

Sunshine in Government Initiative

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May 8, 2012

The Honorable Hilda Solis
US Department of Labor
200 Constitution Avenue, NW
Washington, DC 20210

Dear Secretary Solis:

As a coalition of media organizations promoting the free flow of information, we write to express our serious concerns regarding the new “U.S. Department of Labor Press Lock-ups Policy Statement and News Organization Agreement” that was issued on April 10, 2012. The new policy threatens to undermine the accurate, complete and timely dissemination of independently produced news. We urge the Labor Department (DOL) to reconsider and delay implementing this new policy, better explain the problem the Department is attempting to address, and engage affected parties and the public before implementing any changes to current practice.

Specifically, we would like to meet with Department representatives to better understand the Department’s concerns with current practice, discuss our concerns with the Department’s new approach, and explore reasonable alternatives that avoid unnecessarily infringing on journalists’ ability to independently report timely, accurate information to the public.

Formed in 2005, the **Sunshine in Government Initiative** is a coalition of media groups committed to promoting policies that ensure the government is accessible, accountable and open. Members include the **American Society of News Editors, The Associated Press, Association of Alternative Newsweeklies, National Newspaper Association, Newspaper Association of America, Online News Association, Radio-Television Digital News Association, Reporters Committee for Freedom of the Press** and **Society of Professional Journalists**.

For many years, media organizations have supported procedures to facilitate simultaneous release of sensitive government data that affect markets, and pre-embargo access is essential for media to disseminate information in a timely, accurate and independent manner. The public has benefited enormously from the process the Department currently uses. The practice used to this point ensures the simultaneous release of information while also providing time that enables reporters to place the new data in meaningful context. Distribution occurs through redundant, dedicated lines, assuring security and the timely release of information. This combination of simultaneous release, data placed in accurate context, and security is why other agencies of the U.S.

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Online News Association ♦ Radio-Television Digital News Association ♦
Reporters Committee for Freedom of the Press ♦ Society of Professional Journalists

Government which manage the release of market moving news use processes very similar to those currently used by DOL.

Under DOL's new policy, however, participants would be required to remove their software, hardware, and dedicated lines from the DOL by June 15, 2012. Reporters would be required to use only government owned software and hardware. The use of modern news-producing software would be prohibited. All transmission would be via the internet, not via secure, redundant line. The DOL would own and operate the data lines, internet access and internet connections. As the government grows more concerned about cybersecurity, the proposed policy would create a single point of failure.

This new policy also would have the practical impact of inhibiting the quality, accuracy and independence of news reporting. Unpublished newsgathering information is privileged and protected from compelled disclosure under the First Amendment. Requiring news organizations to draft news articles on government-owned and government-operated computers would give the government unfettered access to unpublished draft news stories and will necessarily inhibit journalists from producing thorough, timely and accurate reporting based on market-moving information.

While the Department has alluded to alleged security breaches, the Labor Department has yet to explain its specific concerns this new policy proposes to address. The parties directly affected and the public cannot evaluate whether any change in procedure, including the new approach the Department announced, is appropriate to address the underlying problem.

We are committed to working with you to better understand any concerns about the current practice and explore reasonable, mutually acceptable solutions, and we would welcome a dialogue to better understand this problem and explore less drastic alternatives. Most immediately, we urge you to delay this policy change and meet with interested media representatives to discuss our concerns.

We thank you for your consideration and I look forward to hearing from you soon.

Sincerely,



Rick Blum, Coordinator
Sunshine in Government Initiative

Cc Senator Michael Enzi
 Senator Chuck Grassley
 Senator Tom Harkin
 Senator Kay Bailey Hutchison
 Senator Patrick Leahy
 Senator Jay Rockefeller

Congressman John Conyers
Congressman John Kline
Congressman George Miller
Congressman Lamar Smith
Congressman Fred Upton
Congressman Henry Waxman