



Office of the Attorney General
Washington, D. C. 20530

October 26, 2022

MEMORANDUM TO ALL DEPARTMENT EMPLOYEES

FROM: THE ATTORNEY GENERAL

A handwritten signature in black ink, appearing to read "Merrick Garland".

SUBJECT: NEW REGULATIONS REGARDING OBTAINING INFORMATION FROM OR RECORDS OF MEMBERS OF THE NEWS MEDIA; AND REGARDING QUESTIONING, ARRESTING, OR CHARGING MEMBERS OF THE NEWS MEDIA

A free and independent press is vital to the functioning of our democracy. In recognition of the important national interest in a free and independent press, on July 19, 2021, I issued a memorandum revising the Department's policy regarding the use of compulsory legal process for the purpose of obtaining information from or records of members of the news media. I also asked the Deputy Attorney General to undertake a review to further explain, develop, and codify protections for the news media in regulations. After the conclusion of that review, which involved consultation with relevant internal and external stakeholders, including federal prosecutors and members of the media, I am today issuing the revised regulations, which can be found at 28 CFR 50.10.

The revisions codify the July 2021 directive that the Department will no longer use compulsory legal process for the purpose of obtaining information from or records of members of the news media acting within the scope of newsgathering, except in limited circumstances. Other revisions are intended to clarify the scope of the policy, specify the standards and approvals required in matters in which compulsory legal process is still permitted, tighten procedures for the review and safeguarding of information, and fill gaps in the previous regulations.

To ensure consistent application and understanding of this policy throughout the Department, the relevant Justice Manual provisions will be updated with further guidance, and the Criminal Division's Office of Enforcement Operations will provide comprehensive training across the Department regarding the new policy's substance, standards, approval levels, and consultation requirements.

I am grateful to the many Department personnel who participated in the review process that resulted in the revised regulations.