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October 10, 2017

The Honorable Jefferson B. Sessions III  
Attorney General  
Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

Dear Attorney General Sessions:

I write to seek information on the Department of Justice's use of its surveillance powers to target journalists and news organizations as part of leak investigations.

At a televised press conference on August 4, 2017 you stated that the Department of Justice (DOJ) is ramping up its investigations on leaks and reviewing its internal policies governing investigations of journalists and their sources. As you are aware, in 2015, DOJ revised its guidelines for investigations of members of the media. These revisions were made after several incidents in which DOJ abused its surveillance authority by targeting the press to identify their sources. For example, in 2013, DOJ obtained telephone call records for 20 Associated Press phone lines, including the work and personal phone numbers of individual reporters.

The 2015 revised regulations include a requirement that the Attorney General personally approve all subpoenas and applications for court orders and warrants served to or about members of the news media. This includes including legal demands for telephone and internet records, which could reveal a journalist's sources. The 2015 revisions, while an improvement, still do not go far enough. Journalists play a critical role in our democracy and the chill associated with the government obtaining their communications records in order to identify their sources cannot be overstated.

Although federal law currently permits the government to obtain historical telephone and email records without demonstrating probable cause to a judge, DOJ can and should go above and beyond what is required by statute when investigating journalists. I urge you to expand the protections in the 2015 regulations to further require that, absent an imminent threat to Americans' safety, executive branch personnel not seek a journalist's phone or email records in order to identify the source of a leak to that journalist without a search warrant.

Any further revisions to DOJ's procedure must strengthen, not compromise these essential protections. Moreover, DOJ's power to investigate members of the media should be subjected to close scrutiny by Congress and the American people. To that end, I would appreciate prompt, complete responses to the following questions by November 10, 2017.

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(541) 330-9142

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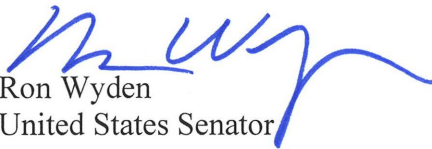
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1. For each of the past five years, how many times has DOJ used subpoenas, search warrants, national security letters, or any other form of legal process authorized by a court to target members of the news media in the United States and American journalists abroad to seek their (a) communications records, (b) geo-location information, or (c) the content of their communications? Please provide statistics for each form of legal process.
2. Has DOJ revised the 2015 regulations, or made any other changes to internal procedures governing investigations of journalists since January 20, 2017? If yes, please provide me with a copy.

If you have any additional questions about this request, please contact Chris Soghoian on my staff at (202) 224-5244.

Sincerely,



Ron Wyden  
United States Senator