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FOR FREEDOM OF THE PRESS

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*Affiliations appear only
for purposes of identification.*

June 22, 2012

Thomas E. Perez
Assistant Attorney General
Civil Rights Division
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Re: DOJ policy against recording/quoting agency attorneys at public meetings

Dear Mr. Perez:

We are writing to express our concerns arising from statements made by Department of Justice attorney Rachel Hranitzky at a June 12, 2012, public meeting held in New Iberia, La. The Reporters Committee for Freedom of the Press has advocated for the First Amendment rights of journalists for more than 41 years, and is, among other things, dedicated to protecting continued access to public records and meetings nationwide.

It is our understanding that on that date, Ms. Hranitzky arrived at the meeting and immediately asked if any journalists were present. When a *Daily Iberian* reporter attending the meeting responded in the affirmative, she informed him that he could neither record the meeting nor quote her statements. According to other attendees, the meeting had been advertised as a public meeting intended to address concerns with the city fire department's hiring and promotion process. However, citing "special rules" of the Department of Justice for agency attorneys, Ms. Hranitzky instructed that her statements be neither recorded nor quoted. When the reporter questioned this instruction on the basis that Ms. Hranitzky was speaking at a public meeting, she apparently threatened him with the possibility that the DOJ could call his editors and publisher, and warned that he would not "want to get on the Department of Justice's bad side." Furthermore, it is our understanding that Ms. Hranitzky demanded the reporter leave the meeting, although—after making his objection known but agreeing not to quote her—he was ultimately allowed to remain.

We are gravely concerned over any internal practice or policy of preventing journalists from recording or quoting statements made by DOJ officials in public meetings. Imposing such restrictions not only raises serious First Amendment implications, but also illegally abrogates the Louisiana state open meetings law, which explicitly provides that "[a]ll or any part of the proceedings in a public meeting may be video or tape recorded, filmed, or broadcast live."¹ Moreover, Louisiana law provides that transcripts of any such meetings are public.²

In light of this unfortunate incident, we request copies of any documents within your agency that state and/or explain this policy. Also, we ask that you address, or provide records that address, the following questions:

¹ LA. REV. STAT. ANN. § 42:23(A) (2012).

² *Id.* at § 42:14(C).

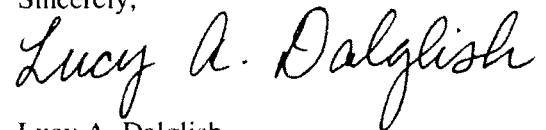
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- What, if any, is the specific legal basis you believe justifies this policy?
- To what extent has this policy been adopted throughout the Department of Justice?
- Who within the Department instituted this policy and what was its genesis?
- How long has it been in place?

Restricting the public's right to report on federal officials' actions at public meetings clearly conflicts with the mandates of the First Amendment and state open government laws. Therefore, we ask that you, in concert with the Attorney General, promptly abandon any such policy through affirmative written guidance to all department officials and furthermore instruct DOJ officials to cease threatening reporters at public meetings.

We look forward to your timely response to this letter, and welcome the opportunity to work with you to resolve this issue.

Sincerely,



Lucy A. Dalglish
Executive Director
The Reporters Committee for
Freedom of the Press

cc (by mail): Attorney General Eric H. Holder, Jr.