



CALLI LAW, LLC
One Flagler Building, Suite 1100
14 Northeast 1st Avenue
Miami, Florida 33132
T. 786.504.0911
F. 786.504.0912
www.calli-law.com

September 10, 2022

Gregory K. O'Connell
Deputy Associate Attorney General
Office of the Attorney General
Connecticut
165 Capitol Avenue
Hartford, CT 06106

**Via facsimile: (860) 808-5391
And Federal Express**

RE: Investigation of the Greenwich Public Schools

Dear Mr. O'Connell:

We represent journalist James O'Keefe and news media company Project Veritas in connection with your letter dated September 2, 2022. For reasons discussed below, your letter should be retracted immediately.

Project Veritas is a national news company whose journalists engage in widely reported on undercover investigative reporting and utilize lawful, surreptitious recording to expose corruption, fraud, waste, and abuse. Project Veritas's journalism continues the American undercover journalism tradition practiced by Nellie Bly in the late 1800s to Mike Wallace of *60 Minutes*.

For purposes of this letter, I will presume that you have read the First Amendment.

At the federal level, before a prosecutor or agent may attempt to speak or serve process on a journalist to obtain any materials or information from the journalist, permission must first be granted by the Attorney General of the United States.

I will also presume that you have read your own state's laws, including the aptly named "Protection from Compelled Disclosure of Information Obtained by News Media" law found in Section 52-146t of the Connecticut General Statutes (the "Shield Law"). If you have read the Shield Law, you know it expressly prohibits the action your letter threatens to take against Project Veritas.

Specifically, subsection (b) of the Shield Law provides that "No judicial, executive or legislative body with the power to issue a subpoena or other compulsory process" – that means you – "may compel the news media" – that means Project Veritas – "to produce or otherwise disclose any information obtained or received . . . by the news media in its capacity in gathering, receiving or processing information for potential communication to the public" – that means your threatened

subpoenas – “unless such judicial, executive or legislative branch complies with the provisions of subsections (c) to (e)[.]”

Much like the federal common law reporter’s shield, Connecticut’s Shield Law requires in subsections (c) to (e) that after negotiating with Project Veritas but prior to issuing your threatened subpoena you first make a showing by clear and convincing evidence that: (1) “There are reasonable grounds to believe that a crime has occurred;” (2) The information you seek from Project Veritas is “critical or necessary to the investigation;” (3) The information “is not obtainable from any alternative source;” and (4) “there is an overriding public interest in the disclosure.”

Your letter neither cites this law, purports to have complied with this law, nor frankly evidences even cursory knowledge of this law.

Project Veritas did not waive the statutory protections by publication of its news story. *See* CGS 52-146t(g).

Unfortunately, Attorney General Tong is not the first government official to foolishly attack the press for doing its job, only the most recent example. In April of this year Los Angeles County Sheriff Alex Villanueva attempted to trample on protections afforded journalists and targeted and threatened an investigative journalist who reported on a police cover-up in his department that someone leaked to her. In that case, like Attorney General Tong, the sheriff also popped off at a news conference and whined about a journalist doing her job, alluding to potential crimes for which the journalist may be investigated – similar to the veiled threat in your letter. Sheriff Villanueva learned his lesson promptly and retracted his threat to investigate the journalist.

In short Greg, in America, the government shouldn’t attack journalists or attempt to chill or silence them.

Journalism should be left to journalists. We think there is something really wrong with vigilante law enforcement, and we don’t think it should be celebrated when state prosecutors hide behind tin badges and preen before the cameras, peddling partisan, petty, politically motivated soundbites. There are no rules when prosecutors engage in wild-west tactics by abdicating their oath to enforce the law and instead violate it by ignoring protections afforded to journalists because it suits their political predilections and agenda to harass a journalist with whom they disagree.

Kindly inform your boss that Mr. O’Keefe respectfully suggests that the Attorney General stay in his lane and do what the citizens and voters of Connecticut expect of him. First, enforce the law by conducting a bona fide, good faith investigation of discriminatory employment practices in Connecticut’s public schools, even if the goals of those illegal practices may be consistent with the Attorney General’s personal political beliefs.¹ Second, obey and follow the law by not

¹ The Attorney General’s statement that an undercover investigative journalist “entrapped” someone, is silly. Unfortunately, it is also of grave concern because, as Connecticut’s top law enforcement officer, he said the quiet part loud and it affirms that he has already drawn a legal conclusion before his “civil rights” “investigation” started. How can the citizens and voters of Connecticut expect an impartial, good faith investigation from him and his office as a result? For this reason, I have sent a copy of this letter to Governor Lamont, in the event he determines that

harassing undercover investigative journalists engaged in lawful, traditional, and protected journalism.

Project Veritas and its journalists engaged in lawful and protected journalism. Your letter is sent in violation of Connecticut's Shield Law. Your thinly-veiled threat to our journalist clients that "[t]he scope and nature of our investigation may evolve as it progresses" is shameful and reckless. We demand that you retract your letter forthwith and begin adhering to the laws that you took an oath to uphold.

Sincerely,


Paul A. Calli
Charles P. Short

/s/
Lindy R. Urso, Esq.
810 Bedford Street
Suite 3
Stamford, CT 06901
Office: (203) 325-4487
Fax: (203) 357-0608
lindy@lindyursolaw.com

cc: Joshua Perry
Solicitor General/Chief of the Division of Appeals
Via facsimile: (860) 808-5391, and PDF email: Joshua.perry@ct.gov

Ned Lamont, Governor
Office of the Governor
State Capitol
210 Capitol Avenue, Hartford CT 06106
Via Federal Express and PDF email: governor.lamont@ct.gov

Attorney General Tong's public comments create an appearance of impropriety and impartiality and undermine the integrity of the investigation such that the Governor should remove him and his office from the case.