



ASSOCIATED PRESS

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Attorney General Eric Holder
Department of Justice
Washington, D.C.

Dear General Holder:

I am writing to object in the strongest possible terms to a massive and unprecedented intrusion by the Department of Justice into the newsgathering activities of The Associated Press.

Last Friday afternoon, AP General Counsel Laura Malone received a letter from the office of United States Attorney Ronald C. Machen Jr. advising that, at some unidentified time earlier this year, the Department obtained telephone toll records for more than 20 separate telephone lines assigned to the AP and its journalists. The records that were secretly obtained cover a full two-month period in early 2012 and, at least as described in Mr. Machen's letter, include all such records for, among other phone lines, an AP general phone number in New York City as well as AP bureaus in New York City, Washington, D.C., Hartford, Connecticut, and at the House of Representatives. This action was taken without advance notice to AP or to any of the affected journalists, and even after the fact no notice has been sent to individual journalists whose home phones and cell phone records were seized by the Department.

There can be no possible justification for such an overbroad collection of the telephone communications of The Associated Press and its reporters. These records potentially reveal communications with confidential sources across all of the newsgathering activities undertaken by the AP during a two-month period, provide a road map to AP's newsgathering operations, and disclose information about AP's activities and operations that the government has no conceivable right to know.

That the Department undertook this unprecedented step without providing any notice to the AP, and without taking any steps to narrow the scope of its subpoenas to matters actually relevant to an ongoing investigation, is particularly troubling.

The sheer volume of records obtained, most of which can have no plausible connection to any ongoing investigation, indicates, at a minimum, that this effort did not comply with 28 C.F.R. §50.10 and should therefore never have been undertaken in the first place. The regulations require that, in all cases and without exception, a subpoena for a reporter's telephone toll records must be "as narrowly drawn as possible." This plainly did not happen.



We regard this action by the Department of Justice as a serious interference with AP's constitutional rights to gather and report the news. While we evaluate our options we urgently request that you immediately return to the AP the telephone toll records that the Department subpoenaed and destroy all copies. At a minimum, we request that you take steps to segregate these records and prohibit any reference to them pending further discussion and, if it proves necessary, guidance from appropriate judicial authorities. We also ask for an immediate explanation as to why this extraordinary action was taken, and a description of the steps the Department will take to mitigate its impact on AP and its reporters.

Given the gravity of this situation, I look forward to your prompt response.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary Pruitt". The signature is written in a cursive, flowing style.

Gary Pruitt