

No. 11-1025

IN THE
Supreme Court of the United States

JAMES R. CLAPPER, JR., DIRECTOR OF
NATIONAL INTELLIGENCE, ET AL .,
Petitioners ,

v.

AMNESTY INTERNATIONAL USA, ET AL .,

For the Second Circuit

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STATEMENT OF INTEREST¹

The Reporters Committee for Freedom of the Press (“the Reporters Committee” or “amicus”) is a voluntary, unincorporated association of reporters and editors that works to defend the First Amendment rights and freedom of information interests of the news media. The Reporters Committee has provided representation, guidance and research in First Amendment and Freedom of Information Act litigation since 1970.

As advocates for the rights of the news media and others who gather and disseminate information to the public, amicus has a strong interest in ensuring that journalists’ ability to credibly promise confidentiality to sources remains uninhibited. Without the use of these invaluable reporting tools, the news media’s performance of their r]TJ0 Tc o(s)-1()]TJ0.016 Tw 2.4 0 Td[(pe)-4.(o)-4(rm)-

SUMMARY OF ARGUMENT

The government's broad powers under the FISA Amendments Act of 2008 ("the FAA" or "the Act"), which allows federal officials to monitor international electronic communications even if one party is in the United States, directly affect the ability of journalists to gather and report news stories and constitute a harm sufficient to create standing to challenge the Act. Oftentimes, a source's willingness to provide a journalist with truthful information about significant matters of public interest and concern is wholly dependent on an

Confidential communications with their sources are threatened:

In my ongoing reporting and newsgathering, numerous sources of confidential information have told me that they are

confidential. Speaking to me, they are 4(t)(e)4(1)(6)(m)(1)(5rT(d)(b)-2 Td1(t)-v Td[

without seeking approval from federal courts.
James Risen & Eric Lichtblau, Bush Lets U.S.
Spy on Callers Without Courts, N.Y. Times,
Dec. 16, 2005, at A1.

x Relying

was “not meant for public release,” CBS and Hersh documented the abusive conditions inside the Iraqi prison.² After these incidents became public, other military sources who had witnessed abuse came forward but often only “on the condition that they not be identified because of concern that their military careers would be ruined.”³

- x Journalist Walter Pincus of The Washington Post relied on confidential sources in reporting that President Carter planned to move forward with the development of a so-called “neutron bomb,” a weapon that could inflict massive casualties through radiation without extensive destruction of property.⁴ While the information disclosed to Pincus by his sources likely was classified, the public outcry in the wake of these news reports spurred the United States to abandon plans for such a weapon,

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and no administration since has tried to revive it.⁵

x The Pentagon's secret history of America's in-

