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August 11, 2022

The Honorable Merrick Garland
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530

RE: Journalist James O’Keefe and News Media Company Project Veritas

Dear Attorney General Garland:

We represent investigative journalist James O’Keefe and the not-for-profit news media company Project Veritas in defense of your Justice Department’s protracted attack on them.

You issued the following directives on July 19, 2021:

“Because a free and independent press is vital to the functioning of our democracy . . . [t]o better protect that interest . . . the Department will no longer use compulsory legal process for the purpose of obtaining information from or records of members of the news media acting within the scope of newsgathering activities[.] This new prohibition applies to compulsory legal process issued to reporters directly . . . and to third-party service providers[.] It extends to . . . subpoenas, warrants, court orders issued pursuant to 18 U.S.C. § 2703(d) . . . [T]he Deputy Attorney General will examine procedures used to safeguard information from or records of members of the news media obtained by compulsory legal process in the limited circumstances in which that remains permissible, *as well as such information or records that were previously obtained. That examination will include developing procedures for the appropriate destruction or return of such information or records . . .*”

On November 4, 2021, the Federal Bureau of Investigation, working in conjunction with prosecutors from the Southern District of New York, executed search warrants at the homes of two former Project Veritas journalists and seized their reporter’s notes and work product on both the Ashley Biden diary news story and several unrelated news stories.

On November 4, 2021, assistant United States attorney Mitzi Steiner emailed a “grand jury” subpoena to me for our client, news media company Project Veritas.

On November 6, 2021, the Federal Bureau of Investigation, working in conjunction with prosecutors from the Southern District of New York, executed a search warrant at the home of journalist James O’Keefe, the Founder and President of Project Veritas, and seized the following: reporter’s notes and work product on the Ashley Biden diary news story; reporter’s notes and work product on past, present, and on-going news stories unrelated to the Ashley Biden diary news story; First Amendment protected donor information; and other material protected by the First Amendment and journalistic privileges.

On and before March 11, 2021, through at least March 10, 2022, the government had obtained, served, and extended covert electronic surveillance orders and related “gag” orders, pursuant to 18 U.S.C. §§ 2703 and 2705, respectively, for the email, cellular data, and other communications and electronic data of journalists.

Your Justice Department’s outrageous and illegal abuses to journalists critical of the current administration, who lawfully gathered information to report to the public on a matter of public interest, have all occurred on your watch. Your DOJ acted in contravention of your sanctimonious pronouncements and in violation of the Privacy Protection Act (42 U.S.C. § 2000aa), DOJ’s regulations for obtaining information from the news media (28 C.F.R. § 50.10), and DOJ directives. As a result of your refusal to apply your own “standards,” prominent journalists, scholars, and media watchdogs have assailed the actions of your DOJ.

As Josh Gerstein wrote in Politico:

The Biden administration’s effort to establish itself as a committed champion of press freedom is facing new doubts because of the Justice Department’s aggressive legal tactics against a conservative provocateur known for his hidden camera video stings.

The politically fraught episode is shaping up as an early test of the vows from Biden and Attorney General Merrick Garland to show greater respect for the media and to back away from the confrontational, often hostile approach favored by former President Donald Trump and his administration.

Trevor Timm, a First Amendment advocate from the Freedom of the Press Foundation, wrote:

I don’t personally like Project Veritas at all, but imagine this was a liberal org under Trump. Not a good precedent.

Jane Kirtley, a former executive director of the Reporters Committee for Freedom of the Press and a law professor at the University of Minnesota stated:

This is just beyond belief. I'm not a big fan of Project Veritas, but this is just over the top. I hope they get a serious reprimand from the court because I think this is just wrong.

Professor Kirtley went on to warn against denying First Amendment protections to our clients based on their "political outlook" or investigative journalism:

It's very dangerous to try to categorize people doing journalistic-type work, even if they're not doing it the way I would do it or the way the mainstream media do it

In addition to [the above examples](#), the American Civil Liberties Union and the Reporters Committee for Freedom of the Press have intervened on behalf of Project Veritas and moved to unseal the affidavits submitted to obtain the search warrants executed at the homes of the three journalists.

The First Amendment does not apply only to persons employed at legacy, for-profit corporate news outlets. Principles are not principles when you apply them unequally based on whether you "like" or "agree" with a journalist or with her methodology. Such an inequitable application of your oath and pronouncements is anathema to a free and independent press. The arbitrary application of protections to safeguard press freedoms is itself an attack on a free and independent press.

Since at least November 17, 2021, you have been aware of the raids on journalists' homes. That is the date Senator Chuck Grassley wrote you and FBI Director Christopher Wray to demand answers for this heavy-handed conduct. Senator Tom Cotton, Senator Ron Johnson, Representative Jim Jordan, and Representative James Comer wrote shortly thereafter to likewise demand that you explain the Justice Department's actions.

You have sat silent. In a recent press conference about another matter, you claimed, "The only pressure I feel, and the only pressure that our line prosecutors feel, is to do the right thing. That means we follow the facts and the law, wherever they may lead." In this case, the facts and the law lead to the inescapable conclusion that your Justice Department has acted irresponsibly and with a political motivation, desecrating First Amendment protections and a free and independent press.

We request that you forthwith terminate the "criminal" "investigation" into President Biden's adult daughter's diary as it concerns journalist James O'Keefe, media company Project Veritas, and its former journalists; that you order the government to return all seized information and destroy all information in its possession, retaining no copies thereof; and that you personally

issue a statement denouncing your Justice Department's actions against our clients and accepting responsibility for the violations by the Department of Justice.

The Facts

Project Veritas "is a national media organization dedicated to 'undercover investigative journalism.'" *Project Veritas Action Fund v. Rollins*, 982 F.3d 813, 817 (1st Cir. 2020). Its reporting continues an American tradition of investigative journalism established by pioneering muckrakers like Nellie Bly, whose use of an alias and cover story revealed the dirty underbelly of political dealing in the late nineteenth century, and advanced by later journalists whose reporting on the leaked Pentagon Papers exposed the truth about the United States' conduct in the Vietnam War. *See New York Times Co. v. U.S.*, 403 U.S. 713 (1971). Like its predecessors in the field, Project Veritas's reporting uses confidential sources, secret recordings, and other undercover investigative methods to expose the secret bad behavior of those in power. In doing so, Project Veritas's journalism operates within established First Amendment protections and serves a crucial function in a free society. As Justice Brandeis famously observed, "Sunlight is said to be the best of disinfectants." Louis Brandeis, *What Publicity Can Do*, HARPER'S WEEKLY (Dec. 20, 1913).

The Justice Department's pretext for its assault on journalists, the media, a free press, and the First Amendment is not Project Veritas's receipt of government information, whether implicating matters of national security, foreign policy, or domestic policy. Rather, Project Veritas lawfully received from a source the diary of Ashley Biden, then-presidential candidate Joe Biden's forty-year-old daughter. The sources who lawfully provided Ms. Biden's diary and related personal effects to the journalists at Project Veritas always represented that it was found abandoned in a house that Ms. Biden had occupied temporarily and that one of the sources had moved into after Ms. Biden moved out.¹

On September 3, 2020, a tipster called media organization Project Veritas and left a voicemail on an established tip line. In the voice mail, the tipster explained that a new occupant had moved into a place where Ashley Biden had previously stayed and found Ms. Biden's diary and other personal items: "[T]he diary is pretty crazy. I think it's worth taking a look at." Communications with the source (the subsequent occupant) who found Ashley Biden's abandoned diary and other abandoned belongings followed. It is clear that the sources already had the abandoned items in their possession before they ever contacted Project Veritas.

No Project Veritas journalist committed or participated in any crime in the course of lawfully receiving Ms. Biden's diary and related personal effects. All actions taken by the journalists at Project Veritas were newsgathering activities undertaken for the sole purpose of

¹ As you know, however, even if the source stole the diary, and even if the source informed the journalists that the diary was stolen, the First Amendment protects journalists who receive materials from sources even *if* those materials were stolen. *Bartnicki v. Vopper*, 532 U.S. 514 (2001). The Supreme Court precedent of *Bartnicki* establishes that even in the light most hostile to the press, the prosecutors are investigating journalists critical of the President Biden for a *non-crime*.

gathering and attempting to verify the authenticity of newsworthy information concerning national events of public interest for dissemination to the public. Accordingly, all actions taken by Project Veritas and its journalists were lawful and protected by the First Amendment. Project Veritas's efforts to corroborate Ms. Biden's diary included the responsible, routine, and transparent act of directly contacting Biden campaign officials to request an interview of, or comment by, Joe Biden about the diary.²

Project Veritas never published Ms. Biden's diary or any news story related to it. After exhaustive efforts to research the story and corroborate the diary, on October 12, 2020, Mr. O'Keefe killed the story on the newsroom floor, informing his journalists and staff:

Team,

I've thought carefully on whether to release this so-called 'Sting Ray' story which involve[s] entries in a personal diary [of] a very public figure. My thinking and analysis in short is this: [t]o release means the action is *less wrong* than the necessary wrongs that would follow if the information were not utilized and published. But in this case *even more harm* would be done to the person in question and Project Veritas if we were to release this piece. We have no doubt the document is real, but it is impossible to corroborate the allegation further. The subsequent reactions would be characterized as a cheap shot.

Whereas the great novelist Ernest Hemingway said[,] "[W]hat is moral is what you feel good after and what is immoral is what you feel bad after," the great novelist Thomas B. Morgan paraphrased thus; "Morally defensible journalism is rarely what you feel good about afterward; it is only that which makes you feel better than you would otherwise.["]

Using the Hemingway analysis, this very private entry related to a public figure's family is not worth it, and it's indefensible to publish what we currently have. I'm not worried about things we look into allegations but not publishing [sic]. Our actions so far are entirely defensible.

² Project Veritas made its request in a letter authored by its in-house counsel. The campaign did not respond, but Project Veritas was soon contacted by Ms. Biden's well-connected New York lawyer Roberta Kaplan. Project Veritas offered to return the property to Biden if she agreed to view it with counsel and confirm her ownership; Biden's lawyer refused and vowed to send the matter to the United States Attorney's Office for the Southern District of New York. (Ms. Kaplan had recently hired Michael Ferrara, a former supervisory assistant United States attorney from the Southern District of New York. Ms. Kaplan would apparently exploit Mr. Ferrara's influence in his former office to get the SDNY to open a file the same day she threatened to do so.)

The foregoing evidences Mr. O’Keefe’s journalistic ethics and compassion. You and I both know that if the New York Times gained possession of the diary of former President Trump’s adult daughter, it would have published it page-by-page for weeks on end, selectively editing the content to publish the most salacious entries in the diary, without regard to the harm it would have done to the person in question.

Mr. O’Keefe and Project Veritas took an additional step that further affirmed their responsible journalism. Through an attorney, the journalists turned Ms. Biden’s diary and personal effects into local law enforcement in the jurisdiction in which the source had indicated the items were found.

Shortly after Project Veritas’s decision not to publish, a news blog named National File—which is not affiliated with Project Veritas—began publishing excerpts from the diary without the knowledge, cooperation, contribution, or consent of Project Veritas. *See Patrick Howley, EXCLUSIVE SOURCE: Biden Daughter’s Diary Details ‘Not Appropriate’ Showers with Joe as Child*, NATIONAL FILE (Oct. 24, 2020) available at <https://nationalfile.com/exclusive-source-biden-daughters-diary-details-not-appropriate-showers-with-joe-as-child/>.

National File published the full diary on October 26, 2020, and it remains on the internet to this day. *See FULL RELEASE: Ashley Biden Diary Reveals Child Sex Trauma, Drug Abuse, Resentment for Joe – Whistleblower*, NATIONAL FILE (Oct. 26, 2020) available at <https://nationalfile.com/full-release-ashley-biden-diary-reveals-child-sex-trauma-drug-abuse-resentment-for-joe-whistleblower/>. National File attributed its source for the diary as a leak from a whistleblower at another media organization that chose not to publish the diary or report its contents. Project Veritas has no affiliation or other connection with National File and any leak of its unpublished news story, if that occurred, was not caused or authorized by Project Veritas.

The Law

Project Veritas’s work on the abandoned diary reporting was legitimate, thorough, and professional reporting. This was core First Amendment activity. Regardless of whether the local prosecutors chose to remain willfully ignorant of the truth that Ashley Biden left her diary behind when she moved out of the place where she had lived temporarily, the rule in *Bartnicki* still protects Project Veritas’s journalism.

Under *Bartnicki*, the Supreme Court established a clear safe-harbor for reporters and publishers dealing with newsworthy information of uncertain or even plainly illegal provenance: unless a reporter or publisher played a part in the illegal acquisition of information, they are protected by the First Amendment and no liability or other punishment can attach. 532 U.S. at 525. Lower court interpretations of *Bartnicki* elaborate upon this broad principle. Even publishers who openly solicit the receipt of stolen material face no liability provided they played no part in its acquisition. *See Democratic Nat’l Cmte. v. Russian Federation*, 392 F. Supp. 3d 410, 434-35 (S.D.N.Y. 2021); *Allen v. Beirich*, 2021 WL 2911736 at *4-5 (4th Cir. July 12, 2021); *Jean v. Massachusetts State Police*, 492 F.3d 24, 31 (1st Cir. 2007). Publishers may, without liability or punishment, even be in “active collaboration” or may aggressively “solicit[] stolen information” because those are “common journalistic practices.” *Jean*, 492 F.3d at 31; *see also Russian Federation*, 392 F. Supp. 3d at 435. The only relevant inquiry is whether the publisher played a

part in the acquisition of stolen material. And under Southern District of New York precedent, “played a part” means a publisher must “participate in the theft.” *Russian Federation*, 392 F. Supp. 3d at 435; *accord. Jean*, 492 F.3d at 31.

In *Beirich*, the Southern Poverty Law Center paid an accountant formerly associated with a white supremacist organization to reveal its membership lists. 2021 WL 2911736 at *1-2. Because the SPLC interacted with the insider and paid for the information *after* the insider had stolen it, the organization was completely immunized from liability per *Bartnicki*. *Russian Federation* goes even further. That case involved the Wikileaks controversy, in which persons solicited information that the Russian Federation hacked from the Democratic National Committee’s computers. 392 F. Supp. 3d at 417-18. Even though there were meetings in Italy to discuss possible items of interest to Wikileaks, such general meetings were not sufficient to invoke liability under *Bartnicki*. *Id.* at 432-33. Because the Committee could make no showing that Wikileaks participated in the hacking of the Committee’s computers, but only actively solicited and encouraged delivery of stolen material, no liability could attach per *Bartnicki*.

Project Veritas did nothing wrong in the course of researching and preparing the abandoned diary news story for possible publication. The prosecutors have produced no evidence to the contrary, instead relying on mendacious innuendo and purported “grand jury secrecy.” But even if the local prosecutors chose to reject reality and falsely claim a source stole the diary or personal effects and provided them to the journalists, *Bartnicki* and its progeny demonstrate that Project Veritas’s actions constituted First Amendment protected conduct.

The Prosecutors’ Violations of DOJ Regulations, DOJ Directives, and Your Pronouncements

In the politically motivated pursuit of attempting to prove that journalists committed a non-crime, these local prosecutors have disregarded statutes, DOJ regulations, DOJ directives, and your pronouncements.

The Privacy Protection Act (“PPA”) prohibits the searches that the government inflicted on Project Veritas and its journalists. The PPA makes it unlawful for a government employee “in connection with the investigation or prosecution of a criminal offense, to search for or seize any work product [or other documentary] 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.” 42 U.S.C. § 2000aa.a. The so-called “suspect exception” does not apply. For the government to search where there is “probable cause to believe that the person possessing such materials has committed or is committing the criminal offense to which the materials relate,” it cannot do so where “the offense to which the materials relate consists of the receipt, possession, communication, or withholding of such materials or the information contained therein.” § 2000aa.a.1. On their faces, the search warrants for the raids of journalists’ homes recite offenses making it patent that the government obtained the warrants in violation of this provision. Their recitations deal with receiving and transporting stolen goods across state lines, accessory after the fact, and the absurdly archaic misprision of a felony. *Bartnicki* and its progeny mean that these are non-crimes in the first instance, but it is also clear that warrants issued to investigate these so-called offenses violate the PPA.

DOJ's own directives prohibited these searches. Mirroring the PPA violation, the searches violated the regulatory provisions interpreting the PPA, which construe the "suspect exception" as applicable only where "the member of the news media is a subject or target of a criminal investigation for conduct *not* based on, or within the scope of, newsgathering activities." 28 C.F.R. § 50.10(d)(4) (emphasis added). This is consistent with PPA's mandate directing that DOJ impose the "requirement that the least intrusive method or means of obtaining such materials be used." 42 U.S.C. § 2000aa-11a.2; *see also* 28 C.F.R. § 50.10(a)(3) (requiring "all reasonable alternative attempts [to] have been made to obtain the information from alternative sources; and after negotiations with the affected member of the news media have been pursued").

At no point did the local prosecutors engage in negotiations with Project Veritas in an attempt to obtain information related to its abandoned diary inquiry. It was exactly the opposite. When we became aware of the government's investigation (it executed search warrants to seize electronic devices from the sources themselves), we attempted to contact the prosecutors. When the undersigned called AUSA Mitzi Steiner, she hung up the phone saying she could not speak about the investigation. The undersigned later was provided opportunity for an attorney proffer to the three local prosecutors, who sat silent through the call. In violation of the regulations, the prosecutors did not engage in reasonable negotiations – not when they covertly seized email communications from Microsoft, and certainly not after the undersigned made an attorney proffer and they still escalated to the most intrusive approach, obtaining search warrants to raid journalists' homes.

These prosecutors' misuse of 18 U.S.C. § 2705(b) non-disclosure orders to muzzle Microsoft and other providers also violated DOJ directives. DOJ directives regarding such orders recognizes that notification to the entity whose information is obtained is the rule, not the exception. *See* U.S. DEP'T. OF JUSTICE, *Policy Regarding Applications for Protective Orders Pursuant to 18 U.S.C. § 2705(b)* (Oct. 19, 2017), *available at* <https://www.documentcloud.org/documents/4116081-Policy-Regarding-Applications-for-Protective>. DOJ makes clear that the government should not default to obtaining customer data from providers, instead recommending, "[P]rosecutors should seek data directly from the enterprise, rather than its cloud-storage provider, if doing so will not compromise the investigation." COMPUT. CRIME & INTELLECTUAL PROP. SECTION, CRIMINAL DIV., U.S. DEP'T OF JUSTICE, *Seeking Enterprise Customer Data Held by Cloud Service Providers* at 1 (2017), *available at* <https://www.justice.gov/criminal-ccips/file/1017511/download>. "[I]dentifying an individual within the enterprise who is an appropriate contact for securing the data is often the first step. In many enterprises, this will be the general counsel or legal representative." *Id.* at 2. "Working with counsel and the enterprise's information technology staff, law enforcement can identify and seek disclosure of relevant information. This approach also gives the counsel *the opportunity to interpose privilege and other objections to disclosure* for appropriate resolution and parallels the approach that would be employed if the enterprise maintained data on its own servers, rather than in the cloud." *Id.* (emphasis added). Moreover, DOJ's guidance explains, "If an investigation requires only a subset of data . . . approaching the enterprise will often be the best way to get the information or data sought." *Id.* By secretly obtaining Project Veritas's information from Microsoft and other providers, these prosecutors obtained First Amendment privileged and attorney-client privileged matters without the opportunity for Project Veritas to object.

Ultimately, DOJ regulations would have required the local prosecutors to obtain approval from you or your high-level designee before applying for these warrants. 28 C.F.R. §

50.10(e)(2)(i). Since the PPA and DOJ regulations would have prohibited an application for these warrants, that means either (1) the local prosecutors deceived “Main Justice” and violated the PPA and regulations without seeking your required approvals, or (2) “Main Justice” willfully violated the PPA and regulations in a matter dealing with your boss’s 40-year-old daughter’s abandoned diary and personal effects. Your memorandum contains exceptions to the prohibitions on the use of compulsory process to obtain information from or records of members of the news media. None of the exceptions exist in this matter.

Disparate Treatment of the Press by the Trump DOJ and the Biden DOJ

Michael S. Schmidt and Adam Goldman are employees of the New York Times, a competitor to Project Veritas. [On March 22, 2022, Schmidt and Goldman disclosed:](#)

In the final year of the Trump administration, prosecutors in Washington, who were investigating a leak of classified information, secretly obtained court orders demanding that Google, which houses The New York Times’s email accounts, hand over information from four Times reporters’ accounts.

In response to requests from Google, the Justice Department allowed it to alert The Times to the demands so the newspaper could fight the orders.

A lawyer for The Times, David McCraw, secretly fought the demands, which the government ultimately dropped.

By contrast, when Microsoft Corporation repeatedly contacted the prosecutors in Biden’s Department of Justice who secretly obtained court orders to obtain information from Microsoft for a myriad of journalists at Project Veritas, your Department of Justice repeatedly resisted and demanded non-disclosure to Microsoft’s client – media company Project Veritas. Biden’s prosecutors relented only when Microsoft threatened to file a motion attacking the secret warrants, §2703(d) orders, and related gag orders.

With regard to a leak of classified information, the Trump DOJ allowed a third-party service provider to disclose the existence of secret, covert warrants to journalists.

With regard to Biden’s adult daughter’s abandoned diary, the Biden DOJ repeatedly prohibited third-party service providers from disclosing the existence of secret, covert warrants to journalists.

With regard to the use of covert § 2703(d) orders and warrants to spy on journalists, based on your DOJ’s disparate treatment of the media compared to the Trump administration, how can you, with a straight face, claim to respect a free and independent press? The actions of your Department of Justice lend themselves to irrefutable criticisms that the application of your pronouncements depends on whether the journalists serve the Biden administration or serve the American people by investigating the workings of their government, speaking truth to power, and exposing corruption, dishonesty, self-dealing, waste, fraud, and other misconduct.

Irregularities in the Political Manner in Which This Case was Referred to the USAO

There should be no back-door access to invoke the awesome power of the Department of Justice and the Federal Bureau of Investigation. Unfortunately, it appears that is exactly what occurred here. Attorney Roberta Kaplan masterfully exploited relationships to effectuate a whirlwind opening of a massive assault on a media organization. When the SDNY and FBI field office in New York opened its file, Kaplan: (1) represented then-candidate Joe Biden’s daughter; (2) represented the daughter-in-law of Audrey Strauss, then-acting United States Attorney for the Southern District of New York; and (3) had recently hired Michael Ferrara, a long-time AUSA in the SDNY who was trial partners with and supervised Robert Sobelman, the lead prosecutor handling the “criminal” “investigation” of James O’Keefe and Project Veritas. Talk about the appearance of impropriety.

United States District Court Judge Analisa Torres observed, when she granted our request to appoint a Special Master, that she did so to ensure respect for “First Amendment concerns, journalistic privileges, and attorney-client privileges,” and to establish a procedure that would “not only be fair but appear to be fair.” *In re Search Warrant dated November 5, 2021*, Case No. 1:21-mc-00813-AT (S.D.N.Y.) (Torres, J.) (Docket No. 48) at 3 (citations omitted) and 4. The relationships, connections, and access between Ashley Biden’s lawyer and the then-acting United States Attorney strikes at the heart of the appearance of fairness. It smacks of using political access and personal connections to attack journalists lawfully doing their job in criticizing the politically powerful.

Conclusion

President Biden himself has called law enforcement demands for press records “simply wrong.”³ You claim to believe a “free and independent press is vital to the functioning of our democracy[.]” You claim, “[T]he Department will no longer use compulsory legal process for the purpose of obtaining information from or records of members of the news media acting within the scope of newsgathering activities[.]” And you claim that the only pressure you and your line prosecutors feel is to “do the right thing” and “[t]hat means we follow the facts and the law, wherever they may lead.”

The facts and law here lead to the inescapable conclusion that your prosecutors in the Southern District of New York have engaged in an unprecedented and politically motivated attack on the free press, without factual or legal justification, and in violation of DOJ’s regulations, guidelines, and your pronouncements.

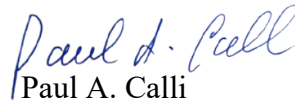
We exist in a dangerous time for journalists. The Committee to Protect Journalists (“CPJ”),[§] an independent, nonprofit organization that promotes press freedom worldwide and defends the right of journalists to report the news safely and without fear of reprisal, reports that 293 journalists

³ Matt Zapotosky & Anne Gearan, *Biden says he won’t allow Justice Dept. to seize journalists’ phone, email records*, WASH. POST, May 21, 2021, available at <https://www.washingtonpost.com/nationalsecurity/biden-journalists-justice-department/2021/05/21/fb606c4a-ba72-11eb-a5febb49dc89a248-story.html>

are imprisoned worldwide as of December 31, 2021. The CPJ opines that worldwide attacks on journalists are emboldened by the United States' failure to strengthen and affirm domestic protections for a free and independent press. In other words, the world is watching your lead, Mr. Garland. Begging the question, how on earth can you allow the attack on Project Veritas and its journalists to continue, and avoid being fairly tagged as a partisan, political hypocrite who wields your power in defense of an adult child of the President?

There appears to be no adult supervision in the U.S. attorney's office for the Southern District of New York. It is for you to decide whether to allow your prosecutors to continue to set dangerous precedent, gut First Amendment protections, and facilitate the decline of a free and independent press, or to put your money where your mouth is, demonstrate that your memorandum was not a petty political ploy aimed at the prior administration, and terminate this abhorrent action that threatens a free and independent press.

Sincerely,



Paul A. Calli

Chas Short

Cc: Daniel Gitner, Criminal Division Chief, United States Attorney's Office,
Southern District of New York – Via Federal Express

Via email:

Mitzi Steiner, Assistant United States Attorney, Southern District of New York
Robert Sobelman, Assistant United States Attorney, Southern District of New York
Jacqueline Kelly, Assistant United States Attorney, Southern District of New York