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Affiliations appear only for purposes of identification.

August 5, 2026

Chief Judge Juana Marine-Lombard
Orleans Criminal District Court
2700 Tulane Avenue
New Orleans, LA 70119
First Floor, Courtroom 1
Magistrate@criminalcourt.org

VIA EMAIL AND UPS

Re: Access to Courtrooms and Handcuffing of Reporter

Dear Chief Judge Marine-Lombard:

The Reporters Committee for Freedom of the Press writes to condemn the unconstitutional summary closure of the July 2, 2026 proceedings before the return of the indictment of Attorney General Elizabeth Murrill; the removal of reporters from the courtroom without hearing their objections; and the handcuffing of reporter Danny Monteverde and his attorney Elana Beiser. These actions constituted an egregious affront to the First Amendment right of the press and public to access court proceedings. Reporters Committee urges the Orleans Criminal District Court to ensure that going forward, access to courtrooms remains available to the press and the public and that reporters' objections to closure are properly considered.

The Reporters Committee is an unincorporated nonprofit association, founded by leading journalists in 1970 when the nation's news media faced an unprecedented wave of government subpoenas forcing reporters to name confidential sources. Today, its attorneys provide *pro bono* legal representation, amicus support, and other legal resources to protect First Amendment freedoms and the newsgathering rights of journalists.

Journalists serve a critical role in the criminal judicial system by exercising their First Amendment right to attend and observe criminal proceedings, keeping the larger public informed about both the judicial process and cases of significant public concern. *See State v. Eaton*, 483 So. 2d 651, 658—59 (La. App. 1986) (“Due to the longstanding tradition of open criminal proceedings and strong societal interest by the public in the administration of justice and in light of the jurisprudence ... we hold that the public and press have an enforceable right of access to attend pretrial criminal proceedings under the First Amendment to the United States Constitution[.]”). In Louisiana specifically, there is a strong presumption in favor of access to judicial proceedings. The Louisiana Constitution guarantees that “[a]ll courts shall be open.” La. Const. art. 1, § 22. And the

legislature has mandated that all indictments must be returned in “open court.” La. C.Cr.P. art. 383.

In criminal cases, the First Amendment right of access overlaps with the Sixth Amendment’s guarantee of the right to a fair—and public—trial for the accused. *Waller v. Georgia*, 467 U.S. 39, 46 (1984) (“[T]here can be little doubt that the explicit Sixth Amendment right of the accused is no less protective of a public trial than the implicit First Amendment right of the press and the public.”). In addition, the Louisiana Constitution provides that every person charged with a crime “is entitled to a speedy, **public**, and impartial trial.” La. Const. art. 1, § 16 (emphasis added). In accordance with these requirements, closure of criminal proceedings is rare and must meet an exacting standard.

The constitutional presumption of open access to criminal trials and pretrial proceedings “may be overcome only by an overriding interest based on findings that closure is essential to preserve higher values and is narrowly tailored to serve that interest[.]” such as the defendant’s right to a fair trial. *Eaton*, 483 So. at 659 (quoting *Press Enterprise Co. v. Superior Court*, 464 U.S. 501 (1984)). In such cases, to effect closure, a trial court must specifically find “a reasonable probability that (1) the defendant’s right to a fair trial will be prejudiced by publicity; (2) closure would prevent that prejudice; and (3) reasonable alternatives to closure cannot adequately protect the defendant’s fair trial rights.” *Id.* at 190.

Generally, in Louisiana, “the public must be given an opportunity to be heard before closure is ordered.” *State v. Womack*, 551 So. 2d 855, 858 (La. App. Cir. 1989). One of the most common and effective ways for an objection to courtroom closure to be heard is by a journalist simply standing up to assert her right of access to the proceeding.

Notwithstanding these requirements, on July 2, the court made no findings justifying closure. All the more concerning, a reporter and his attorney were handcuffed by Orleans Parish Sheriff’s Deputies. These outrageous actions send a chilling message to members of the press and the public who may seek to object to closure in the future. Open access to courts—including pretrial proceedings—informs the public, ensures an accurate portrayal of proceedings, and promotes government accountability, and it must be preserved. Members of the public—including journalists—should not fear being hauled away in handcuffs merely for asserting these basic rights.

Judge Leon Roche has subsequently asserted that clearing the public and press from the courtroom was necessary to protect grand jurors’ safety and anonymity, but such concerns do not warrant the closure of a courtroom without hearing objections to such closure. Moreover, there is no excuse for deputies to handcuff reporters and counsel asking to be heard.

Reporters Committee respectfully urges that all officers of this court properly hear and consider objections of the public and the press before any court proceedings are closed, and refrain from detaining reporters (or their counsel) who are simply exercising

their constitutional rights. To that end, Reporters Committee would be pleased to provide comprehensive and collaborative training regarding the importance and legality of access to judicial proceedings. Please let me know if this is something that would be of interest.

I am available at vhamrick@rcfp.org or 504-576-9218 to discuss this issue further. I look forward to hearing from you.

Sincerely,

Virginia Hamrick
Virginia Hamrick

Cc: Judge Leon Roche
Robert J. Kazik, Judicial Administrator