

2017 Reporters Committee ANNUAL REPORT





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ProPublica

DEAR FRIEND.

2017 brought new challenges and with them new opportunities for the Reporters Committee to showcase our commitment and dedication to providing legal services and support to journalists in the advancement of press freedom.

When you look at the numbers, the need for our services is stark: Our attorneys were lead counsel in 23 litigation matters, filed more than 40 friend-of-the-court briefs and letters on behalf of journalists and news organizations, and assisted more than 300 reporters who reached out to our hotline with questions.

Through all of this, the Reporters Committee remains steadfast in the defense of press freedom.

With your generous support, we're investing in expanding our services to reach more journalists and news organizations. In 2017, we added key staff – including three new staff attorneys – to better match the growing need for assistance. We also announced an important partnership with the International Documentary Association to offer legal support to filmmakers whose work shines a light on some of the most important stories of our time.

As a result, you can see our impact through the journalism that is made possible by the work we do. The *Camarillo Acorn* – a small community newspaper – published an important story about allegations of misconduct and misuse of public funds at a local government agency because RCFP attorneys stepped in when it lacked the funds to fight a lawsuit that would have prevented it from obtaining public records.

The public learned that the Trump Organization paid more than \$1 million to settle a labor dispute over the construction of Trump Tower after we won our lawsuit with Time Inc. to unseal records from the case.

And with your support, we're working with even more news organizations and journalists on the stories that have yet to be told.

Thank you for your continued investment in our work and for your unwavering commitment to the First Amendment and freedom of the press.

Sincerely,



Bruce Brown
Executive Director



David Boardman
Chair, Steering Committee

2017 HIGHLIGHTS

Unsealing key records from government leaks investigations

The Reporters Committee for Freedom of the Press's Unsealing Project is a multipronged effort to expand access to warrants and electronic surveillance orders — favored tools of the government in leaks investigations that allow law enforcement to obtain communications records.

In 2017, we successfully pursued litigation to unseal records related to the closed criminal investigations of five former government employees, all of whom pled guilty to charges arising out of allegations that they had provided classified information to journalists. Each of the Obama-era investigations and prosecutions received widespread media attention and prompted vigorous debate over the government's pursuit of individuals suspected of leaking information to members of the news media.

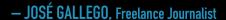
Through this effort, we've lifted the veil of secrecy and learned more about how the federal government uses electronic surveillance tools in the course of specific leaks investigations, and we're continuing our analysis.

Defending against a defamation lawsuit

The Reporters Committee successfully defended José Gallego in a defamation suit after Gallego reported on nepotism in the Spanish embassy in Washington D.C. for *El Español*.



I have lived all my life in Spain, and you always know that the First Amendment is very important in the U.S. But when you are here and you have a case like the case I have, you realize that in the U.S., people really believe in this right – freedom of the press. They don't just believe it. They defend it very well (edited).





2017 BY THE NUMBERS

40

Friend-of-the-court briefs and letters

23

Litigation matters where RCFP served as lead counsel

Major court victories

Making public safety information available after Charlottesville

When the August 2017 Unite the Right rally in Charlottesville, Va. turned violent and resulted in the death of 32-year-old Heather Heyer and two state troopers, the public demanded to know how it happened.

Freelance reporters Jackson Landers and Natalie Jacobsen filed public information requests for the law enforcement safety plans that held key details about how the city and state prepared for the rally.

The Reporters Committee stepped in after their requests were denied and filed a lawsuit on their behalf.

We won, and as a result of a settlement the City of Charlottesville provided a redacted copy of its operations plan, which showed that law enforcement officers did not follow orders to intervene in instances of violence and failed to protect the public.

Revealing records of Trump Organization class action settlement

Reporters Committee Legal Director Katie Townsend successfully argued on behalf of RCFP and Time Inc. for the release of documents that revealed that President Donald Trump paid \$1.375 million in 1999 to settle a class action lawsuit.

The plaintiffs in the lawsuit alleged that the businesses responsible for the demolition of the Bonwit Teller building, which was taken down to make way for Trump Tower, failed to make agreed-upon payments for the employment of undocumented, non-union Polish workers.

Our work strengthened the public's right to know and shed light on how the current president of the United States handled the terms of the settlement.

Standing up for the right to report on public officials

RCFP attorneys voiced serious objections to the West Virginia Capitol Police after they arrested reporter Dan Heyman for shouting questions to Trump adviser Kellyanne Conway and Secretary of Health and Human Services Tom Price during a visit to the state capitol.



2017 HIGHLIGHTS

Leading the effort to build a network of legal clinics

RCFP is at the center of a new initiative to build a nationwide network of legal clinics that will provide support for nonprofit newsrooms, investigative reporters, and documentary filmmakers and pursue joint litigation projects.

The emerging network includes a core group of clinics dedicated to First Amendment, transparency, and media law work as well as a number of programs focused on technology and other policy areas.





Fellowship opportunities through the Reporters Committee are vitally important. The Reporters Committee gives young attorneys like me the chance to break into this area of the law, which I think is really important and really establishes the next generation of media lawyers.

- JENNIFER NELSON, Stanton Foundation Media Litigation fellow

Proving valuable amicus support to reporters fighting against subpoenas

The Reporters Committee stepped in to fight alongside three reporters who faced subpoenas for their testimony and materials in 2017.

- With the Reporter's Committee's help, public radio reporter John Sepulvado successfully quashed a subpoena for interviews with participants who took part in the takeover of the Malheur National Wildlife Refuge in 2016.
- •We rallied a coalition of 18 media organizations to quash a subpoena after journalist Jamie Kalven was summoned to testify about his sources and reporting in the trial of Chicago Police Officer Jason Van Dyke. Van Dyke was charged with murder in the 2014 shooting death of 17-year-old Laquan McDonald.

Despite significant public interest in the case, the trial has taken place largely in secret, as the judge originally required all filings in the case to be made under seal. We successfully intervened on behalf of news organizations in the case to make the docket and some of the court filings available to the press and the public.

•We mobilized another large coalition in support of *New York Times* reporter Frances Robles, after she was subpoenaed for her testimony and notes from a jailhouse interview in the "Baby Hope" murder case. In 2018, a judge ruled against Robles, but we're standing by to continue the fight.





The thing I enjoy most about my work is getting to work on behalf of some really awesome reporters and seeing the fruits of my labor and their labor when we have a successful lawsuit that gets them records or gets them access to a court hearing or court documents.

- CAITLIN VOGUS, Staff Attorney

Understanding perceptions of press freedom

95% of Americans believe in the importance of a free press. That's according to a recent survey to take the public's pulse on press freedom and journalism at a time when rhetorical threats and physical assault are making news.

RCFP is leading the initiative, with funding from the Democracy Fund, to help inform efforts in newsrooms and outside to engage with the public about press freedom and the First Amendment.

Empowering local news coverage

When the *Camarillo Acorn*, a small community newspaper in Camarillo, Calif. ran out of funds to fight for public records that were key to a story about alleged misconduct in the city's health district, RCFP attorneys stepped in and represented the *Acorn* pro bono.

RCFP helped secure the release of emails and voicemails related to the District's allegations that former head of the health district Jane Rozanski improperly used taxpayer funds to pay the inflated legal bills of the agency's attorney with whom she was involved in a romantic relationship.



I am still so impressed by the tremendous work your nonprofit did for our community paper. Your willingness to give of your time and talent for our case continues to amaze me. It has, to be sure, given our newspaper greater courage to tackle tough stories and continue our mission of providing the best in local news to the readers we serve. It has inspired us as a news staff to be a little braver every day, and it has reminded our local lawmakers that the Fourth Estate remains vigilant.

— DANIEL WOLOWICZ Editor, Camarillo Acorn

2017 HIGHLIGHTS

Uncovering the details of the FBI's impersonation of journalists and filmmakers

In the summer of 2017, RCFP attorneys filed another lawsuit against the Justice Department and the FBI for records relating to the FBI's impersonation of documentary filmmakers during the course of an investigation. In 2014, Oregon rancher Cliven Bundy, faced off against government agents in an armed standoff over cattle grazing rights. During the investigation following the incident, the FBI, it was later revealed, impersonated documentary filmmakers in order to get interviews with key figures from the standoff.

The new lawsuit comes on the heels of a case RCFP attorneys filed in 2015 with the Associated Press against the FBI after details emerged in 2014 about its impersonation of reporters during the course of an investigation into a bomb threat. The Reporters Committee and AP are seeking information related to the FBI's policies and practices around impersonation, and challenged the thoroughness of the FBI's search for records that comply with our FOIA requests. In December, a federal appeals court ruled in our favor, and ordered the FBI to conduct a more extensive search.

Urging the Supreme Court to consider press freedom in key surveillance case

In a key case before the U.S. Supreme Court, the Reporters Committee and a coalition of 19 media organizations raised concerns over warrantless access to cellphone location data that could potentially reveal journalists' newsgathering activities. In June 2018, the Supreme Court ruled that the government does, in fact, need a warrant to obtain these records. The ruling sets a positive precedent for journalists who may find themselves subject to the same kind of surveillance.



The Reporters Committee for Freedom of the Press is an indispensable resource. Having that there as a backstop and as a back-up – you can't put a value on it, and I could never have gotten this material [for my book] on my own.





2017 PARTNERSHIPS

First Look Media's Press Freedom Defense Fund

First Look Media announced a \$6 million expansion of its Press Freedom Defense Fund and named the Reporters Committee as a key partner in evaluating grant requests to strengthen the ability of news organizations and journalists to take on legal fights where the public interest is at stake.

International Documentary Association

The Reporters Committee is partnering with the International Documentary Association to support filmmakers funded by IDA's Enterprise Documentary Fund.

Reporters Committee attorneys now provide pro bono consultations to all Enterprise Fund grantees to help them evaluate their legal needs and identify any potential issues.

On three film projects that presented First Amendment or newsgathering challenges

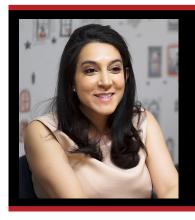
that warranted additional legal support, Reporters Committee attorneys stepped in to offer further pro bono assistance.

Caitlin Vogus and Katie Townsend received on-screen credit for their work advising the filmmakers of "Crime + Punishment" (right) and providing pre-publication review for the award-winning documentary about harmful policing practices in New York City. The film was featured in the 2018 Sundance Film Festival.



Freelance Reporters and Editors

RCFP established a new partnership with Freelance Investigative Reporters and Editors (FIRE), to provide pre-publication legal advice and assistance to freelance journalists selected to participate in FIRE.



66

Reporters Committee for Freedom of the Press is a lifeline for people like myself, independent journalists who don't necessarily have access to lawyers or legal representation or individuals who can offer the kind of advice and feedback that's needed especially in investigative journalism.

- AZMAT KHAN, Freelance Journalist

2017 NOTABLE MOMENTS

Giving Tuesday

Former Steering Committee member Cristine Russell and her husband Ben Heineman, longtime supporters of RCFP, offered to match donations made on Giving Tuesday up to \$20,000. Thanks to the generosity of more than a hundred donors, we exceeded that goal and altogether raised nearly \$50,000 to support our work!



2017 Freedom of the Press Awards

The Reporters Committee for Freedom of the Press hosted its 2017 Freedom of the Press Awards Dinner at The Pierre in New York City on May 23, honoring *Washington Post* Executive Editor Marty Baron, former Senior Vice President and Executive Editor of the Associated Press Kathleen Carroll, *ProPublica* Executive Chairman Paul Steiger, and the Media and First Amendment practice of Davis Wright Tremaine LLP.



Freedom of the Press Awards Host Charles Gibson with RCFP Executive Committee member Pierre Thomas (Photo credit: Rob Rich)



Freedom of the Press Award winner Kathleen Carroll (Photo credit: Rob Rich)



Freedom of the Press Award winner Marty Baron (Photo credit: Rob Rich)

A \$1 million gift to support the legal efforts to protect press freedom

At the Freedom of the Press Awards, the Reporters Committee announced a \$1 million gift — the largest personal contribution in the organization's history — from Amazon Chief Executive Officer and Washington Post owner Jeff Bezos.

"This generous gift will help us continue to grow, to offer our legal and educational support to many more news organizations, and to expand our services to independent journalists, nonprofit newsrooms and documentary filmmakers," Reporters Committee Chairman David Boardman said. "We'll also be better positioned to help local newsrooms, the places hit hardest by the disruption in the news industry."

Press Freedom Tracker

Building on our effort in 2016 to track and respond to interference with newsgathering

during the presidential election and inauguration, we joined more than 20 press freedom organizations to launch the U.S. Press Freedom tracker, a tool dedicated to documenting press freedom abuses across the U.S. with the goal of improving protections for journalists.

"The U.S. Press Freedom Tracker will help us demonstrate to courts, using



pressfreedomtracker.us

data, the very real threats to newsgathering that we're seeing," Reporters Committee Executive Director Bruce Brown said at the launch. "By cataloguing these incidents publicly and in real-time, we hope that policymakers and courts take notice and hold those who would attempt to infringe upon freedom of the press accountable."





Left: The Reporters Committee paid tribute to Gwen Ifill at the 2017 Freedom of the Press Awards. (Photo credit: PBS NewsHour)

Right: Legal Director Katie Townsend speaks with reporters at the IRE conference.

2017 SUPPORTERS

The Reporters Committee for Freedom of the Press would like to thank the following organizations that supported our work between January 1 and December 31, 2017, as well as those organizations who made gifts below \$1,000, not listed here due to space restrictions.

\$200,000 & above

Democracy Fund Heising-Simons Foundation John D. and Catherine T. MacArthur Foundation

\$100,000 - \$199,999

Dow Jones Foundation

Ford Foundation The Klarman Family Foundation The John S. and James L. Knight Foundation Robert R. McCormick Foundation Stanton Foundation

\$50,000 - \$99,999 Associated Press

Ethics & Excellence in Journalism **Foundation** Google Inc. Microsoft Corporation Present Progressive Fund at Schwab Charitable Silver Mountain Foundation for the Arts Solidarity Giving

\$25,000 - \$49,999 Barr Foundation

Bessemer Trust The Morton K. and Jane Blaustein Foundation Davis Wright Tremaine LLP Lawrence Grauman, Jr. Trust The Lodestar Foundation David & Katherine Moore

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The Reporters Committee would like to thank the following individuals for their generosity between January 1 and December 31, 2017, including the sustaining donors listed on page 13 who made monthly contributions. We also extend our sincere gratitude to the many contributors who supported our work with gifts under \$500, not listed here due to space restrictions.

\$1 Million & above

Jeff Bezos

\$25,000 - \$999,999

Catherine Sullivan Kenneth & Anna Zankel

\$10,000 - \$24,999

Scott Asen
Andrew & Julie Klingenstein
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Ben Heineman
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\$5,000 - \$9,999

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Richard Zahradnik

2017 SUSTAINING DONORS

The Reporters Committee extends a very special thank you to our sustaining donors – individuals who committed to make monthly gifts to support our work in 2017. To become a sustaining donor, visit rcfp.org/donate.

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Paul Voosen Annie Wilker Laura Wright Sun Ah Young

2017 FINANCIAL REPORT

From the Reporters Committee Audited Financial Statement for the year ended Dec. 31, 2017.

Functional Expenses, Cash Basis		
Legal Defense and Research	\$1,441,053	63%
Fundraising*	\$527,516	23%
Management and General	\$316,615	14%
TOTAL	\$2,285,184	100%
* Includes expenses for annual gala		
Revenue		
Contributions and Grants	\$3,397,634	75%
Fundraising Events	\$ 854,462	18.9%
Interest and Dividends	\$188,817	4.2%
Realized Gains	(\$1,826)	(0.0%)
Program Services	\$ 87,317	1.9%
Other Income	\$125	0.0%
TOTAL	\$4,526,529	100%

Assets, Liabilities and Fund Balances, Cash Basis

ASSETS Current Assets:	
Cash	\$689,020
Investments	A 7 (7 444
Money market funds	\$ 767,411
Certificates of deposit	\$ 1,325,235
Government bond obligations	\$ 2,976,015
Corporate bond obligations	\$ 209,991
Corporate stocks	\$ 2,924,927
Total Investments	\$ 8,203,579
Total current assets	\$ 8,892,599
Other Assets:	
Security deposits	\$ 45,095
TOTAL ASSETS	\$8,937,694
FUND BALANCES Unrestricted	
Undesignated	\$ 4,113,743
Board designated	\$ 787,939
Temporarily Restricted	\$4,036,012
TOTAL FUND BALANCES	\$8,937,694

ABOUT THE REPORTERS COMMITTEE

The Reporters Committee for Freedom of the Press provides pro bono legal representation, amicus curiae support, and other legal resources to protect First Amendment freedoms and the newsgathering rights of journalists.

The Reporters Committee was founded by leading journalists and media lawyers in 1970 when the nation's news media faced an unprecedented wave of government subpoenas forcing reporters to name confidential sources.

The Reporters Committee serves the nation's leading news organizations; thousands of reporters, editors, and media lawyers; and many more who use our online and mobile resources. For updates on our work, sign up for our email list, or follow us on Facebook and Twitter.

THE SERVICES WE OFFER:



- Reporters Committee staff attorneys undertake litigation and other direct representations in matters that involve First Amendment, press freedom, freedom of information, or court access issues.
- A Legal Defense Hotline manned by Reporters Committee attorneys that is available to working journalists and media lawyers 24 hours a day, seven days a week.
- Amicus Briefs and Statements of Support both alone and in conjunction with major news and transparency organizations. The Reporters Committee or its attorneys are typically involved in more than 30 briefs each year that are filed with the U.S. Supreme Court and in federal and state courts. The Reporters Committee is a voice for the right to freely gather and disseminate information in any form.
- Publications and Resources available free online on topics ranging from state and federal open government laws, access to electronic records, reporters' shield laws around the country, access to court documents and proceedings, and more.
- Rapid responses to reporter inquiries on media law stories.
- Special Events Hotlines for reporters who might encounter difficulties covering events such as presidential inaugurals, Olympics, political party conventions and the like.
- Fellowships and Internships for the next generation of free press reporters and media lawyers.

Executive Director

Bruce Brown

Katie Aune Development Director

Anna Gutierrez
Communications Coordinator

Adam Marshall Knight Foundation Litigation Attorney

> Josh Moore Ethics and Excellence in Journalism Fellow

Amelia Nitz Communications Manager

Gabe Rottman Technology and Press Freedom Project Director

Jenn Topper Communications Director

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> Sarah Matthews Staff Attorney

Jennifer Nelson Stanton Foundation Media Litigation Fellow

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> Katie Townsend Legal Director

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THE ZIEGFELD BALLROOM, NYC

For information on sponsorship opportunities, please email sponsorship@rcfp.org.



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