

# REPORTERS COMMITTEE

FOR FREEDOM OF THE PRESS

1101 Wilson Blvd., Suite 1100  
Arlington, Va. 22209-2211  
(703) 807-2100  
www.rcfp.org

Bruce D. Brown  
Executive Director  
bbrown@rcfp.org  
(703) 807-2101

---

## STEERING COMMITTEE

SCOTT APPLEWHITE  
*The Associated Press*

WOLF BLITZER  
*CNN*

DAVID BOARDMAN  
*Temple University*

CHIP BOK  
*Creators Syndicate*

JAN CRAWFORD  
*CBS News*

MICHAEL DUFFY  
*Time*

RICHARD S. DUNHAM  
*Tsinghua University*

ASHLEA EBELING  
*Forbes Magazine*

SUSAN GOLDBERG  
*Bloomberg News*

FRED GRAHAM  
*InSession*

JOHN C. HENRY  
*Freelance*

NAT HENTOFF  
*United Media Newspaper Syndicate*

JEFF LEEN  
*The Washington Post*

DAHLIA LITHWICK  
*Slate*

TONY MAURO  
*National Law Journal*

JANE MAYER  
*The New Yorker*

JOHN McKINNON  
*The Wall Street Journal*

DOYLE MCMANUS  
*Los Angeles Times*

ANDREA MITCHELL  
*NBC News*

MAGGIE MULVIHILL  
*Boston University*

BILL NICHOLS  
*Politico*

SANDRA PEDDIE  
*Newsday*

JEFFREY ROSEN  
*The New Republic*

ERIC SCHMITT  
*The New York Times*

ALICIA SHEPARD  
*Freelance*

MARGARET LOW SMITH  
*NPR*

PAUL STEIGER  
*Pro Publica*

PIERRE THOMAS  
*ABC News*

SAUNDRA TORRY  
*USA Today*

JUDY WOODRUFF  
*PBS/The NewsHour*

## By Email

October 11, 2013

The Review Group on Intelligence and Communications Technologies  
Office of the Director of National Intelligence  
reviewgroup@dni.gov

Dear Members of the Review Group:

The Reporters Committee for Freedom of the Press appreciated the opportunity to meet with the Review Group on September 9. The enclosed comments are submitted on behalf of a coalition of news organizations and media groups in response to your request for input on “how in light of advancements in communications technologies, the United States can employ its technical collection capabilities in a manner that optimally protects our national security and advances our foreign policy while respecting our commitment to privacy and civil liberties, recognizing our need to maintain the public trust, and reducing the risk of unauthorized disclosure.” A list of the coalition is set out below.

This coalition is made up of media organizations, reporters, and journalism groups that support legal protections for investigative reporting and actively engage in investigative journalism, many of them focused on national security issues. As such, the members are particularly concerned with the impact of certain national security programs on the practice of journalism and with the effect of secrecy on the public’s ability to understand its government.

Although this coalition is not taking a position on the merits of any particular national security program or the institutions that support them, such as the FISA court, it sees several ways existing procedures could be improved to foster more public understanding and trust in government agencies, while also promoting both First Amendment and national security interests. Those improvements include differentiating counterterrorism policy from counter-leak policy so as not to deter perfectly legal interactions with reporters, as well as implementing stronger protections to guard journalists’ work product from surveillance efforts. We also suggest several changes to FISA court procedures, including the creation of a media advocate to represent the interests of the public and improved and sustained efforts to establish a dialogue between the national security establishment and the press.

## **Scope of National Security Programs and Leak Investigations**

National security agencies must strike a better balance between First Amendment rights and investigatory efforts. This is particularly important in the context of respecting First Amendment freedoms and our country’s long-standing commitment to an autonomous press as a check on government. National security programs, while undoubtedly essential, must not completely

smother the independent media's ability to inform the public.

*Deterring legal conduct.* The stated purpose of leak investigations is to punish those people who have taken on confidentiality obligations to the government and then broken the law by divulging classified information.<sup>1</sup> The effect, however, is much broader. Such investigations, which have increased significantly during the Obama administration, have the effect of deterring perfectly legal speech that is necessary for the public to understand the functions of government.<sup>2</sup> The Justice Department has stated unequivocally that "it has been and remains the Department's policy that members of the news media will not be subject to prosecution based solely on newsgathering activities."<sup>3</sup> We welcome this confirmation of the department's long-standing policy. But as one law professor has put it, too often today "[t]he government is equating all leakers with traitors and they're not. There are very important differences between those who send information to the enemy with the intent of aiding the enemy and those people who release information to the public with the intent of informing the public debate."<sup>4</sup>

The hesitancy of agency employees to divulge *any* information contributes to the breakdowns discussed above and leads to increased frustration on the part of journalists who cannot get even the most mundane information from the national security apparatus. As one reporter who covers national security has said, "Officials are reluctant to get anywhere close to the line ... [I]t actually has been much harder to get people to talk about anything, even in a sensitive-but-unclassified area."<sup>5</sup>

One way to address this problem would be for the agencies to be careful not to over-classify. Some documents have been initially classified and later released in full.<sup>6</sup>

---

<sup>1</sup> Mark Sherman, *Obama: Policy in Leaks Investigations Under Review*, A.P., 23 May 2013, available at <http://bit.ly/1891n4W> (quoting President Obama as saying, "As commander in chief, I believe we must keep information secret that protects our operations and our people in the field. To do so, we must enforce consequences for those who break the law and breach their commitment to protect classified information.").

<sup>2</sup> Sharon LaFraniere, *Math Behind Leak Crackdown – 153 Cases, 4 Years, 0 Indictments*, N.Y. TIMES, 21 July 2013, A1, available at <http://nyti.ms/16zYnJ4>; Robert Ourlian, *White House's Aggressive Campaigning to Guard Secrets*, WALL ST. JOURNAL, 30 July 2013, available at <http://on.wsj.com/18L9JOM>.

<sup>3</sup> Department of Justice, *Report on Review of News Media Policies*, 12 July 2013, available at <http://1.usa.gov/13sgmPO>.

<sup>4</sup> David Dishneau and Pauline Jelinek, *Judge Upholds Most Serious Charge in Manning Case*, A.P., 18 July 2013, quoting Mary-Rose Papandrea, available at <http://bit.ly/1aTDKQi>.

<sup>5</sup> Molly Redden, *Is the 'Chilling Effect' Real? National Security Reporters on the Impact of Federal Scrutiny*, THE NEW REPUBLIC, 15 May 2013, available at <http://on.tnr.com/18Lgq3D>.

<sup>6</sup> See e.g. *In Re Application of the FBI for an Order Requiring the Production of Tangible Things from [Redacted]*, No. BR 13-109 (FISC Aug. 29, 2013), available at <http://1.usa.gov/1guBs7I>.

If the information had not been originally classified, the public would have had access earlier, and with the help of the media, been able to analyze and understand the information. In the case of one significant FISA court opinion, its release in September was completely uneventful, raising questions of why it was classified to begin with.<sup>7</sup> Overclassification is a longstanding problem that undermines the credibility of government and its ability to keep real secrets. The Review Group should support and recommend to the administration that it expedite the work of the National Declassification Center, the Public Interest Declassification Board, and the Interagency Security Classification Appeals Panels to confront overclassification, simplify the declassification process, and limit the use of the secrecy stamp from the outset.

*Protecting journalists' communications, sources, and work product.* Disclosures about the Verizon program, the accusations of potential criminal liability against Fox News reporter James Rosen, and the massive collection of information from AP reporters earlier this year made clear a very real threat to independent journalism. Although the government insists it is not monitoring journalists' communication and travels on a regular basis, better controls should be in place to ensure the security of journalists' records.

In particular, it was reported this summer that U.S. intelligence agencies allegedly assisted the New Zealand military in collecting metadata from a McClatchy Newspapers correspondent, including not just calls the reporter made, but also calls made by his "associates" – presumably including other reporters, editors, and sources. When this is combined with the disclosure of the sweeping search of AP communications records, and the admission about a year ago by the government that it had mistakenly used National Security Letters to obtain phone logs from reporters at two major national media outlets, it is clear that we need more than mere assurances that the government will avoid surveillance of reporters.

When the Department of Justice asked for input this summer on its internal guidelines governing media-related subpoenas, another coalition of media groups organized by the Reporters Committee set forth several proposed reforms, including: (1) articulating a clear set of principles to guide subpoenas and other legal process served on reporters; (2) ensuring notice to the affected media organization and an opportunity for it to be heard before the issuance of a subpoena or other legal process; (3) broadening the scope of records covered under the guidelines; and (4) producing an annual report of statistics of media-related requests and holding an annual meeting between journalists and Department staff. While the Department agreed to implement some of our proposals and has committed to other significant reforms on its own, we suggest the Review Group recommend implementing additional protocols to ensure that the government is not knowingly accessing journalists' records under surveillance programs without court approval and some form of adversarial process.

Currently, there is no protection for newsgathering in FISA. Nor is there a sufficient understanding in the public domain of all of the ways in which FISA procedures can entangle the work of reporters and their relationships with sources. We

---

<sup>7</sup> *Id.*

therefore urge the Review Group to recommend a fuller public explanation of how the government may be making use of journalists' records as well as steps to protect newsgathering from the FISA process.

Specific protections could include a requirement of heightened scrutiny under FISA when the government seeks records that implicate newsgathering. When the government is aware or should be aware that newsgathering is implicated, the government should have to prove the materials it seeks relate to foreign intelligence and terrorism investigations based on a higher standard than the current one, which is simply the general standard applicable to all FISA applications – a statement of “reasonable grounds” and “relevance.”

Precedents exist for this kind of statutory protection for newsgathering. The Privacy Protection Act, for example, prohibits the government from “search[ing] for or seiz[ing] any work product materials possessed by a person reasonably believed to have a purpose to disseminate to the public a newspaper, book, broadcast, or other similar form of public communication.”<sup>8</sup> The PPA contains a “suspect exception,” which, as noted by the Justice Department in its July 12 report, applies when there is “probable cause to believe that the person possessing such materials has committed or is committing a criminal offense to which the materials relate.” *See Report on Review of News Media Policies* at 3. It was pursuant to this provision that James Rosen of Fox News was identified as a co-conspirator in the search warrant application for his gmail account.

But with the administration now agreeing to seek warrants under the suspect exception “*only* when the member of the news media is the *focus* of a criminal investigation for conduct not connected to ordinary newsgathering activities,” *id.* (emphasis added), and with a very high scienter standard governing such cases,<sup>9</sup> a FISA process that could expose newsgathering across the board is out of step with the law and with the Department’s recent efforts to assure the public that the government is not seeking to intrude upon the autonomy of the press. Protection for newsgathering is all the more important at a time when the press is reporting about the very surveillance programs that the government has for years kept secret from the public.

---

<sup>8</sup> 42 U.S.C. § 2000aa.

<sup>9</sup> The legislative history of the PPA makes it clear a very demanding scienter standard – an intent to injure the United States – is required to trigger the suspect exception:

[I]t is the intent of the [Senate Judiciary] Committee that with regard to 18 U.S.C. 793[,] the suspect exception to the ban on searches would apply only if there was an allegation of an intent to injure the United States or give advantage to a foreign power. For the purposes of this Act, the government shall recognize the higher standard, the requirement of intent, before utilizing the suspect exception for searches of materials sought under 18 U.S.C. 793.

S. Rep. No. 96-874, at 12 (1980), *reprinted in* 1980 U.S.C.C.A.N. 3950, 3958.

There are other analogues for heightened scrutiny for newsgathering under FISA. The Senate Judiciary Committee, for example, passed proposed amendments to the PATRIOT Act requiring the government to meet a higher burden if the records sought contain bookseller information or are from a library. The heightened standard would have required the government to put forth “‘specific and articulable facts’ showing that there are reasonable grounds to believe that the records sought are ‘relevant to an authorized investigation . . . to obtain foreign intelligence information not concerning a United States person or to protect against international terrorism or clandestine intelligence activities’” and that the records sought “‘(I) pertain to a foreign power or agent of a foreign power; (II) are relevant to the activities of a suspected agent of a foreign power who is the subject of such authorized investigation; or (III) pertain to an individual in contact with, or known to, a suspected agent of a foreign power who is the subject of such authorized investigation.’”<sup>10</sup> A heightened standard for the collection and use of newsgathering materials would commit the government to respecting reporter-source relationships as a matter of course in its FISA activities.

Along with heightened scrutiny should come a companion cause of action for damages similar to the provisions in 18 USC § 2520 should the government illegally invade journalists’ records under FISA. An analogous right to sue exists in the Privacy Protection Act. *See* 42 USC § 2000aa-6. While such a lawsuit obviously does not undo the overzealous search, it is a way of ensuring journalists’ rights are protected.

### **FISA Court Procedures**

As many civil liberties groups have articulated, the FISA court operates without participation from the party whose rights are actually at issue. While not fully *ex parte*, the court hears only from the government and perhaps the current holder of data at issue, not the actual creator or owner of the data. Such a process demands greater attention to openness to ensure public understanding and the general accountability of the agencies participating in the programs. As a media coalition, we are particularly concerned with the lack of transparency at the FISA court and the inability of the media to represent their own interests before the court. The Review Group should recommend that in cases that implicate individual journalists, the journalist be permitted to bring his or her own counsel into the FISA court to challenge the government’s request. It should also recommend the creation of a permanent media advocate to represent the interests of transparency and a free press in all of the FISA court cases.

*Ensuring the regular release of FISC opinions.* A major step toward fostering public understanding and trust in these surveillance programs would be to incorporate a presumption of disclosure into FISC rules that would require, at the very least, the release of FISA court decisions that have precedential value. While it may be necessary to keep decisions on individual warrant applications sealed to protect ongoing investigations and guard against invasions of personal privacy, each warrant should not be setting broader

---

<sup>10</sup> Hearing on the USA PATRIOT Act before the House Judiciary Subcomm. on the Constitution, Civil Rights, and Civil Liberties, 111th Cong. (2009) (written statement of Suzanne Spaulding), *available at* <http://bit.ly/172URYS>.

precedent or policy; it should apply only to the specific facts of a given case. By contrast, any decision that does interpret the law or set out precedent for future cases should be made public as a matter of course. For example, the recently declassified opinion from the FISA court requiring Verizon to turn over phone records of every call placed on its network involving a U.S. phone was styled as a warrant request, but actually served as precedent allowing for the massive and indiscriminate collection of Americans' communications data.<sup>11</sup> Unlike traditional warrant applications and grants, which are typically withheld from public view until after the warrant is executed because it names the targeted individual and the information sought, the Verizon decision did not name a particular suspect, nor did it point to any particular investigation. Weighing the serious constitutional concerns at issue against the government's desire for secrecy, the balance clearly should have favored disclosure of the court's ruling. In the future, such sweeping opinions should be made public when they are decided.

*Creating an officer to advocate on behalf of the general public.* In the current FISA system, there is no relief available to the party directly affected by the court's rulings. The government is represented before the FISA court, and the telecommunications companies that hold the information sought also appear there. The individuals whose rights are at issue, though, are neither represented in the process, nor informed of the warrant issued against them. Of particular concern to this coalition is the fact that media organizations would not be aware if they are the subject of a request to the FISA court and therefore would be unable to defend their interests before the court. While media organizations understand the government's view that there may be rare circumstances when compelling reasons exist to keep some elements of investigations secret to avoid alerting the targets of the investigations, the court must balance that need against the concerns of reporters and everyday Americans in ensuring the government is not overstepping its constitutional bounds to conduct surveillance by stifling the free exchange of ideas in the press as a consequence.

The most direct way to address these concerns would be to require notice to media organizations and journalists when an application is made to the FISA court that could encompass newsgathering. The affected journalist would then have an opportunity to challenge the request before the FISA court rules.

Regardless of whether reporters appear directly with counsel in front of the FISA court on a case-by-case basis when their own newsgathering materials are at issue, it is necessary to create a permanent position to advocate in favor of the rights of the public and press in FISA proceedings, including their constitutional and common-law access rights to the court's records and proceedings. Such a move would respect the government's interest in keeping ongoing terrorism investigations confidential, while still balancing individuals' and media organizations' First Amendment interests. It would

---

<sup>11</sup> See *In Re Application of the FBI for an Order Requiring the Production of Tangible Things from Verizon Bus. Network Servs., Inc., on Behalf of MCI Commc'n Servs., Inc. d/b/a/ Verizon Bus. Servs.*, No. BR 13-80 (FISC Apr. 25, 2013), available at <http://bit.ly/11FY393>.

also be a huge step toward fulfilling the statutory promise that investigations under FISA are not to be “conducted solely upon the basis of activities protected by the first amendment to the Constitution.” *See* 50 U.S.C. 1861(a).

The advocate would need to be independent of the national security apparatus and allowed to function as a counterpoint to government advocates in the FISA court. Several members of Congress have already proposed the addition of a “constitutional advocate” to FISA processes. As Rep. Christopher Van Hollen (D-Md.) has said, “The basic idea behind the bill is that both sides of an argument should be represented before the FISA court.”<sup>12</sup>

We agree with that sentiment, but urge the Review Group to recognize that the interest of the media is actually a third “side” to the argument, which involves being able to effectively report on the government for the benefit of the public. That function must also be adequately represented in the FISA court. A separate media advocate should be a media attorney, chosen by his or her colleagues, and granted the clearance necessary to fully defend the media’s and public’s interests before the FISA court. The media advocate should have the same capabilities of the proposed constitutional advocate: to analyze requests to the FISA court, appeal court decisions, and offer assistance to media companies and reporters swept up in FISA court processes.

The advocate is particularly necessary given the recent Supreme Court decision in *Clapper v. Amnesty International*, 132 S.Ct. 2431 (2013), indicating reporters generally do not have standing to challenge surveillance programs. Although the Solicitor General assured the Supreme Court last year that the government would have to provide opportunities to challenge evidence gathered through surveillance if the government intended to use such evidence in court, press reports show that U.S. Attorneys’ offices have continually refused to do so.<sup>13</sup> These Justice Department practices have highlighted the ongoing concern that, unless they have clear proof they have been subject to surveillance, reporters are unable to challenge the programs under *Clapper*.

Another way to ensure these programs do not evade review – a prospect that serves no one’s interest – would be for the Review Group to urge Congress to exercise its power to relax standing requirements by granting a cause of action to anyone who reasonably fears they may have been subject to warrantless surveillance, rather than only to those who can prove they have been. To effectively change the standing calculus for journalists, Congress will have to rewrite a portion of 50 U.S.C. § 1881a to track federal courts’ “threatened injury” requirements.<sup>14</sup>

Finally, the FISA court should be required to release an annual report outlining

---

<sup>12</sup> Andrea Peterson, *The House is Divided over Almost Everything, but FISA Court Reform Might Be Able to Unite It*, WASHINGTON POST, 1 Oct. 2013, available at <http://wapo.st/1eXOFti>.

<sup>13</sup> Adam Liptak, *A Secret Surveillance Program Proves Challengeable in Theory Only*, N.Y. TIMES, 16 July 2013, A11, available at <http://nyti.ms/18hjYK9>.

<sup>14</sup> *See Clapper v. Amnesty International*, 132 S.Ct. 2431 (2013), available at <http://1.usa.gov/X8rYcD>.

the number of media companies and journalists who fell subject to legal process under FISA during that year. The Department of Justice has committed to releasing data on media subpoenas, and the FISA court should, similarly, be required to detail how many times the government sought an order encompassing a member of the media or the work product of journalists and how many times those requests were granted.

### **Communication between Media and Agencies**

At the root of many of the questions involving national security, surveillance, and public accountability is the difficulty of facilitating open communication between journalists and agency employees. At the Aspen Institute's seventh annual Conference on Journalism and Society in 2003, participants in the discussions concluded that "journalists and government officials have a joint responsibility to communicate honestly about topics relating to national security and public safety, including the nature of categories of information that are secret or particularly sensitive."<sup>15</sup> The need for that honest communication is just as great today.

*Supporting another dialogue.* The conclusions reached at the 2003 Aspen Institute conference about "best practices" for American journalists were a good starting point and those discussions continued for some time before they unfortunately tapered off. They should be revived and the Review Group should encourage the Obama administration to participate. The challenge is to develop more concrete and sustainable mechanisms coming out of a reconstituted dialogue for ensuring the kind of open communication between the media and the government during the reporting process that will facilitate informed, conscientious journalism and allow for increased public understanding of national security programs.

*Establishing clear processes for communicating with the media prior to publication.* Part of the difficulty with fostering open communication between national security agencies and members of the media is addressing distrust and misunderstandings about how the other side operates. Each agency has different procedures that employees must follow before confirming a journalist's story or answering an inquiry. Press office employees at some agencies are less available in the afternoon as deadlines approach, and may not understand why a reporter would come to them with a last-minute request. It is important for the agencies to establish clear procedures and rules for how information is confirmed and released and to communicate those procedures to members of the media. While journalists may still be left unsatisfied at the pace at which the processes move, the commitment on the agencies' behalf to a clear and consistent method would assuage some of the fear that employees are simply dragging their feet on certain questions. Agencies should also ensure that their employees tasked with interacting with the media understand the urgency and last-minute nature of some inquiries and work with reporters to reach the best solution possible for both the agency and the media outlet. Given the

---

<sup>15</sup> E.g., Adam Clymer, *Journalism, Security and the Public Interest: Best Practices for Reporting in Unpredictable Times*, 20 (2003), available at <http://rcfp.org/x?6MHU>; Jack Nelson, *U.S. Government Secrecy and the Current Crackdown on Leaks*, The Joan Shorenstein Center on the Press, Politics and Public Policy Working Paper Series, 21 (2002), available at <http://rcfp.org/x?NAY5>.

round-the-clock nature of the news cycle, it is critical that journalists be able to reach someone at each agency at all times.

In cases that trigger legitimate national security concerns, officials need to be clearer and more specific in explaining the nature of the anticipated harm of publishing a given piece of information. Simply citing national security does not provide a media outlet with sufficient information to weigh the potential harms of publishing against the public's interest in knowing the facts. As we have seen, concerns over "national security" can range from the very real threat of loss of life if certain information is published to international embarrassment and damage to trade relations when our allies realize the U.S. government has been spying on them.<sup>16</sup> As The New York Times explained in 2010, "We excise material that might lead terrorists to unsecured weapons material, compromise intelligence-gathering programs aimed at hostile countries, or disclose information about the capabilities of American weapons that could be helpful to an enemy. On the other hand, we are less likely to censor candid remarks simply because they might cause a diplomatic controversy or embarrass officials."<sup>17</sup> More specificity from agency personnel pre-publication about the real nature of the risk will allow members of the media – who regularly seek to mitigate possible harms from disclosure – to properly evaluate the effects their reporting may have on safety and security.

Director of National Intelligence James Clapper told the Senate Intelligence Committee on September 26 that there needs to be a public dialogue on the surveillance programs that have come to light in the past few months. Specifically, he said, "this public discussion should be based on an *accurate* understanding of the intelligence community – who we are and what we do." We could not agree more.

## Conclusion

We urge this Review Group to embrace a more transparent FISA process and help ensure that the FISA court does not interfere with protected newsgathering to the point that innocent and necessary communications with reporters are stifled. As Judge Wilkinson of the U.S. Court of Appeals for the Fourth Circuit recognized in 1988, "We have placed our faith in knowledge, not in ignorance, and for most, this means reliance on the press. Few Americans are acquainted with those who make policy, fewer still participate in making it. For this reason, the press provides the 'means by which the people receive that free flow of information and ideas essential to effective self-government.'"<sup>18</sup> The government needs to more vigorously protect that free flow of

---

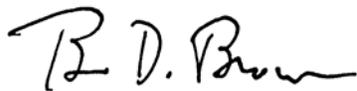
<sup>16</sup> See e.g. James Risen and Eric Lichtblau, "Bush Lets U.S. Spy on Callers without Courts," N.Y. TIMES, 16 Dec. 2005, *available at* <http://nyti.ms/16C62Xp>; Vivienne Walt, "European Officials Infuriated by Alleged NSA Spying on Friendly Diplomats," *Time*, 30 June 2013, *available at* <http://ti.me/19LYk15>; Peter Nicholas, Obama's Other Mission: Soothing Allies on Espionage," WALL ST. JOURNAL, 6 Sept. 2013, *available at* <http://on.wsj.com/15BeQ0f>.

<sup>17</sup> "A Note to Readers: The Decision to Publish Diplomatic Documents," N.Y. TIMES, 28 Nov. 2010, A10, *available at* <http://nyti.ms/eaYfmj>.

<sup>18</sup> *U.S. v. Morison*, 844 F.2d 1057, 1081 (1988) (Wilkinson, J., concurring), quoting *Saxbe v. Washington Post Co.*, 417 U.S. 843, 863 (1974) (Powell, J., dissenting).

information and openness in the judicial process to ensure that its efforts to combat terrorism do not end up swallowing the nation's commitment to First Amendment values. We appreciate the assignment the members of the Review Group have undertaken and are available to assist you with your work in any way going forward.

Sincerely,



The Reporters Committee for Freedom of the Press

Bruce D. Brown, Executive Director

Gregg P. Leslie, Legal Defense Director

Emily Grannis, Jack Nelson Legal Fellow

ABC, Inc.

Advance Publications, Inc.

Allbritton Communications Company

ALM Media, LLC

American Society of News Editors

The Associated Press

Atlantic Media, Inc.

Bloomberg L.P.

Cable News Network, Inc.

California Newspaper Publishers  
Association

Courthouse News Service

Dow Jones & Company, Inc.

The E.W. Scripps Company

First Amendment Coalition

Fox News Network LLC

Gannett Co., Inc.

Hearst Corporation

Investigative Reporters and Editors

Investigative Reporting Workshop at  
American University

Journal Communications, Inc.

The McClatchy Company

Media Consortium

National Press Photographers  
Association

National Public Radio, Inc.

The New York Times Company

The New Yorker

Newspaper Association of America

North Jersey Media Group Inc.

POLITICO LLC

Radio Television Digital News  
Association

Reporters Without Borders

Reuters America LLC

The Seattle Times Company

Society of Professional Journalists

Tribune Company

The Washington Post