

Department of Justice Use of Certain Law Enforcement Tools to Obtain Information from, or Records of, Members of the News Media; and Questioning, Arresting, or Charging Members of the News Media

Amendment to Annual Report: Calendar Year 2017

The Department of Justice (Department) is committed to making public, on an annual basis, data regarding its use of certain law enforcement tools to obtain information from, or records of, members of the news media; and regarding questioning, arresting, or charging members of the news media, pursuant to 28 C.F.R. § 50.10. *See* Justice Manual (JM) 9-13.400(L)(4). In conjunction with issuing the public report for calendar year 2020, the Department issues this amendment to the public report for calendar year 2017 that includes several matters authorized in that year and not previously reported. This information is derived from information provided by Department Divisions and United States Attorneys' Offices.

A. Subpoenas and applications for court orders or search warrants authorized by the Attorney General (28 C.F.R. §§ 50.10(c) and (d))

1. In connection with the prosecution of four individuals who were involved in the armed occupation of a federal building and who conspired to impede officers of the United States during the occupation, the Attorney General authorized a U.S. Attorney's Office to issue a trial subpoena to a reporter. The U.S. Attorney's Office sought to have the reporter authenticate the aired interview of the defendants' coconspirator, as the coconspirator had made statements regarding the defendants' intent to prevent federal employees in the building from performing their duties. The reporter moved to quash the subpoena, and a federal judge ruled in the reporter's favor.
2. In the prosecution of a securities fraud conspiracy, the Attorney General authorized a U.S. Attorney's Office to issue a trial subpoena to a reporter. The U.S. Attorney's Office sought to have the reporter authenticate an article that he had authored, in which he referenced the defendant's materially false statements. The Attorney General authorized the subpoena, as it was narrowly drawn, essential to the prosecution of the defendant, and had limited impact on the reporter's newsgathering. The reporter complied with the subpoena.