



U.S. Department of Justice

Office of Legal Counsel

Office of the Assistant Attorney General

Washington, D.C. 20530

February 20, 2014

MEMORANDUM FOR ERIC H. HOLDER, JR.
Attorney General

Re: Amendments to Policy Regarding Obtaining Information
From, or Records of, Members of the News Media, and
Regarding Questioning, Arresting, or Charging Members of
the News Media

ACTION MEMORANDUM

The attached proposed Attorney General order is a final rule that was submitted to this Office by the Acting Assistant Attorney General for the Criminal Division for review with respect to form and legality.

The final rule would amend the policy of the Department of Justice, set out in 28 C.F.R. § 50.10, regarding the use of subpoenas (or, in civil matters, other similar compulsory process such as a civil investigative demand), court orders issued pursuant to 18 U.S.C. §§ 2703(d) and 3123, and search warrants, to obtain information from, or records of, members of the news media. The rule also would amend the policy regarding questioning, arresting, or charging members of the news media. Finally, the rule would amend 28 C.F.R. part 59, pertaining to documentary materials held by third parties, to add a cross-reference to the new policy set out in section 50.10.

In May 2013, at the direction of the President, the Department initiated a comprehensive evaluation of its policies and practices regarding the use of subpoenas, court orders, and search warrants to obtain information from, or records of, members of the news media. The Attorney General also assembled a Working Group, composed of representatives from various Department components, to propose specific revisions to the Department's policies and practices regarding obtaining information from, or records of, members of the news media. Based on this review, on July 12, 2013, the Department issued a "Report on Review of News Media Policies," announcing changes to the Department's existing policies. This final rule would implement the new policies by revising those existing policies, which are set out in 28 C.F.R. § 50.10. It also would revise section 50.10 with respect to the questioning, arrest, or charging of members of the news media.

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The proposed Attorney General order is approved with respect to form and legality.



Caroline D. Krass
Acting Assistant Attorney General