

**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**

**Annual Report: Calendar Year 2020**

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). This public report, which encompasses authorizations during calendar year 2020, is derived from information provided by Department Divisions and United States Attorneys' Offices. In conjunction with issuing this report, the Department has also issued amendments to the public reports for calendar years 2017 and 2018 that include several matters not previously reported.

**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 an investigation into several incidents of arson and destruction of government property that transpired when civil protests and demonstrations turned violent, the Attorney General authorized a U.S. Attorney's Office to issue a grand jury subpoena *duces tecum* for the production of videotape to a news media outlet. Investigators had pursued multiple avenues to identify the perpetrators of the crimes under investigation, without success, and had exhausted all investigative leads. With respect to video footage in the news media outlet's possession relating to these incidents, the news media outlet had provided the government with footage that had been broadcast, but had refused to supply any unaired footage. Other evidence gathered during the investigation suggested that the unedited videotape – in particular, the portions that were not aired – would be helpful in identifying the parties responsible for the crimes under investigation. The news media outlet complied with the subpoena.
  
2. In connection with an investigation into an attempted arson of a courthouse during a violent protest, the Attorney General authorized a U.S. Attorney's Office and the FBI to issue a subpoena to a newspaper for the original image and any immediately surrounding images of a photograph that the newspaper printed the day after the attempted arson, which depicted the subject attempting to commit the arson. While of high resolution, the published image was dark and showed only the subject's general features, insufficient to allow for the subject's identification. Cellphone footage from a citizen showed the newspaper's photojournalist pointing a high-resolution camera toward the subject for several seconds, indicating either the taking of video footage or of multiple still photographs. The U.S. Attorney's Office and the FBI sought the original photograph and any immediately surrounding images as a means of identifying the individual whom the investigation had not otherwise been able to identify. Because the newspaper declined to produce the images voluntarily or in response to a "friendly" subpoena, the Attorney General's authorization was

- required to issue the subpoena. Despite receiving authorization, the U.S. Attorney's Office ultimately did not issue the subpoena, instead deferring to the state's belated request to investigate and prosecute the matter.
3. In connection with an extortion investigation involving employees of a news media entity, the Attorney General authorized a U.S. Attorney's Office to subpoena the grand jury testimony of an individual employed by a media entity who had previously been the subject of a voluntary interview, also pursuant to the Attorney General's authorization. The employee at issue agreed to provide the requested testimony upon receipt of a subpoena. Ultimately, the media entity employee was not called to testify.
  4. In connection with an investigation into an unauthorized disclosure of classified information, the Attorney General authorized Department attorneys to obtain grand jury subpoenas seeking toll records from cellular service providers for four telephones used by a member of the news media (the Reporter). *See* 28 C.F.R. §50.10(c). The Attorney General also authorized the Department attorneys to apply for court orders, pursuant to 18 U.S.C. § 2703(d), directing internet service providers to produce non-content, email header, and related information for two email accounts used by the Reporter. The Reporter is not a target or subject of the investigation. The service providers complied with the subpoenas and orders. The classified information at issue had been disclosed in a news article authored by the Reporter and published on CNN.com. The investigative team sought these toll and email records to identify persons who may have shared the classified information with the Reporter. The time span for the information sought by the subpoenas and orders covered a period of several weeks before when the investigation revealed the Reporter first possessed the classified information to several weeks after the article containing the classified information was published. In 2021, notice of the Attorney General's authorization was given to the Reporter.
  5. In connection with an investigation into extortionate communications, identity theft, and computer fraud, the Attorney General authorized a U.S. Attorney's Office to obtain court orders, pursuant to 18 U.S.C. § 2703(d), for non-content information, including "communications records" as defined by the Department's News Media Policy. The investigation concerned harassment directed towards a member of the news media, and the U.S. Attorney's Office sought records associated with the member of the news media's internet accounts, thus requiring Attorney General authorization. *See* 28 C.F.R. § 50.10(c). The member of the news media was cooperating in the investigation, but as a matter of policy, the third-party service providers would not provide the requested information without court orders. The third-party service providers complied with the court orders.
  6. In connection with an investigation into an unauthorized disclosure of classified information, the Attorney General authorized Department attorneys to obtain grand jury subpoenas seeking toll records from cellular service providers for six phones used by three members of the news media (the Reporters). *See* 28 C.F.R.

§50.10(c). The Attorney General also authorized the Department attorneys to apply for court orders, pursuant to 18 U.S.C. § 2703(d), directing internet service providers to produce non-content, email header, and related information for three work email accounts used by the Reporters. The Reporters are not targets or subjects of the investigation. The classified information at issue had been disclosed in news articles authored by the Reporters and published in *The Washington Post*. The investigative team sought these toll and email records to identify persons who may have shared the classified information with the Reporters. The time span for the information sought by the subpoenas and orders covered the period from shortly before when the investigation revealed that the Reporters first possessed the classified information to shortly after the article containing the classified information was published. In 2021, notice of the Attorney General's authorization was given to the Reporters.

7. In connection with an investigation into an unauthorized disclosure of classified information, the Attorney General authorized Department attorneys to obtain grand jury subpoenas seeking toll records from cellular service providers for six telephones used by four members of the news media (the Reporters). *See* 28 C.F.R.

§50.10(c). The Attorney General also authorized the Department attorneys to apply for court orders, pursuant to 18 U.S.C. § 2703(d), directing internet service providers to produce non-content, email header, and related information for six work email accounts used by the Reporters. The Reporters are not targets or subjects of the investigation. The classified information at issue had been disclosed in news articles authored by the Reporters and published in *The New York Times*. The investigative team sought these toll and email records to identify persons who may have shared the classified information with the Reporters. The time span for the information sought by the subpoenas and orders covered the period from shortly before when the investigation revealed that the Reporters first possessed the classified information to shortly after the article containing the classified information was published. In 2021, notice of the Attorney General's authorization was given to the Reporters.

**B. Questioning, arrests, or charges authorized by the Attorney General (28 C.F.R. § 50.10(f))**

None.

**C. Subpoenas, applications for court orders, search warrants, questioning, arrests, or charges authorized by a Deputy Assistant Attorney General for the Criminal Division (28 C.F.R. §§ 50.10(d)(4) and (g))**

1. In an investigation concerning death threats that were made against a journalist, a Deputy Assistant Attorney General (DAAG) for the Criminal Division, under exigent circumstances, authorized a U.S. Attorney's Office to obtain a subpoena directing a telecommunications company to provide investigators toll records and subscriber information for the journalist's cell phone. *See* 28 C.F.R. § 50.10(g)(1). The DAAG's authorization was required under the Department's News Media Policy even though the journalist consented to the disclosure of the toll records by the telecommunications company. Investigators sought the toll records to determine the

identity of the individual/s who was/were threatening the life of the journalist. The USAO served the subpoena on the telecommunications company. The returns from the subpoena helped to reveal the identity of the individual who threatened the journalist. As a result, that individual was charged with stalking, in violation of 18 U.S.C. § 2261A(2).

**D. Subpoenas and applications for court orders authorized by Assistant Attorneys General or United States Attorneys (28 C.F.R. §50.10(c)(3))**

1. In the prosecution of an attempted child enticement offense, a United States Attorney authorized the issuance of a trial subpoena to the Editor in Chief of a news media entity, who had agreed to testify at the trial. Because the member of the news media expressly agreed to testify at the trial, Attorney General authorization was not required. *See* 28 C.F.R. § 50.10(c)(3)(i)(A). The member of the news media complied with the subpoena.
2. In a national security investigation, a United States Attorney authorized the issuance of a grand jury subpoena to a newspaper entity for business and financial records regarding classified advertisements seeking to purchase national security information. Because the information was not related to newsgathering activities, Attorney General authorization was not required. *See* 28 C.F.R. § 50.10(c)(3)(ii)(A). The newspaper complied with the subpoena.
3. In an investigation concerning the shooting of a court security officer outside of a federal courthouse, a United States Attorney authorized the issuance of a grand jury subpoena for surveillance video footage from a news media entity located near the courthouse, after the news media entity expressly agreed to provide the requested material in response to a subpoena. Because the news media entity expressly agreed to provide this information in response to a subpoena, Attorney General authorization was not required. *See* 28 C.F.R. § 50.10(c)(3)(i)(A). The newspaper complied with the subpoena.
4. In an investigation into arsons committed during civil unrest, a United States Attorney authorized the issuance of grand jury subpoenas to two local news networks for broadcast video footage, which the networks expressly agreed to provide in response to a subpoena. Because the networks expressly agreed to provide this information in response to a subpoena, Attorney General authorization was not required. *See* 28 C.F.R. § 50.10(c)(3)(i)(A). The news networks complied with the subpoenas.
5. In an investigation into the vandalism of U.S. Government property, a United States Attorney authorized the issuance of grand jury subpoenas to local news stations for video footage related to the vandalism, after the local news stations expressly agreed to provide the requested material in response to a subpoena. Because the news stations expressly agreed to provide the footage in response to a subpoena, Attorney

General authorization was not required. *See* 28 C.F.R. § 50.10(c)(3)(i)(A). The news stations complied with the subpoenas.

6. In a public corruption investigation, a United States Attorney authorized the issuance of a grand jury subpoena to the parent company of a local news station for video footage of a news broadcast, after the news station expressly agreed to produce the requested material in response to a subpoena. Because the news station expressly agreed to produce the footage in response to a subpoena, Attorney General authorization was not required. *See* 28 C.F.R. § 50.10(c)(3)(i)(A). The news station complied with the subpoena.
7. In an investigation into arsons committed during civil unrest, a United States Attorney authorized the issuance of a grand jury subpoena to a news radio station for video footage, after the station expressly agreed to provide the requested material pursuant to a subpoena. Because the radio station expressly agreed to provide the video footage in response to a subpoena, Attorney General authorization was not required. *See* 28 C.F.R. § 50.10(c)(3)(i)(A). The station complied with the subpoena.
8. In an investigation into vandalism of U.S. Government property during civil unrest, a United States Attorney authorized the issuance of a grand jury subpoena for video footage related to the vandalism, after the local news station expressly agreed to provide the requested material in response to a subpoena. Because the news station expressly agreed to provide the footage in response to a subpoena, Attorney General authorization was not required. *See* 28 C.F.R. § 50.10(c)(3)(i)(A). The news station complied with the subpoena.
9. In a fraud investigation, a United States Attorney authorized the issuance of a subpoena to a radio broadcast entity for records related to alleged false claims made by a radio personality regarding products being sold on the personality's website. Because the information was not related to newsgathering activities, Attorney General authorization was not required. *See* 28 C.F.R. § 50.10(c)(3)(ii)(A). The radio broadcast entity complied with the subpoena.
10. In a tax fraud investigation, a United States Attorney authorized the issuance of subpoenas to third parties for financial and administrative information of several news media entities. Because the information was not related to newsgathering activities, Attorney General authorization was not required. *See* 28 C.F.R. § 50.10(c)(3)(ii)(A). The third parties complied with the subpoena.
11. In an investigation into criminal conduct committed during civil unrest, a United States Attorney authorized the issuance of a grand jury subpoena to a local news station for video footage, after the station expressly agreed to provide the requested materials pursuant to a subpoena. Because the news station expressly agreed to provide the video footage in response to a subpoena, Attorney General authorization

- was not required. *See* 28 C.F.R. § 50.10(c)(3)(i)(A). The news station complied with the subpoena.
12. In an investigation into a wire fraud scheme involving, among other things, the failure to pay for advertisements, a United States Attorney authorized the issuance of grand jury subpoenas to several television networks and newspapers for records related to advertisements that the target of the investigation had ordered but for which the target did not pay. Because the information was not related to newsgathering activities, Attorney General authorization was not required. *See* 28 C.F.R. § 50.10(c)(3)(ii)(a). The television networks and all but one newspaper complied with the subpoenas.
  13. In an investigation concerning criminal conduct committed during civil unrest, a United States Attorney authorized the issuance of grand jury subpoenas to a newspaper and four television networks for content related to the unrest, after the news media entities agreed to provide the requested materials in response to a subpoena. Because the networks expressly agreed to provide the content in response to a subpoena, Attorney General authorization was not required. *See* 28 C.F.R. § 50.10(c)(3)(i)(A). The news media entities complied with the subpoenas.
  14. In a conspiracy against rights investigation in which the target was alleged to have circulated false information about the time, place, and manner of voting during an election, a United States Attorney authorized the issuance of a grand jury subpoena to a media platform for podcast content, after the media platform agreed to provide the requested materials in response to a subpoena. Because the media platform expressly agreed to provide the content in response to a subpoena, Attorney General authorization was not required. *See* 28 C.F.R. § 50.10(c)(3)(i)(A). The media platform complied with the subpoena.
  15. In a fraud investigation, a United States Attorney authorized the issuance of a grand jury subpoena to a local radio station for the production of commercial advertisements related to the fraud scheme, after the radio station expressly agreed to provide the requested materials in response to a subpoena. Because the radio station expressly agreed to provide the content in response to a subpoena and because the content was not related to newsgathering activities, Attorney General authorization was not required. *See* 28 C.F.R. § 50.10(c)(3)(i)(A) and 50.10(c)(3)(ii)(A). The radio station complied with the subpoena.
  16. In an investigation into an arson that occurred during civil unrest, a United States Attorney authorized the issuance of grand jury subpoenas to several local news stations for video footage from the night of the protests, after the local news stations expressly agreed to provide the requested materials pursuant to a subpoena. Because the news station expressly agreed to provide the video footage in response to a subpoena, Attorney General authorization was not required. *See* 28 C.F.R. § 50.10(c)(3)(i)(A). The news stations complied with the subpoenas.

17. In an investigation into criminal conduct committed during civil unrest, a United States Attorney authorized the issuance of grand jury subpoenas to several news stations for video footage, after the stations expressly agreed to provide the requested materials pursuant to a subpoena. Because the news stations expressly agreed to provide the video footage in response to a subpoena, Attorney General authorization was not required. *See* 28 C.F.R. § 50.10(c)(3)(i)(A). The news stations complied with the subpoenas.
18. In an insider trading investigation, a United States Attorney authorized the issuance of a grand jury subpoena to a news media entity for the login and account information of two individuals. Because the information was not related to newsgathering activities, Attorney General authorization was not required. *See* 28 C.F.R. § 50.10(c)(3)(ii)(A). The news media entity complied with the subpoena.
19. In an arson investigation, a United States Attorney authorized the issuance of a grand jury subpoena for video footage captured by a newspaper company, after the newspaper company expressly agreed to provide the footage in response to a subpoena. Because the newspaper company expressly agreed to provide the video footage in response to a subpoena, Attorney General authorization was not required. *See* 28 C.F.R. § 50.10(c)(3)(i)(A). The newspaper company complied with the subpoena.
20. In a racketeering investigation, a United States Attorney authorized the issuance of a grand jury subpoena to a media entity for video footage of a program with content related to the investigation, after the media entity expressly agreed to provide the footage in response to a subpoena. Because the media entity expressly agreed to provide the video footage in response to a subpoena, Attorney General authorization was not required. *See* 28 C.F.R. § 50.10(c)(3)(i)(A). The media entity complied with the subpoena.

**E. News Media Consultations (28 C.F.R. § 50.10(c)(3)(iii) and JM 9-13.400(M))**

Total Number of News Media Consultations conducted by the Office of Enforcement Operations in 2020: **223**

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**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 an investigation of a member of the news media for offenses arising from newsgathering-related activities, the Attorney General authorized a U.S. Attorney's Office to obtain and serve subpoenas, a pen register order, and a search warrant on third parties maintaining custody of the target's communications and business records, all aimed at obtaining information related to the target's suspected criminal activities. When executing the investigative measures, the U.S. Attorney's Office and the investigating agency employed a filter team in an effort to minimize the review of news media-related materials and safeguard any such materials in a manner consistent with Department policy. *See* 28 C.F.R. § 50.10(d)(7).<sup>1</sup>

**B. Questioning, arrests, or charges authorized by the Attorney General (28 C.F.R. § 50.10(f))**

1. In connection with an investigation of employees of a news media entity for offenses arising from newsgathering-related activities, the Attorney General authorized a U.S. Attorney's Office to interview, on a voluntary basis, two members of the news media employed by a media entity.

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<sup>1</sup> In 2020, the U.S. Attorney's Office's submitted a subsequent request for approval to seek a search warrant for the target's email account, a warrant for the target's premises and devices, and also authorization to interview the target. Information obtained through the prior Attorney General authorization and other investigative measures revealed that the target was not involved in investigation or newsgathering. Based on the information obtained, it was determined that the target was not in fact a member of the news media at the time of the criminal conduct under investigation. Consequently, the Department's News Media Policy was determined to be inapplicable to further investigative steps, including any charges that may be brought against the target.



**C. Subpoenas, applications for court orders, search warrants, questioning, arrests, or charges authorized by a Deputy Assistant Attorney General for the Criminal Division (28 C.F.R. §§ 50.10(d)(4) and (g))**

1. In connection with an investigation of an extortion scheme, Department attorneys obtained authorization to apply for a search warrant for the seizure and search of a member of the news media's mobile device. Because the member of the news media's suspected illegal conduct was not based on, or within the scope of, newsgathering activities, Attorney General authorization was not required to apply for the warrants. Rather, a Deputy Assistant Attorney General for the Criminal Division authorized Department attorneys to apply for the proposed warrant to seize and search the device for evidence of the alleged extortion-related offenses pursuant to the suspect exception of the Privacy Protection Act. *See* 28 C.F.R. § 50.10(d)(4). When executing the warrant, the Department attorneys and the investigating agency employed a filter team in an effort to minimize the review of news media-related materials and safeguard any such materials in a manner consistent with Department policy. *See* 28 C.F.R. § 50.10(d)(7).
2. In a child pornography investigation, a U.S. Attorney's Office obtained authorization to apply for a warrant to search the premises, including electronic storage devices, of a member of the news media suspected of receipt, distribution, and possession of child pornography. Because the member of the news media's suspected illegal conduct was not based on, or within the scope of, newsgathering activities, Attorney General authorization was not required to apply for the warrant. Rather, a Deputy Assistant Attorney General for the Criminal Division authorized the U.S. Attorney's Office to apply for the proposed warrant to search the premises for evidence of the alleged child pornography-related offenses, pursuant to the suspect exception of the Privacy Protection Act. *See* 28 C.F.R. § 50.10(d)(4). When executing the warrant, the U.S. Attorney's Office and the investigating agency employed a filter team in an effort to minimize the review of news media-related materials and safeguard any such materials in a manner consistent with Department policy. *See* 28 C.F.R. § 50.10(d)(7).
3. In a child pornography investigation, a U.S. Attorney's Office obtained authorization to apply for a warrant to search the contents of, and obtain other information associated with, a personal email account of a member of the news media suspected of the receipt, distribution, and possession of child pornography. Because the member of the news media's suspected illegal conduct was not based on, or within the scope of, newsgathering activities, Attorney General authorization was not required to apply for the warrant. Rather, a Deputy Assistant Attorney General for the Criminal Division authorized the U.S. Attorney's Office to apply for the proposed warrant to search the contents of the email account for evidence of the alleged child pornography-related offenses pursuant to the suspect exception of the Privacy Protection Act. *See* 28 C.F.R. § 50.10(d)(4). When executing the warrant, the U.S. Attorney's Office and the investigating agency employed a filter team in an effort to minimize the review of news media-related materials and safeguard any such materials in a manner consistent with Department policy. *See* 28 C.F.R. § 50.10(d)(7).

4. In a cyber-stalking and harassment investigation, a U.S. Attorney's Office obtained authorization to apply for warrants for prospective cell-site location information, and to search the contents of two email accounts, two Skype accounts, a Facebook account, and a smartphone used by the target of the investigation, a journalist working for an overseas media outlet. Unrelated to the target's employment with the news media organization, the journalist engaged in a lengthy campaign of suspected cyber-stalking and harassment of two individuals. Because the journalist's illegal conduct was not based on, or within the scope of, newsgathering activities, Attorney General authorization was not required to apply for the warrants. Rather, a Deputy Assistant Attorney General for the Criminal Division authorized the U.S. Attorney's Office to apply for the proposed warrants to obtain evidence of the alleged stalking and harassment pursuant to the suspect exception of the Privacy Protection Act. *See* 28 C.F.R. § 50.10(d). When executing the warrant, the U.S. Attorney's Office and the investigating agency employed a filter team in an effort to minimize the review of news media-related materials and safeguard any such materials in a manner consistent with Department policy. *See* 28 C.F.R. § 50.10(d)(7).
5. In a child pornography and enticement investigation, a U.S. Attorney's Office obtained authorization to apply for a warrant to search the contents of and obtain other information associated with a personal email account used by a member of the news media charged with attempted child enticement. Because the target's conduct was not based on, or within the scope of, such individual's newsgathering activities, Attorney General authorization was not required to apply for the warrant. Rather, a Deputy Assistant Attorney General for the Criminal Division authorized the U.S. Attorney's Office to apply for the proposed warrant to obtain evidence of attempted child enticement, production of child pornography, and receipt and possession of child pornography, pursuant to the suspect exception of the Privacy Protection Act. *See* 28 C.F.R. § 50.10(d)(4). The service provider complied with the warrant.
6. In a cyber-stalking investigation, a U.S. Attorney's Office obtained authorization to apply for a warrant to search the contents of personal email accounts used by a member of the news media who was the target of the investigation. Because the target's conduct was not based on, or within the scope of, such individual's newsgathering activities, Attorney General authorization was not required to apply for the warrant. Rather, a Deputy Assistant Attorney General for the Criminal Division authorized the U.S. Attorney's Office to apply for the proposed warrant to obtain evidence of stalking, pursuant to the suspect exception of the Privacy Protection Act. *See* 28 C.F.R. § 50.10(d)(4). The service provider complied with the warrant.

**D. Subpoenas and applications for court orders authorized by Assistant Attorneys General or United States Attorneys (28 C.F.R. §50.10(c)(3))**

1. In the prosecution of an individual charged with obstructing the investigation into Russian interference in the 2016 presidential election, a United States Attorney authorized the issuance of a subpoena to a member of the news media for testimony. The member of the news media expressly agreed to testify pursuant to the subpoena. Because the member of the news media expressly agreed to testify, Attorney General

authorization was not required. *See* 28 C.F.R. § 50.10(c)(3)(i)(A). The prosecution team did not call the member of the news media at trial.

2. In a counterterrorism investigation, a United States Attorney authorized the issuance of a subpoena to a news media entity for a recording of an interview that had been conducted with the target of the investigation, after the news media entity expressly agreed to produce the requested material in response to a subpoena. Because the news media entity expressly agreed to provide the information in response to a subpoena, Attorney General authorization was not required. *See* 28 C.F.R. § 50.10(c)(3)(i)(A). The news media entity provided some footage of the interview in response to the subpoena.
3. In a kidnapping investigation, a United States Attorney authorized the issuance of a subpoena to a local news affiliate for video of an interview with the target of the investigation that was conducted by one of its news reporters, after the affiliate expressly agreed to produce the requested material in response to a subpoena. Because the news network expressly agreed to provide the information in response to a subpoena, Attorney General authorization was not required. *See* 28 C.F.R. § 50.10(c)(3)(i)(A). The news affiliate complied with the subpoena.
4. In a financial fraud investigation into the leadership of a labor union, a United States Attorney authorized the issuance of a grand jury subpoena for documents and testimony to a member of the news media for information unrelated to any newsgathering activities. Because the information was not related to newsgathering, Attorney General authorization was not required *See* 28 C.F.R. § 50.10(c)(3)(ii)(A). The member of the news media produced records pursuant to the subpoena, but was not called to testify.
5. In a fraud investigation, a United States Attorney authorized the issuance of a grand jury subpoena to several news media entities for copies of print advertisements and financial records associated with those advertisements. Because the information was not related to newsgathering, Attorney General authorization was not required. *See* 28 C.F.R. § 50.10(c)(3)(ii)(A). The subpoena was issued, but was returned as undeliverable, and no records were returned.
6. In an investigation concerning violations of a gag order that had been placed in a federal case, a United States Attorney authorized the issuance of a grand jury subpoena to a newspaper entity for records related to the user of an account that had posted comments on the newspaper website in violation of the gag order. Because the information related to public comments over which the newspaper entity did not exercise editorial control prior to publication, Attorney General authorization was not required. *See* 28 C.F.R. § 50.10(c)(3)(ii)(B). The newspaper complied with the subpoena.
7. In the prosecution of a fraud scheme in which the defendant, a member of the news media, made material misrepresentations to investors in, and lenders to, a startup newspaper, a United States Attorney authorized the issuance of grand jury and trial subpoenas to the defendant and the newspaper for financial records, as the information sought was unrelated to newsgathering activities. Because the information was not related to newsgathering, Attorney General authorization was not required. *See* 28

C.F.R. § 50.10(c)(3)(ii)(A). The defendant and the newspaper complied with the grand jury subpoenas and the defendant was charged by indictment. The trial subpoenas never came due, as the defendant pleaded guilty.

8. In an investigation concerning a missing person, a United States Attorney authorized the issuance of grand jury subpoenas to two local news media entities for video and audio recordings of statements made by a person of interest that aired on the entities' broadcasts, after the entities had expressly agreed to provide the requested information in response to a subpoena. Because the news media entities expressly agreed to provide the information in response to a subpoena, Attorney General authorization was not required. *See* 28 C.F.R. § 50.10(c)(3)(i)(A). After the service of the subpoenas, both entities withdrew their express agreement and the U.S. Attorney's Office withdrew the subpoenas.
9. In the prosecution of a conspiracy involving internet sex trafficking, a United States Attorney authorized the issuance of a trial subpoena to a media entity for segments of news broadcasts that were related to coverage of the website accused of illicit sex trafficking, after the entity had expressly agreed to provide the requested materials in response to a subpoena. Because the news media entity expressly agreed to provide the information in response to a subpoena, Attorney General authorization was not required. *See* 28 C.F.R. § 50.10(c)(3)(i)(A). The news media entity complied with the subpoena.
10. In the prosecution of an individual acting as an agent of a foreign government, a United States Attorney authorized the issuance of grand jury and trial subpoenas, as well as interviews of an interviewer and videographer for a documentary, after the members of the news media agreed to expressly provide the requested information in response to a subpoena. Because the members of the news media expressly agreed to provide the information in response to a subpoena, Attorney General authorization was not required. *See* 28 C.F.R. § 50.10(c)(3)(i)(A). The members of the news media complied with the issued subpoenas and the videographer provided law enforcement with a copy of the videotape of the interviews conducted for the documentary.
11. In an investigation of a threat to a federal judge, a United States Attorney authorized the issuance of a grand jury subpoena to a member of the news media for testimony unrelated to any newsgathering activities. Because the subject of the testimony was not related to newsgathering, Attorney General authorization was not required. *See* 28 C.F.R. § 50.10(c)(3)(ii)(A). The member of the news media testified before the grand jury pursuant to the subpoena.
12. In a bribery investigation, a United States Attorney authorized the issuance of a grand jury subpoena to a news media publication for the Internet Protocol address of an individual who had posted comments to a news article in the publication. Because the information sought related to public comments over which the publication did not exercise editorial control prior to publication, Attorney General authorization was not required. *See* 28 C.F.R. § 50.10(c)(3)(ii)(B).

13. In a cyber-stalking investigation, a United States Attorney authorized the issuance of a grand jury subpoena to a news media entity for emails in its possession and non-content email login information of a former employee who was the target of the investigation. The United States Attorney also authorized applications for court orders to be served on two email providers for non-content account information for personal accounts used by the target of the investigation, who at the time, was a member of the news media. Because the records sought concerned criminal conduct not based on, or within the scope of, newsgathering activities, Attorney General authorization was not required. *See* 28 C.F.R. § 50.10(c)(3)(ii)(C). The news media entity and the email providers complied with the subpoena and court orders.
14. In an investigation concerning threats made over the internet, a United States Attorney authorized the issuance of a grand jury subpoena to a news media entity for subscriber and contact information for an individual who had posted public comments to an article published by the news media entity. Because the information sought related to public comments over which the publication did not exercise editorial control prior to publication, Attorney General authorization was not required. *See* 28 C.F.R. § 50.10(c)(3)(ii)(B). The news media entity complied with the subpoena.
15. In a fraud prosecution, a United States Attorney authorized the issuance of trial subpoenas to several local newspapers for the production of commercial advertisements related to a fraud scheme. Because the information was not related to newsgathering activities, Attorney General authorization was not required. *See* 28 C.F.R. § 50.10(c)(3)(ii)(A). The newspapers complied with the subpoenas.
16. In a fraud investigation, a Deputy Assistant Attorney General authorized the issuance of a grand jury subpoena to a commercial broadcast network for contracts and financial documents related to the target of the investigation, who was alleged to have defrauded investors of a minor league football business. Because the information was not related to newsgathering activities, Attorney General authorization was not required. *See* 28 C.F.R. § 50.10(c)(3)(ii)(A). The network complied with the subpoena.
17. In a human rights prosecution, a United States Attorney authorized the issuance of a trial subpoena to a victim, assumed to be a member of the news media, after the victim expressly agreed to testify at trial in response to a subpoena. Because the victim expressly agreed to testify, Attorney General authorization was not required. *See* 28 C.F.R. § 50.10(c)(3)(i)(A). The victim complied with the subpoena.
18. In an investigation into threats against FBI employees that were posted on a website purporting to be an investigative journalism platform, a United States Attorney authorized the issuance of a grand jury subpoena to the website for Internet Protocol address and subscriber information for the device used by the individual posting the threats. Because the information sought related to public comments over which website exercised no editorial control prior to publication, Attorney General authorization was not required. *See* 28 C.F.R. § 50.10(c)(3)(ii)(B). The operators of the website complied with the subpoena.

19. In the prosecution of a police officer for unlawfully striking an individual, a United States Attorney authorized the issuance of a trial subpoena to a former member of the news media who had observed the incident while the individual still employed by a news media company, after the individual expressly agreed to testify at trial in response to a subpoena. Because the former member of the news media expressly agreed to testify at the trial, Attorney General authorization was not required. *See* 28 C.F.R. § 50.10(c)(3)(i)(A). The former member of the news media complied with the subpoena.
  
20. In a wire fraud and money laundering prosecution, a United States Attorney authorized the issuance of a subpoena to a member of the news media who was in possession of communications related to the fraud, after the member of the news media expressly agreed to provide the communications in response to a subpoena. Because the member of the news media expressly agreed to provide the information in response to a subpoena, Attorney General authorization was not required. *See* 28 C.F.R. § 50.10(c)(3)(i)(A). The member of the news media complied with the subpoena.

**E. News Media Consultations (28 C.F.R. § 50.10(c)(3)(iii) and JM 9-13.400(M))**

Total Number of News Media Consultations conducted by the Office of Enforcement Operations in 2019: **150**

**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 2018**

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 2018 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 the prosecution of individuals for rioting and conspiracy to riot, the Attorney General authorized the issuance of grand jury subpoenas *duces tecum* to two news media entities for the unedited and original version of footage of one of the defendants assaulting a female victim. The edited version of the footage was included in a video story that a news media entity had published to its website. The news media entity ultimately sold this content to a second news media entity. Attorney General authorization was required because the news media entity that initially published the content deferred to the entity to which it ultimately sold the content, which refused to provide the requested material voluntarily. The Attorney General authorized the subpoenas to both entities because they had no effect on newsgathering and because they were necessary to the successful prosecution of the defendant, who claimed that he had acted in self-defense.
2. In connection with an investigation into an alleged conspiracy involving persons or entities associated with a foreign government hacking the computers of a United States political party's central organization, the Deputy Attorney General, acting as Attorney General, authorized the issuance of a grand jury subpoena *duces tecum* for the production of toll records from a cellular service provider for a telephone used by a member of the news media suspected of participating in the conspiracy, as well as an application for a search warrant to search the member of the news media's internet cloud and email accounts. Following the initial authorization, the Deputy Attorney General, acting as Attorney General, later authorized a voluntary interview of, and the issuance of a testimonial grand jury subpoena to, the member of the news media. All of this information was necessary to further the investigation of whether the member of the news media was involved in the conspiracy to unlawfully obtain and utilize the information from the hacked political party or other victims.

**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.