rules of this type concerning relationships between district employees and outside contractors.

Perhaps I am missing the relevant policies. Could you inform me, or point me to the policy sections I should be looking at?

Many thanks,

Michael

Michael Balter

Publisher, "The Croton Chronicle" (<https://thecrotonchronicle.substack.com/>)

Publisher, "Words for the Wise" (<https://michaelbalter.substack.com/>)

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[Quoted text hidden]

EXHIBIT D



Annie Seminara <aseminara@rcfp.org>

Fwd: Eligible voter rolls in district

Michael Balter <michael.balter@gmail.com>
Reply-To: michael.balter@gmail.com
To: Annie Seminara <aseminara@rcfp.org>

Mon, Feb 23, 2026 at 9:53 AM

----- Forwarded message -----

From: **Michael Balter** <michael.balter@gmail.com>
Date: Fri, May 24, 2024 at 5:51 PM
Subject: Re: Eligible voter rolls in district
To: Jackie Burton <jackie.burton@chufsd.org>

Jackie,

Thanks for getting back. The channels you suggest might not be able to respond as quickly as necessary in certain situations, so I will think about how best to address my queries.

Have a good holiday,
\
Michael

On Fri, May 24, 2024 at 5:01 PM Jackie Burton <jackie.burton@chufsd.org> wrote:

Mr. Balter,

Thank you for your email. Going forward, please direct your inquiries to the Board of Education, either [through the district website](#) or via boe@chufsd.org, or to the administrator of the department to which your question pertains.

Jackie

On Fri, May 24, 2024 at 1:58 PM Michael Balter <michael.balter@gmail.com> wrote:

Hi Jackie,

I am still hoping to get this figure from you.

If you have decided, for any reason, that you do not want to respond to press inquiries from me, please let me know so I can arrange with someone else in district HQ to serve that role for the Chronicle.

Thanks, Michael

Michael Balter

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On Thu, May 23, 2024 at 8:52 PM Michael Balter <michael.balter@gmail.com> wrote:
Hi Jackie

Coming back to you with this question.

Thanks again, Michael

On Wed, May 22, 2024 at 3:56 PM Michael Balter <michael.balter@gmail.com> wrote:
Jackie,

Do you have a figure for how many eligible voters are currently in the school district, even if it is an approximate one?

Thanks,

Michael

Michael Balter

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Publisher, "Words for the Wise" (<https://michaelbalter.substack.com/>)
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Michael Balter

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Michael Balter

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EXHIBIT E



Annie Seminara <aseminara@rcfp.org>

Fwd: AC in the schools

Michael Balter <michael.balter@gmail.com>
Reply-To: michael.balter@gmail.com
To: Annie Seminara <aseminara@rcfp.org>

Mon, Feb 23, 2026 at 9:54 AM

----- Forwarded message -----

From: Michael Balter <michael.balter@gmail.com>
Date: Thu, Aug 8, 2024 at 5:08 PM
Subject: Re: AC in the schools
To: Ana Teague <ana.teague@chufsd.org>
Cc: Board of Education <boe@chufsd.org>, Stephen Walker <Stephen.walker@chufsd.org>, Jackie Burton <jackie.burton@chufsd.org>

Ana,

I am quite surprised at your response.

Not only has no one informed me that the Chronicle is not considered by the district to be a legitimate news organization, but district staff have routinely supplied me with information and responses to many questions I have posed over the past months. So this is wrong on that basis alone.

It is also incorrect because public bodies such as the school district do not have the discretion of deciding that a publication with hundreds of subscribers and up to 2000 readers on some stories—and which routinely publish comments provided to us by public officials such as Mayor Pugh and Village Manager Bryan Healy—is not a real news outlet. The New York State courts have been very clear on the issue of First Amendment retaliation against publications that publish articles public officials do not like, and your comments provide tangible evidence for such violations.

I will write that you have declined to comment on the questions I have asked you in your capacity as Board president, which is the actual fact in this case. I did not ask for your opinion as a private citizen.

Best, Michael

Michael Balter
Publisher, "The Croton Chronicle" (<https://thecrotonchronicle.substack.com/>)
Publisher, "Words for the Wise" (<https://michaelbalter.substack.com/>)
Paris correspondent, *Science* 1991-2016
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"Lying is done with words and also with silence." --Adrienne Rich

On Thu, Aug 8, 2024 at 5:01 PM Ana Teague <ana.teague@chufsd.org> wrote:
Hi, Michael.
Thank you for your email.

Let me start by saying I am responding to your inquiry as a private citizen. It's my understanding the determination had been made in late Spring that The Croton Chronicle was not an actual media outlet our communications team would engage, as there is no fact checking or editorial review. If this has changed, please let me know. You were then directed to reach out to the District Clerk, BOE President or appropriate member of the administrative team. I assume this is why you reached out to me.

Having said that, my response is intended for you as a taxpayer and not to be interpreted as a media response. I am repeating information otherwise provided to you and the community.

Superintendent Walker had previously stated to parents' inquiries regarding the air conditioning work in the Kindergarten wing as slated to be part of the work of the Future Facilities Plan on track for the 2024-2025 school year. Please follow up with him for updates on specifics.

I hope you will continue to present the Board and District as always working hard to reach the needs of our students and community.

Thank you for your interest in our continued commitment.

Kind regards,

Ana Teague

On Thu, Aug 8, 2024 at 3:32 PM Michael Balter <michael.balter@gmail.com> wrote:

Ana,

Due to some publication scheduling changes at The Croton Chronicle, I will probably be moving publication of the AC story up to as early as tomorrow, Friday.

So this will be my third request to you for comment on the subject in your capacity as BoE president.

My policy, which is consistent with the way most reporters work, is to ask public officials for comment about three times before concluding that they do not want to respond. If there is no response at all, I would normally write that the official "did not respond to repeated requests for comment."

If you prefer to tell me that you are declining to comment, please do so by tomorrow morning (Friday) and I will say that instead.

I would much prefer, however, that you do make some comments on this subject, which is of great concern to parents, teachers, and staff. That would be a better look for both you and the school district, although of course the decision is up to you.

Please let me know one way or the other or I will have no choice but to default to the phrasing indicated above.

thanks again, Michael

Michael Balter

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On Wed, Aug 7, 2024 at 8:33 AM Michael Balter <michael.balter@gmail.com> wrote:

Hi Ana,

Just coming back to you in hopes that you will comment on this issue.

I will probably write up the story this weekend for publication early next week, so I would need to hear back from you by Friday if at all possible.

Thanks again, Michael

Michael Balter

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On Mon, Aug 5, 2024 at 7:05 AM Michael Balter <michael.balter@gmail.com> wrote:

Ana,

I am writing to you in your capacity as president of the school board.

I am preparing for the Chronicle an update on the situation with AC in the schools, most notably at CET's kindergarten wing and other rooms there.

The district clerk provided me with some information concerning the timeline for installing AC in the kindergarten wing, August 2025 or perhaps earlier, but Mr. Walker declined to answer any followup questions about it.

The policy issue I am most interested in getting a response to is why it will take up to three years from the time that the voters approved funds in 2022 meant to cover AC installation (along with many other things of course) until it is actually installed. This would appear to mean that students will return to school this coming academic year with no AC even though there are now hot months in the fall and in the late spring.

As you probably know, a number of parents have complained and expressed concerns about this to the district, and some children have reportedly fallen ill as early as May on hot days. So this is a matter of community concern. (High temps in CET rooms also affect staff and students during summer day camp, as the Chronicle reported earlier in a "photo essay.")

Sarah explained to me earlier that the president speaks for the Board, so I would ask you if you are willing to respond to questions about it, most importantly the one posted above about apparent delays in the installation.

I am planning this story for next week, so I hope that gives you enough time to respond. I would need to hear back from you by this Friday if at all possible.

with thanks,

Michael Balter
The Croton Chronicle

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Michael Balter

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Michael Balter

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EXHIBIT F



Annie Seminara <aseminara@rcfp.org>

Fwd: First Amendment issues arising

Michael Balter <michael.balter@gmail.com>
 Reply-To: michael.balter@gmail.com
 To: Annie Seminara <aseminara@rcfp.org>

Mon, Feb 23, 2026 at 9:56 AM

----- Forwarded message -----

From: **Michael Balter** <michael.balter@gmail.com>
 Date: Wed, Aug 21, 2024 at 12:28 PM
 Subject: Re: First Amendment issues arising
 To: Ana Teague <ana.teague@chufsd.org>
 Cc: Board of Education <boe@chufsd.org>, Stephen Walker <Stephen.walker@chufsd.org>, Jackie Burton <jackie.burton@chufsd.org>, Denise Bisaccia <Denise.Bisaccia@chufsd.org>

Ana,

Thank you for this response. It does indeed address the concerns I had raised. If there has not been a decision to regard the Chronicle, which I am glad to hear, then the rest of the issues are moot.

1. It would only have constituted First Amendment retaliation if indeed such a decision had been made. If not, then not.
2. I agree that the district has been responsive in a timely fashion to my queries and FOIL requests, which is a main reason why I was surprised at the suggestion that it did not consider the Chronicle a legitimate news outlet.
3. I recognize and acknowledge the right of the district and its personnel to decline to comment on any matter they choose, on a case by case basis. A blanket refusal to comment would get us into the issues I raised, but I take your word that was not intended.
4. I would be happy to put together a memo on the relevant case law at the federal and state level. That would be useful for my purposes as well. The 50th anniversary of the New York FOIL is coming up very soon and I may do it in connection with a planned article for the Chronicle. I will get back to you about that in due course.

Best regards,

Michael Balter
 The Croton Chronicle

On Wed, Aug 21, 2024 at 12:13PM Ana Teague <ana.teague@chufsd.org> wrote:

Mr. Balter,

I, and the Board of Education, are in receipt of your email. I offer the following response in an effort to clarify our prior communications which you referenced in your email. At the outset, please be advised that there has been no Board or District determination, or any Board or District action, finding or declaring that the Croton Chronicle is “not an actual media outlet” or restricting communication with the Croton Chronicle. To the extent that the language used in my email gave you the impression or indicated the same, that was in error.

With respect to your claim of retaliation, I believe it is unfounded. As you acknowledged in your email, the District has communicated with you on a number of occasions throughout the school year. Moreover, the District has responded to each of your FOIL requests, has not withheld any publicly available information from you, has not restricted your access to public events/meetings, has not restricted your access to public comment at Board meetings, has not prohibited any employees (or anyone) from speaking to you, has not blocked you from making inquiries, and has not stopped, or attempted to stop, you from publishing any stories/articles. Therefore, I do not believe that there is any basis to claim that the District has engaged in First Amendment retaliation against the Croton Chronicle. However, please note

that the District does reserve the right not to respond to, or to indicate it has no comment to, inquiries from any media outlets, including, but not limited to, the Croton Chronicle. As I am sure you are aware, individuals and organizations retain the right not to respond (or provide comment) to inquiries, just as you retain the right to make inquiries. That said, as stated above, there has been no directive or determination prohibiting the District, the Board or any employees from responding to inquiries from the Croton Chronicle. If you believe that the District, the Board of Education, and/or individuals in the District do not have the right to decline to respond to your inquiries, or to indicate it has no comment, please provide me with the authority or decision that states the same for the District's and the Board of Education's review and consideration. The District attempted to access the decision you referenced (Morrill et al. v. Fulop et al.), but it appears that no decision has been rendered in that case as it is still pending. Likewise, the District attempted to find the New York cases you referred to, but any such cases also appear to still be pending. Finally, I note that the case you referenced, as well as the similar pending cases in New York, appear to involve municipalities that refused to provide certain news outlets with access to publicly available information or notices, which is clearly not the case here.

I hope this addresses your concerns. Thank you.

Ana Teague

On Tue, Aug 20, 2024 at 7:49AM Michael Balter <michael.balter@gmail.com> wrote:

Hello all,

Now that the first installment of the Chronicle's coverage of the AC situation in the schools has been published, I need to return to the issues raised by Ana Teague's email to me of August 8, copied to all of you (except Denise B. whom I am copying here as well.) There are a number of issues, and I have to ask you to take them seriously, as do I. I will number them for easy reference.

1. In response to a request for Ana to comment on the AC situation in her official capacity as Board president, she responded saying that she was writing only as a private citizen. However, I had sent my request to both her school district and private emails, to be sure my message would reach her in time. She chose to respond using her official district email, and copied all of you on her response. This means that despite her qualification, her email of August 8 is an official district document and she was in fact acting officially.
2. Ana writes: "It's my understanding the determination had been made in late Spring that The Croton Chronicle was not an actual media outlet our communications team would engage, as there is no fact checking or editorial review." Two points here: First, in fact, no one communicated any such decision, if it was indeed made, to me at any time. The district continued to respond to my media queries on a continuing basis, in which I clearly indicated that I was asking on behalf of the Chronicle, although Mr. Walker did decline to comment on the AC situation. Second, it is not the place for the district to decide who is and who is not a legitimate news outlet; but even if it were, the criteria outlined by Ana Teague are not valid for such decisions. Based on those criteria, the Gazette would also be considered an illegitimate news outlet (there are no fact checkers, and there is no "editorial review." Gary Cahill exerts all of those functions as editor and publisher of the Gazette, and I do the same with the Chronicle.)
3. Both in New York state courts and in federal courts, judges have made very clear that public officials cannot retaliate against a media outlet because they don't like its content. There are many precedents in the New York courts, and just last year this principle was affirmed at the federal level in the New Jersey district of New Jersey (Morrill et al. v. Fulop et al., which dealt with the legal concept of First Amendment retaliation, an issue New York state courts have also ruled on a number of times.)
4. If a decision was actually made last spring by the district that the Chronicle should not be treated as a legitimate news outlet, I believe legal discovery would demonstrate that this decision was actually taken as retaliation against the Chronicle for its reporting on the district, which is admittedly critical at times. I will be submitting a FOIL request for documents in this area of inquiry.
5. I would like the district to immediately clarify its policy with regards to The Croton Chronicle, and either confirm or deny Ana Teague's statements about an alleged decision made last spring.
6. If litigation became necessary, I would probably proceed *pro se* at the beginning and then bring in some of the New York attorneys who routinely help journalists in First Amendment and FOIL cases. In that capacity, I direct you to immediately preserve and protect from deletion any and all communications, texts, minutes, recordings, or any other documents or recorded materials concerning me, Michael Balter, and The Croton Chronicle (ie, I am issuing a Litigation Hold Order in my capacity as *pro se* litigator.)

I sincerely hope that we can clear this matter up short of any need to litigate the issues. But I want you to understand that this is a very serious matter and that the district cannot pick and choose which journalists it provides information to based on the content of its coverage. The Croton Chronicle is a legitimate media outlet serving the village of Croton, as evidenced by the experience of its editor (46 years of journalism experience and many years teaching the subject at major universities), the number of readers (1000-2000 for most stories, the upper limit for stories about the

schools), the fact that other public officials have chosen to write Guest Editorials for it (eg mayor Brian Pugh very recently) or be routinely quoted in it (that includes Mr. Walker and former Board president Sarah Carrier), and so forth.

I look forward to hearing from you quickly, because the Chronicle's reporting and coverage of the school district is ongoing and thus its First Amendment rights would suffer irreparable harm if indeed the district has decided to withhold information from the publication.

With thanks and best regards,

Michael Balter
Editor/Publisher
The Croton Chronicle

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