EXHIBIT 1

Case 1:17-cv-09343-JGK Document 52-1 Filed 02/21/20 Page 2 of 3

NEWS MEDIA POLICY

28 C.F.R. 50.10

USAM 9-13.400

February 2018

CONFIDENTIAL

Policy Overview: Principles (cont.)

- Policy not intended to protect MONM who are the subjects or targets of criminal investigations for conduct unrelated to newsgathering activities.
- Policy does not create any enforceable rights or privileges.
- Policy outlines the process and considerations regarding using certain law enforcement tools to obtain information from, or records of, members of the news media; and regarding questioning, arresting, or charging members of the news media.
- Failure to comply with policy may constitute grounds for reprimand or other discipline.

EXHIBIT 2

News Media Policy Consultation

USAM 9-13.400
28 C.F.R. § 50.10

Policy and Statutory Enforcement Unit
Office of Enforcement Operations
Criminal Division
U.S. Department of Justice
E-mail: PSEU@usdoj.gov
Phone: (202) 305-4023

Last updated: 7/2016

Date of submission:

Date response requested (allow at least two weeks):

AUSA/Contact Name: Phone:

District: SELECT DISTRICT OR DOJ CRM SECTION Email:

Please indicate if this matter concerns: ☐ OCDETF or ☐ Forfeiture

Prior submission(s) to PSEU or to the Criminal Division on the same matter/investigation/case (if any).
(box will expand to fit text)

The following information is needed in order for PSEU to draft a recommendation memorandum.

Please provide a detailed memorandum containing the following:

- A summary of the facts of the investigation or prosecution as they relate to your consultation.
- A description of your proposed course of action (e.g., subpoena, question journalist, search warrant, etc.) with a comprehensive analysis of how this course of action will comply with 28 C.F.R. § 50.10, including citations to the relevant subsections of 50.10 and discussion of whether the member of the news media is a subject or target.
- If requesting a consultation as to whether an individual or entity is a member of the news media, provide relevant facts and analyze:

(b)(5) [redacted]

- If your consultation involves any websites, please state whether PSEU may view the websites from a DOJ IP address.

*** Attach the memorandum and any supplemental documentation (e.g., screenshots) to your email.**

Submit by E-mail Print Form

EXHIBIT 3

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 07-03-2018 BY [redacted] NSICG
b6 -1
b7C -1

Legal Issues:

First Amendment Protected Activity

[redacted]
b6 -1
b7C -1
Investigative Law Unit

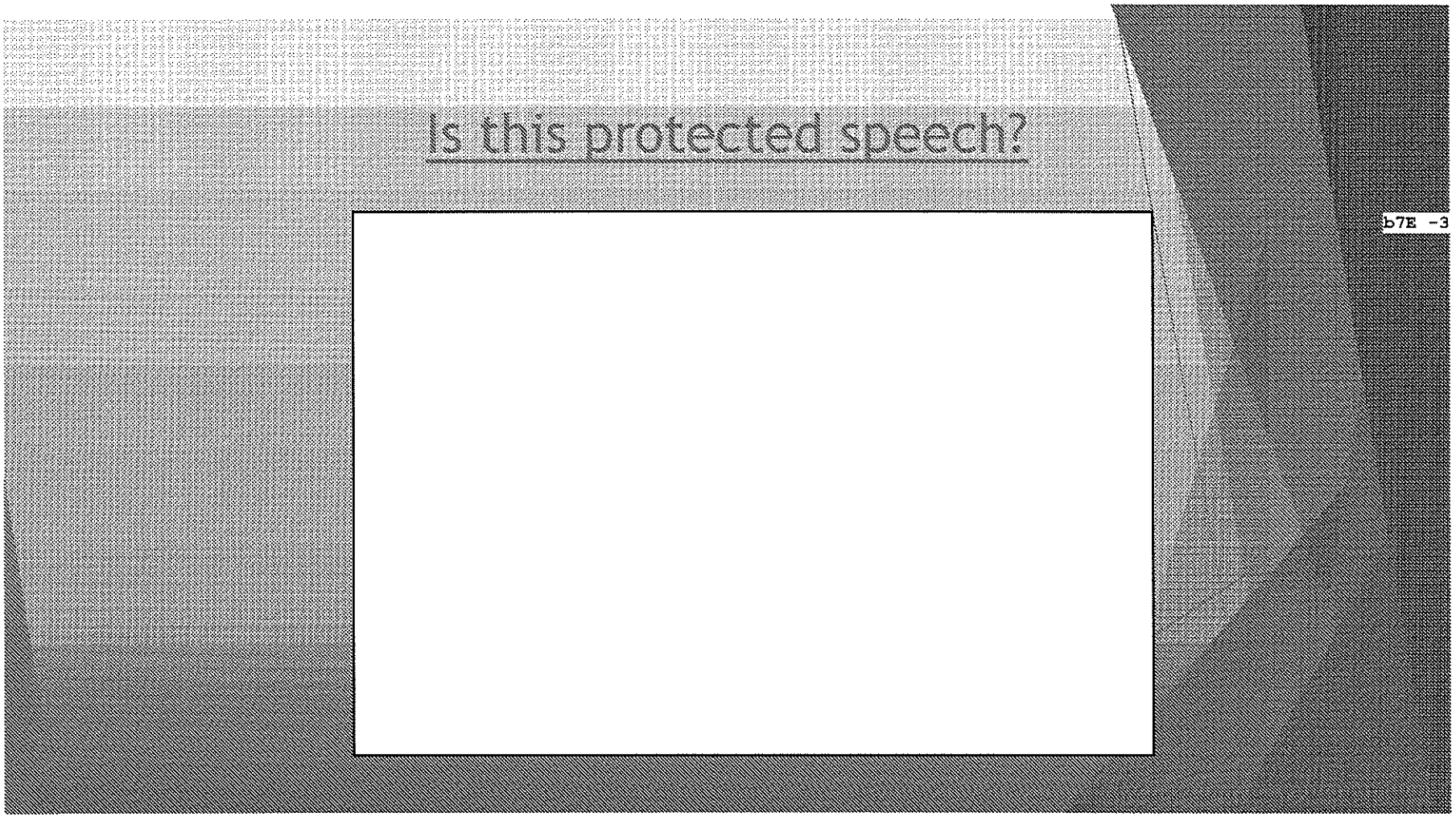

Is this protected speech?
b7E -3

EXHIBIT 4

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 07-03-2018 BY [redacted] NSICG

b6 -1
b7C -1

Legal/Policy Issues: Domestic Terrorism Investigations

CTIOPS Training- 2018

[redacted]

b6 -1
b7C -1

Investigative Law Unit

Hypothetical

b7E -3

b7E -3

Still protected speech?

b7E -3

b7E -3

b7E -3

EXHIBIT 5

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 07-03-2018 BY [redacted] NSICG
b6 -1
b7C -1

Legal Issues in Domestic Terrorism Investigations

[redacted]

b6 -1
b7C -1

Investigative Law Unit

The First Amendment

What do we mean by "collect?"

Examples of recent activity

b7E -3

EXHIBIT 6

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 07-05-2018 BY [redacted] NSICG

b6 -1
b7C -1

Privacy & Civil Liberties Training: Social Media Tools

AGC [redacted]
Acting UC [redacted]
Acting Section [redacted]

b6 -1
b7C -1

Privacy & Civil Liberties Unit
Office of the General Counsel

February 2018

Free Speech

- More than debating in town square.
- Examples: carrying parade placards, posting on Internet, wearing tee shirt w/ political message, & publishing books/newspaper articles.
  - Public messages or ideas via words/deeds.
  - [redacted] are 1st Amend. protected speech, even though publicly available.

b7E -5

EXHIBIT 7

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 07-05-2018 BY [redacted] NSICG

b6 -1
b7C -1

Privacy & Civil Liberties Training: Social Media Tools

AGC [redacted]
Acting UC [redacted]
Acting Section [redacted]

b6 -1
b7C -1

Privacy & Civil Liberties Unit
Office of the General Counsel

February 2018

Public vs. Gov't Collection of 1st Amendment Activity

- Washington Post collects publicly available [redacted] why can't FBI? b7E -3
  - Different rules apply to gov't to avoid chilling effect on freedom of speech.
  - FBI may only collect information that's pertinent to & w/in scope of authorized law enforcement activity.
  - Data collection may not unduly infringe upon speaker's ability to deliver message.

EXHIBIT 8

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 07-06-2018 BY [redacted] NSICG

b6 -1
b7C -1

UNCLASSIFIED//FOUO

FBI
Media Leak Investigations

[redacted]

b7E -11

FBIHQ

UNCLASSIFIED//FOUO

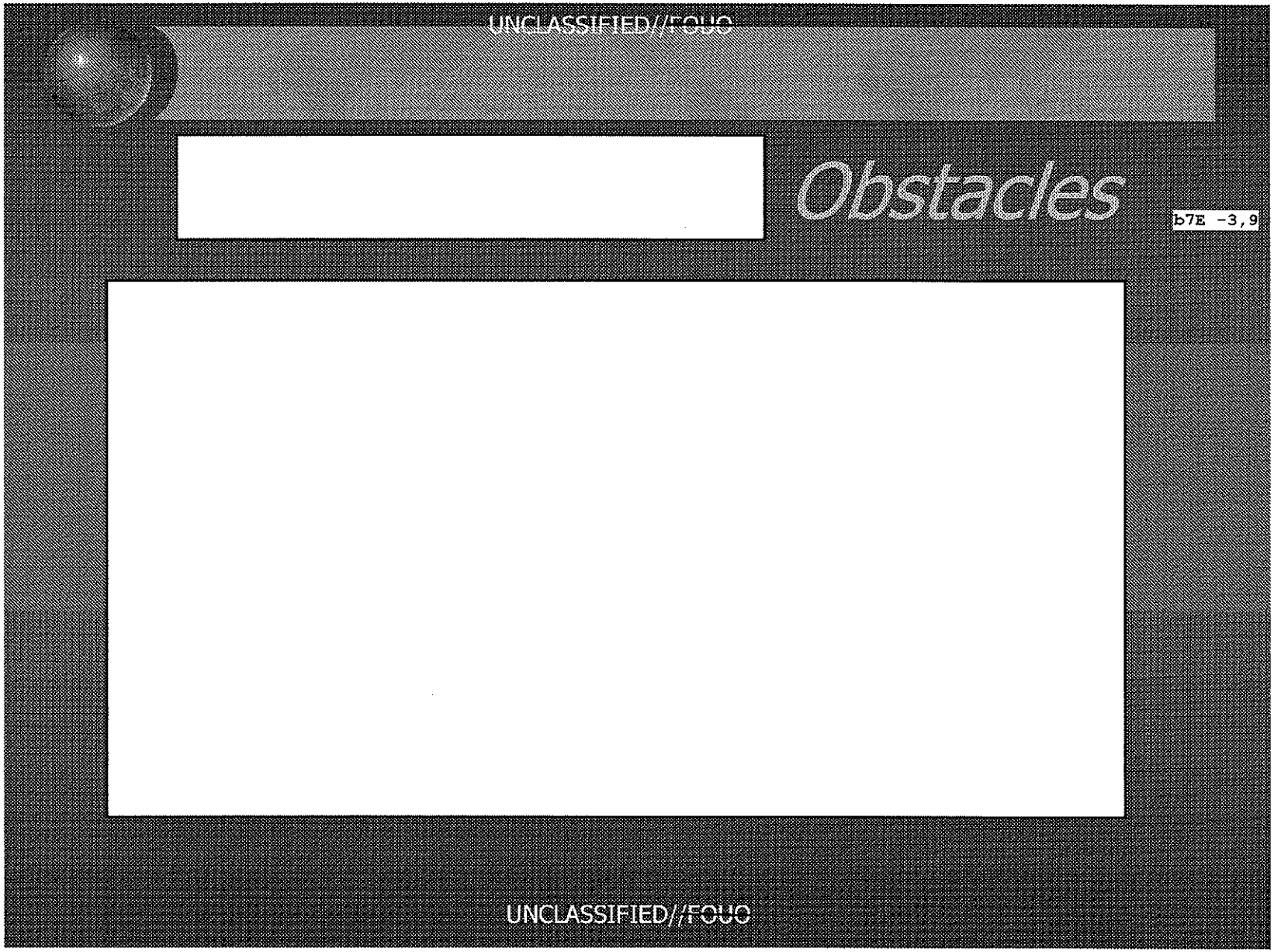
UNCLASSIFIED//FOUO

[redacted] Issues With

Media Leak Cases

b7E -3,9,11

UNCLASSIFIED//FOUO


UNCLASSIFIED//FOUO
Obstacles
b7E -3,9
UNCLASSIFIED//FOUO