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Joshua Koltun (CA SBN 173040)  
joshua@koltunattorney.com  
One Sansome Street  
Suite 3500, No. 500  
San Francisco, CA 94104  
Telephone: 415.680.3410  
Facsimile: 866.462.5959

Bruce D. Brown (*pro hac vice* pending)  
bbrown@rcfp.org  
REPORTERS COMMITTEE FOR FREEDOM OF THE PRESS  
1101 Wilson Blvd., Suite 1100  
Arlington, VA 22209  
Telephone: 703.807.2100  
Facsimile: 703.807.2109

Attorneys for *Amici Curiae*  
REPORTERS COMMITTEE FOR  
FREEDOM OF THE PRESS AND  
OTHER NEWS ORGANIZATIONS

Additional counsel for *amici* in Appendix A

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

FIRST UNITARIAN CHURCH OF  
LOS ANGELES, *ET AL.*,

Plaintiffs,

v.

NATIONAL SECURITY AGENCY  
*ET AL.*,

Defendants.

) CASE NO. 3:13-cv-03287 JSW  
)  
) **MOTION OF REPORTERS COMMITTEE**  
) **FOR FREEDOM OF THE PRESS AND 13**  
) **OTHER NEWS ORGANIZATIONS FOR**  
) **LEAVE TO FILE BRIEF *AMICI CURIAE* IN**  
) **SUPPORT OF PLAINTIFFS' MOTION FOR**  
) **PARTIAL SUMMARY JUDGMENT**  
)  
) Courtroom: 11 – 19<sup>th</sup> Floor  
) Hon. Jeffrey S. White  
)

1 **CORPORATE DISCLOSURE STATEMENTS**

2 The Reporters Committee for Freedom of the Press is an unincorporated association of  
3 reporters and editors with no parent corporation and no stock.

4 Advance Publications, Inc. has no parent corporation, and no publicly held corporation owns  
5 10% or more of its stock.

6 American Society of News Editors is a private, non-stock corporation that has no parent.

7 Belo Corp. has no parent corporation, and no publicly held corporation owns 10% or more of  
8 its stock.

9 The E.W. Scripps Company is a publicly traded company with no parent company. No  
10 individual stockholder owns more than 10% of its stock.

11 First Amendment Coalition is a nonprofit organization with no parent company. It issues no  
12 stock and does not own any of the party's or amicus' stock.

13 Los Angeles Times Communications LLC, is a wholly owned subsidiary of Tribune Publishing  
14 Company, LLC, which is a wholly owned subsidiary of Tribune Company.

15 The McClatchy Company is publicly traded on the New York Stock Exchange under the ticker  
16 symbol MNI. Contrarius Investment Management Limited owns 10% or more of the common stock of  
17 The McClatchy Company.

18 National Press Photographers Association is a 501(c)(6) nonprofit organization with no parent  
19 company. It issues no stock and does not own any of the party's or amicus' stock.

20 The Newspaper Guild – CWA is an unincorporated association. It has no parent and issues no  
21 stock.

22 North Jersey Media Group Inc. is a privately held company owned solely by Macromedia  
23 Incorporated, also a privately held company.

24 Online News Association is a not-for-profit organization. It has no parent corporation, and no  
25 publicly traded corporation owns 10% or more of its stock.

26 Society of Professional Journalists is a non-stock corporation with no parent company.

27 WP Company LLC (d/b/a The Washington Post) is a wholly-owned subsidiary of The  
28 Washington Post Company, a publicly held corporation. Berkshire Hathaway, Inc., a publicly held  
company, has a 10 percent or greater ownership interest in The Washington Post Company.

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 PLEASE TAKE NOTICE that the undersigned proposed Amici Curiae will and hereby do  
3 move the Court for leave to appear and file the accompanying proposed brief supporting Plaintiffs in  
4 this litigation. Plaintiffs consent to, and Defendant does not oppose, the filing of this brief.

5 **I. Statement of Interest of *Amici Curiae***

6 *Amici* file this brief in order to assist the Court in its consideration of newsgathering interests in  
7 this matter. *Amici* emphasize that the integrity of a confidential reporter-source relationship is critical  
8 to producing good journalism, but mass call tracking compromises that relationship to the detriment of  
9 the public interest. There is a long history in this country of significant works of journalism that have  
10 relied on confidential sources. Recent developments, however, highlight the link between mass call  
11 tracking and a chill on reporter-source communications. *Amici* also explain that mass call tracking  
12 risks negating the safeguards the government has pledged in response to threats to journalism.

13 The Reporters Committee for Freedom of the Press is a voluntary, unincorporated association  
14 of reporters and editors that works to defend the First Amendment rights and freedom of information  
15 interests of the news media. The Reporters Committee has provided representation, guidance and  
16 research in First Amendment and Freedom of Information Act litigation since 1970.

17 Advance Publications, Inc., directly and through its subsidiaries, publishes 18 magazines with  
18 nationwide circulation, newspapers in over 20 cities and weekly business journals in over 40 cities  
19 throughout the United States. It also owns many Internet sites and has interests in cable systems serving  
20 over 2.3 million subscribers.

21 With some 500 members, American Society of News Editors (“ASNE”) is an organization that  
22 includes directing editors of daily newspapers throughout the Americas. ASNE changed its name in  
23 April 2009 to American Society of News Editors and approved broadening its membership to editors of  
24 online news providers and academic leaders. Founded in 1922 as American Society of Newspaper  
25 Editors, ASNE is active in a number of areas of interest to top editors with priorities on improving  
26 freedom of information, diversity, readership and the credibility of newspapers.

27 Belo Corp. owns 20 television stations that reach more than 14% of U.S. television households.  
28

1 The E.W. Scripps Company is a diverse, 131-year-old media enterprise with interests in  
2 television stations, newspapers, local news and information websites and licensing and syndication.  
3 The company's portfolio of locally focused media properties includes: 19 TV stations (ten ABC  
4 affiliates, three NBC affiliates, one independent and five Spanish-language stations); daily and  
5 community newspapers in 13 markets; and the Washington-based Scripps Media Center, home of the  
6 Scripps Howard News Service.

7  
8 First Amendment Coalition is a nonprofit public interest organization dedicated to defending  
9 free speech, free press and open government rights in order to make government, at all levels, more  
10 accountable to the people. The Coalition's mission assumes that government transparency and an  
11 informed electorate are essential to a self-governing democracy. To that end, we resist excessive  
12 government secrecy (while recognizing the need to protect legitimate state secrets) and censorship of  
13 all kinds.

14 Los Angeles Times Communications LLC publishes the Los Angeles Times, the largest  
15 metropolitan daily newspaper in the country. The Los Angeles Times operates the website  
16 www.latimes.com, a leading source of national and international news.

17 The McClatchy Company, through its affiliates, is the third-largest newspaper publisher in the  
18 United States with 30 daily newspapers and related websites as well as numerous community  
19 newspapers and niche publications.

20 The National Press Photographers Association ("NPPA") is a 501(c)(6) non-profit organization  
21 dedicated to the advancement of visual journalism in its creation, editing and distribution. NPPA's  
22 approximately 7,000 members include television and still photographers, editors, students and  
23 representatives of businesses that serve the visual journalism industry. Since its founding in 1946, the  
24 NPPA has vigorously promoted the constitutional rights of journalists as well as freedom of the press in  
25 all its forms, especially as it relates to visual journalism. The submission of this brief was duly  
26 authorized by Mickey H. Osterreicher, its General Counsel.

27 The Newspaper Guild – CWA is a labor organization representing more than 30,000 employees  
28 of newspapers, newsmagazines, news services and related media enterprises. Guild representation

1 comprises, in the main, the advertising, business, circulation, editorial, maintenance and related  
2 departments of these media outlets. The Newspaper Guild is a sector of the Communications Workers  
3 of America. CWA is America's largest communications and media union, representing over 700,000  
4 men and women in both private and public sectors.

5 North Jersey Media Group Inc. ("NJMG") is an independent, family-owned printing and  
6 publishing company, parent of two daily newspapers serving the residents of northern New Jersey: *The*  
7 *Record* (Bergen County), the state's second-largest newspaper, and the *Herald News* (Passaic County).  
8 NJMG also publishes more than 40 community newspapers serving towns across five counties and a  
9 family of glossy magazines, including (201) Magazine, Bergen County's premiere magazine. All of  
10 the newspapers contribute breaking news, features, columns and local information to NorthJersey.com.  
11 The company also owns and publishes Bergen.com showcasing the people, places and events of Bergen  
12 County.

13 Online News Association ("ONA") is the world's largest association of online journalists.  
14 ONA's mission is to inspire innovation and excellence among journalists to better serve the public.  
15 ONA's more than 2,000 members include news writers, producers, designers, editors, bloggers,  
16 technologists, photographers, academics, students and others who produce news for the Internet or  
17 other digital delivery systems. ONA hosts the annual Online News Association conference and  
18 administers the Online Journalism Awards. ONA is dedicated to advancing the interests of digital  
19 journalists and the public generally by encouraging editorial integrity and independence, journalistic  
20 excellence and freedom of expression and access.

21 Society of Professional Journalists ("SPJ") is dedicated to improving and protecting journalism.  
22 It is the nation's largest and most broad-based journalism organization, dedicated to encouraging the  
23 free practice of journalism and stimulating high standards of ethical behavior. Founded in 1909 as  
24 Sigma Delta Chi, SPJ promotes the free flow of information vital to a well-informed citizenry, works to  
25 inspire and educate the next generation of journalists and protects First Amendment guarantees of  
26 freedom of speech and press.  
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1 WP Company LLC (d/b/a The Washington Post) publishes one of the nation's most prominent  
2 daily newspapers, as well as a website, www.washingtonpost.com, that is read by an average of more  
3 than 20 million unique visitors per month.

4 **II. Issues Addressed by Movants in the Brief**

5 As organizations that regularly engage in newsgathering or represent members who do, *amici*  
6 feel strongly that their constitutionally protected activities are threatened when the government  
7 collects and catalogues vast amounts of data about their private communications. *Amici* seek to appear  
8 in this case to stress the importance of safeguarding those communications and to explain how their  
9 activities are affected by governmental monitoring. Journalists often rely on confidential sources  
10 when researching and writing of stories of public significance. When the government's power is  
11 brought to bear in a way that directly threatens the ability of journalists to gather news and to promise  
12 confidentiality to their sources, it is ultimately the public that suffers.

13 For the foregoing reasons, *amici* request that this Court grant this motion to file the attached  
14 brief.

15 **CONCLUSION**

16 For the above reasons, Reporters Committee for Freedom of the Press and 13 other media  
17 organizations respectfully request this Court's leave to submit the accompanying brief.

18 Dated: November 18, 2013

19 By:  /s/ Joshua Koltun  
20 Joshua Koltun, Esq.

21 Bruce D. Brown, Esq.  
22 REPORTERS COMMITTEE FOR  
23 FREEDOM OF THE PRESS

24 Attorneys for *Amici Curiae*  
25 REPORTERS COMMITTEE FOR  
26 FREEDOM OF THE PRESS AND 13  
27 OTHER NEWS ORGANIZATIONS

1 **APPENDIX A**

2 Of counsel for *amici*:

3 Richard A. Bernstein  
4 Sabin, Bermant & Gould LLP  
5 4 Times Square, 23rd Floor  
6 New York, NY 10036  
*Counsel for Advance Publications, Inc.*

7 Kevin M. Goldberg  
8 Fletcher, Heald & Hildreth, PLC  
9 1300 N. 17th St., 11th Floor  
Arlington, VA 22209  
*Counsel for American Society of News Editors*

10 Russell F. Coleman  
11 Belo Corp.  
12 400 S. Record Street  
Dallas, TX 75202

13 David M. Giles  
14 Vice President/  
15 Deputy General Counsel  
16 The E.W. Scripps Company  
312 Walnut St., Suite 2800  
Cincinnati, OH 45202

17 Peter Scheer  
18 First Amendment Coalition  
19 534 Fourth St., Suite B  
San Rafael, CA 94901

20 Jeffrey Glasser  
21 Senior Counsel  
22 Tribune Company  
23 202 West First Street  
Los Angeles, CA 90012

24 Karole Morgan-Prager  
25 Juan Cornejo  
26 The McClatchy Company  
2100 Q Street  
Sacramento, CA 95816

1 Mickey H. Osterreicher  
1100 M&T Center, 3 Fountain Plaza,  
2 Buffalo, NY 14203  
3 *Counsel for National Press Photographers Association*

4 Barbara L. Camens  
Barr & Camens  
5 1025 Connecticut Ave., NW  
Suite 712  
6 Washington, DC 20036  
7 *Counsel for The Newspaper Guild – CWA*

8 Jennifer A. Borg  
General Counsel  
9 North Jersey Media Group Inc.  
10 1 Garret Mountain Plaza  
Woodland Park, NJ 07424

11 Jonathan D. Hart  
12 Dow Lohnes PLLC  
13 1200 New Hampshire Ave., NW  
Washington, DC 20036  
14 *Counsel for Online News Association*

15 Bruce W. Sanford  
16 Laurie A. Babinski  
Baker & Hostetler LLP  
17 1050 Connecticut Ave., NW  
Suite 1100  
18 Washington, DC 20036  
19 *Counsel for Society of Professional Journalists*

20 John B. Kennedy  
James A. McLaughlin  
21 Kalea S. Clark  
The Washington Post  
22 1150 15th Street, N.W.  
23 Washington, D.C. 20071

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25

26

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