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Our File No: 110040-69942

NORTH JERSEY MEDIA GROUP INC.,

Plaintiff

v.

TOWNSHIP OF LYNDHURST, HELEN POLITO, RMC, in her capacity as Custodian of Records for the Township of Lyndhurst, BOROUGH OF NORTH ARLINGTON, KATHLEEN MOORE, in her capacity as Custodian of Records for the Borough of North Arlington, BOROUGH OF RUTHERFORD, MARGARET M. SCANLON, RMC, in her capacity as Custodian of Records for the Borough of Rutherford, BERGEN COUNTY POLICE DEPARTMENT, CAPTAIN UWE MALAKAS, in his capacity as Custodian of Records for the Bergen County Police Department, NEW JERSEY STATE POLICE, and SERGEANT HARRY ROCHESEY, in his capacity as Custodian of Records for the New Jersey State Police

Defendants

AMICI CURIAE BRIEF AND APPENDIX OF THE REPORTERS COMMITTEE FOR FREEDOM OF THE PRESS, AMERICAN CIVIL LIBERTIES UNION OF NEW JERSEY, NEW JERSEY PRESS ASSOCIATION, AND 16 OTHERS IN SUPPORT OF PLAINTIFF'S MOTION FOR LEAVE TO FILE AN INTERLOCUTORY APPEAL

Of Counsel and on the Brief:

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SUPREME COURT OF NEW JERSEY
DOCKET NO.: 076184

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-2523-14T1

Sat Below:

Hon. Carmen Messano, P.J.A.D.
Hon. Mitchel B. Ostrer, J.A.D.
Hon. Thomas W. Sumners, J.A.D.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION, BERGEN COUNTY
DOCKET NO.: BER-L-19048-14

Sat Below:

Hon. Peter E. Doyne, A.J.S.C.

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IDENTITIES AND INTEREST OF *AMICI CURIAE*

Amici curiae are the Reporters Committee for Freedom of the Press, American Civil Liberties Union of New Jersey, New Jersey Press Association, Advance Publications, Inc., American Society of News Editors, The Associated Press, Association of Alternative Newsmedia, First Look Media, Inc., Gannett Co., Inc., Investigative Reporting Workshop at American University, MPA - The Association of Magazine Media, National Association of Black Journalists, National Newspaper Association, The National Press Club, National Press Photographers Association, The New York Times Company, Online News Association, Society of Professional Journalists, and the Tully Center for Free Speech (collectively, "*amici*"). *Amici* are described in more detail in Appendix A.

As representatives and members of the news media and transparency advocates, *amici* frequently rely on state and federal freedom of information laws, including New Jersey's Open Public Records Act ("OPRA"), to gather information about the government and report on matters of public concern. *Amici* thus have a strong interest in ensuring that such laws are interpreted by courts in a manner that facilitates public access to government records and assures government accountability.

Amici write separately in support of the Motion for Leave to File an Interlocutory Appeal of Plaintiff North Jersey Media

Group, Inc. ("Plaintiff" or "NJMG") to: (1) emphasize that any limitation on public access under OPRA must be interpreted in light of the Legislature's intent to facilitate access to public records; (2) urge this Court to reject the Appellate Division's conclusion that a government entity may discharge its affirmative disclosure obligations under N.J.S.A. 47:1A-3(b) by issuing a press release instead of releasing public records; and (3) highlight the importance of access to law enforcement records for the press and the public.

INTRODUCTION AND SUMMARY OF THE ARGUMENT

At issue in this appeal is the scope of the "criminal investigatory records" exception, N.J.S.A. 47:1A-1.1, and the "ongoing investigations" exemption N.J.S.A. 47:1A-3(a), of New Jersey's Open Public Records Act ("OPRA"). *Amici* support the arguments set forth in Plaintiff North Jersey Media Group's ("NJMG") Brief in Support of Motion for Leave to Appeal, and write separately to further address the importance of interpreting OPRA in a manner that ensures the press and the public meaningful access to law enforcement records.

As the New Jersey Supreme Court has stated, the policy underlying OPRA is that "knowledge is power in a democracy"; government cannot be held accountable to its citizens "without access to information maintained by public agencies." Fair Share Hous. Ctr., Inc. v. New Jersey State League of

Municipalities, 270 N.J. 489, 502 (2011); see also Mason v. City of Hoboken, 196 N.J. 51, 64-65 (2008); Asbury Park Press v. Ocean Cnty. Prosecutor's Office, 374 N.J. Super. 312, 329 (Law Div. 2004) (stating that the primary goal of OPRA is "to maximize public knowledge about public affairs in order to ensure an informed citizenry and to minimize the evils inherent in a secluded process"). Accordingly, OPRA requires that government records be "readily accessible" to the public unless exempt, N.J.S.A. 47:1A-1, and places the "burden of proving that [a] denial of access is authorized by law" on the agency seeking to deny access. N.J.S.A. 47:1A-6. Moreover, OPRA mandates that "any limitation on the right of access . . . be construed in favor of the public's right of access." N.J.S.A. 47:1A-1.

In this case, the Appellate Division of the Superior Court of New Jersey erroneously interpreted OPRA to unduly restrict public access to government records, undermining the statute's fundamental purpose. Specifically, the Appellate Division erred by interpreting OPRA's criminal investigatory records exemption, N.J.S.A. 47:1A-1.1, too broadly, relying on pre-OPRA case law while ignoring OPRA's express mandate that any limitations on public access be construed in favor of public access. N.J.S.A. 47:1A-1. In addition, the Appellate Division erred by concluding that an agency could discharge its affirmative disclosure

obligations under N.J.S.A. 47:1A-3(b) by issuing a press release instead of releasing public records.

The Appellate Division's interpretation of these provisions would shield an expansive range of law enforcement records and government conduct from public scrutiny. Particularly here, where the public records sought relate to the use of deadly force by police—an issue of not only local, but national importance—disclosure is needed if the public is to stay informed and oversee the actions of those sworn to serve and protect them.

For the reasons set forth herein, *amici* urge this Court to grant NJMG's Motion for Leave to Appeal and reverse the decision of the Appellate Division.

ARGUMENT

I. The Appellate Division failed to follow the Legislature's directive to construe any limitation on public access in OPRA in favor of public access.

New Jersey's Right to Know Law ("RTKL"), originally enacted in 1963, was substantially overhauled with the passage of OPRA in 2001. See 2001 N.J. Laws 404. As the Appellate Division, below, acknowledged, the Legislature's goal in enacting OPRA was to increase public access to government records by, among other things, modifying sections of the RTKL that had been a "significant impediment to public access" Slip Op. at 26. OPRA's purpose was to ensure that "all government records shall be subject to public access unless exempt" N.J.S.A. 47:1A-1.

An integral part of OPRA (and one that is found in many other state public records laws)¹, is its provision requiring that any restriction on public access be interpreted narrowly:

any limitations on the right of access accorded by P.L.1963, c.73 (C.47:1A-1 et seq.) as amended and supplemented, shall be construed in favor of the public's right of access;

¹ Cf., e.g., Rev. Code Wash. § 42.56.030 ("This chapter shall be liberally construed and its exemptions narrowly construed to promote this public policy and to assure that the public interest will be fully protected."); Ca. Const. Art. 1, § 3(a)(2) ("A statute, court rule, or other authority . . . shall be broadly construed if it furthers the people's right of access, and narrowly construed if it limits the right of access.").

N.J.S.A. 7:1A-1 (emphasis added). As stated, that provision expressly applies to any restrictions on access that existed under the RTKL.

In short, with the passage of OPRA the Legislature issued a clear directive to both the executive and judicial branches: any limitation that previously impeded the public's right to access government information under the RTKL must be re-interpreted with an eye toward OPRA's goal of public disclosure. See id. The Appellate Division in this case failed to implement that directive when it applied pre-OPRA case law that takes a narrow view of the public's right of access.

OPRA's definition of a "government record" excludes "criminal investigatory records", N.J.S.A. 7:1A-1.1, which are defined as records "not required by law to be made, maintained or kept on file that [are] held by a law enforcement agency which pertains to any criminal investigation or related civil enforcement proceeding." Id. The phrase "required by law" was, as the Appellate Division noted, part and parcel of the definition of records to which the public had access under the RTKL. Slip Op. at 26-27. That definition was one of the primary limitations on the public's right of access under the RTKL that the Legislature intended to change with OPRA. Id. at 28-29 (noting that "[t]he RTKL generally created a statutory right of access to government documents 'required by law to be

made, maintained or kept on file.' . . . The 'required by law' precondition was narrowly construed. . . . The legislative response in OPRA required access to 'government records' subject to enumerated exceptions").

Despite recognizing its role as a limitation on the public's right of access under the RTKL, however, the Appellate Division went on to interpret the "required by law" prong of the "criminal investigatory records" exception to the definition of "government records" broadly, contravening OPRA's express requirement to the contrary. See N.J.S.A. 7:1A-1. It reasoned that because the phrase "required by law" also existed in the RTKL, pre-OPRA case law interpreting that requirement narrowly (and thus restricting public access) should also apply under OPRA. See Slip Op. at 32. In reaching that conclusion the Appellate Division relied on the general statutory interpretation guidance provided by this Court in Lemke v.

Bailey:

The construction of a statute by the courts, supported by long acquiescence on the part of the Legislature, or by continued use of the same language or failure to amend the statute, is evidence that such construction is in accordance with the legislative intent. The persuasive effect of such legislative inaction is increased where the statute has been amended after a judicial construction without any change in the language so interpreted.

41 N.J. 295, 301 (1963).² This was error. The Appellate Division failed to recognize that, in enacting OPRA, the Legislature did, in fact, "amend the statute" and expressed its disapproval with the interpretive gloss given that language under the RTKL. Cf. Slip op. at 30. It did so by inserting a new provision instructing courts to interpret any limitation on access that existed under the RTKL in favor of access. N.J.S.A. 47:1A-1. As the definition of "required by law" served as a limitation on the public's right of access under the RTKL, OPRA expressly mandates that it be re-interpreted to promote, not hinder, the public's right to obtain government records. Id.

The Appellate Division gave short shrift to this clear directive from the Legislature. See Slip Op. at 32 ("We do not construe OPRA's general rule of construction as a basis to deviate from the established interpretation of the 'required by law' standard, which by amendment was reinserted into OPRA."). This provision is not merely, as the Appellate Court stated, just a "rule of construction [that] guides statutory interpretation where the statute is unclear, or ambiguous." Id. To the contrary, it is a clear expression of the Legislature's intent to revamp the statutory open records regime that existed

² The Appellate Division failed to reference the next sentence of this Court's opinion in *Lemke*, which states that this rule "is of course not absolute but it is an aid in statutory construction and it is one factor in the total effort to give meaning to the language of the statute." Id.

under the RTKL to increase openness and government accountability and to limit the scope of any exceptions.

As this Court has stated, “[i]f the statute’s plain language reveals the Legislature’s intent, we need proceed no further.” Fair Share Hous. Ctr., Inc., 207 N.J. at 502 (quoting Bosland v. Warnock Dodge, Inc., 97 N.J. 543, 553 (2009)). OPRA’s directive could not be more clear; limitations on access – including those that previously existed under the RTKL – must be interpreted to further public access to government records and “maximize public knowledge about public affairs” See N.J.S.A. 47:1A-1; Fair Share Hous. Ctr., 207 N.J. at 501 (citations and quotations omitted). Because the Appellate Division failed to construe the “required by law” exception in favor of public access as mandated by OPRA, this Court should accept Plaintiff’s appeal and reverse.

II. N.J.S.A. 47:1A-3(b) requires the release of government records; a press release does not suffice.

N.J.S.A. 47:1A-3 addresses “public access to records” of an investigation “in progress.” Subsection (b) of that provision mandates that, notwithstanding any provision to the contrary, certain categories of “information concerning a criminal investigation” must be made “available to the public within 24 hours or as soon as practicable of a request for such information.” N.J.S.A. 47:1A-3(b). It goes on to state that,

"[n]otwithstanding any other provision of this subsection, where it shall appear that the information requested or to be examined will jeopardize the safety of any person or jeopardize any investigation in progress, or may be otherwise inappropriate to release, such information may be withheld. This exception shall be narrowly construed to prevent disclosure of information that would be harmful to a bona fide law enforcement purpose or the public safety" Id.

Here, the Appellate Division erred in concluding that a public agency had fulfilled its obligations under OPRA by issuing a press release containing "information" enumerated in Section 3(b), instead of providing access to government records that contain that information. See Slip op. at 55 ("Had the Legislature intended [S]ection 3(b) to oblige a public agency to release records, as opposed to information, it would have said so.")

The Appellate Division's cramped interpretation of the language of Section 3(b) is inconsistent with the rest of that provision, and the Act as a whole. See Paff v. New Jersey State Firemen's Ass'n, 431 N.J. Super. 278, 287 (App. Div. 2013) (holding that where a statute provision is unclear, the Court construes it in a way consistent with its broad purpose); Turner v. First Union Nat'l Bank, 162 N.J. 75, 84 (1999) ("[W]here a literal interpretation would create a manifestly absurd result,

contrary to public policy, the spirit of the law should control.").

As an initial matter, if a government agency could satisfy its affirmative disclosure obligations under Section 3(b) merely by providing summary information in a press release, that subsection's reference to "information requested or to be examined" would make little sense; members of the press and the public request copies of (or the ability to examine) original government records, not press releases. More fundamentally, OPRA is a public records statute intended to facilitate public access to government records. An agency's disclosure obligations under OPRA - including those set forth in N.J.S.A. 47:1A-3(b) - must be read in this light.

Further, the Appellate Division's interpretation is inconsistent with this Court's prior interpretations of the word "information" in OPRA. Other OPRA provisions also mandate disclosure of "information," and this Court has interpreted those provisions to require a public agency to disclose the government records that contain that information.

For example, the personnel records exemption, N.J.S.A. 47:1A-10, provides that all personnel records are generally exempt from disclosure under OPRA, with three exceptions. The third such exception is for "data contained in information which disclose conformity with specific experiential, educational or

medical qualifications required for government employment or for receipt of a public pension" N.J.S.A. 47:1A-10. This Court, in interpreting that exception, has held that a "record demonstrat[ing] compliance with that specific requirement" is "subject to being disclosed pursuant to OPRA." Kovalick v. Somerset County, 206 N.J. 581, 593 (2011) (emphasis added, citing North Jersey Media Grp., Inc. v. State, Dep't of Pers., 389 N.J. Super. 527, 537 (Law Div. 2006) (concluding that only the portion of a police officer's employment application that evidenced compliance with educational requirements was to be disclosed under OPRA)).

Similarly, the second exception to the personnel records exemption also includes the word "information." That exception is for "an individual's name, title, position, salary, payroll record, length of service, date of separation and the reason therefor, and the amount and type of any pension received" N.J.S.A. 47:1A-10. In interpreting this language, this Court has required disclosure of an agency's executive session minutes in which it discussed a memorandum that "embodie[d] the results of [its] investigation of [an employee's] alleged improprieties" because those minutes "undoubtedly" contained the "reason therefor" of the termination. S. (v. New Jersey Expressway Auth.), 124 N.J. 478, 496 (1991) (analyzing under the RTKL and

Executive Order No. 11, which was codified in the second exception to OPRA's personnel records exemption).

The Executive Order from which Section 3(b) was drawn emphasizes that it is to "be carried out by keeping in mind the right of citizens to be aware of events occurring in their community." Exec. Order No. 69 (Whitman). If Section 3(b) is to fulfill that purpose, and OPRA's overarching purpose of maximizing public knowledge about government affairs, it must be interpreted to require the release of records containing the information specified in Section 3(b).

The Appellate Court's decision permitting an agency to issue a press release summarizing - in the agency's words - that information, instead of producing the records that contain it, prevents the press and the public from independently reviewing the underlying documents and verifying that the agency's summary is accurate and complete. This is particularly problematic when disclosure may be contrary to the State's interest. Indeed, as the Appellate Division noted, the version of events in the McGrath certification differed from the description contained in the State's press release. Slip Op. at 6.

Permitting a public agency to fulfill its Section 3(b) obligations by issuing a press release, without any opportunity for the press or the public to examine the underlying government records, is in direct contradiction to OPRA's "core concern of

transparency in government.” Burnett v. Cnty. of Bergen, 198 N.J. 408, 414 (2009). Accordingly, this Court should grant review to ensure that Section 3(b) is interpreted consistently with this Court’s precedents and OPRA’s presumption of disclosure.

III. Press and public access to law enforcement records – particularly records relating to use of deadly force – serve the public interest.

The rash of recent incidents across the country involving police officers and the death of predominantly unarmed minorities has created what one commentator has called the “greatest national reckoning on racism since the beating of Rodney King.” Jamelle Bouie, *How Ferguson Changed America*, Slate (Aug. 2, 2015, 9:38 PM), <http://perma.cc/Q4KX-GM2R>. The deaths of Eric Garner in New York; Freddie Gray in Maryland, Michael Brown in Missouri, Eric Harris in Oklahoma, Tamir Rice in Ohio, and Walter Scott in South Carolina – among others – have bred mistrust between communities and local police, sparked protests, and ignited a nationwide discussion on law enforcement policies and race relations. See id.; Sandhya Somashekhar et al., *Black and Unarmed*, Wash. Post (Aug. 8, 2015), <http://perma.cc/L8XC-WQ9U>. Particularly against this backdrop, there is overwhelming public interest in access to records involving police officers’ use of deadly force.

The news media plays an essential role in our democratic system of governance by gathering information from the government and transmitting it to the public:

[I]n a society in which each individual has but limited time and resources with which to observe at first hand the operations of his government, he relies necessarily upon the press to bring to him in convenient form the facts of those operations. Great responsibility is accordingly placed upon the news media to report fully and accurately the proceedings of government, and official records and documents open to the public are the basic data of governmental operations. Without the information provided by the press most of us and many of our representatives would be unable to vote intelligently or to register opinions on the administration of government generally.

Cox Broad. Corp. v. Cohn, 420 U.S. 469, 491-92 (1975).

This function is especially important when it comes to reporting on the actions of law enforcement generally, and use of force in particular. The public needs information about these interactions in order to evaluate the conduct of public officials and law enforcement officers, and to contribute meaningfully to discussions about law enforcement policy and reform. Access to government records may clear officers of any allegations of misconduct, thereby increasing trust, or help identify areas where policy changes are warranted. See U.S. Dep't of Justice, Principles for Promoting Police Integrity 12-13 (2001) (recommending that agencies regularly disseminate information about misconduct investigations and discuss

investigations, among other things, at regular community meetings).

Press and public access to records is particularly important with respect to Kashad Ashford's death. As discussed above and noted in the Appellate Division's opinion, the State's press release and certifications by Detective Lawrence and his supervisor DCJ Lieutenant McGrath present inconsistent accounts of the events that directly led to the fatal shooting. Slip Op. at 5-7. Resolution of these inconsistencies are crucial to determining whether the police had a reasonable belief of imminent danger. Accordingly, public access to the records concerning this event is essential if the public is to know whether the actions taken by law enforcement personnel in this case were or were not appropriate.

Access to public records has proved invaluable to recent reporting on law enforcement activity that has, in turn, led to reform. For example, last year The Baltimore Sun ("The Sun") published a series of articles about police misconduct, including one report based on a six-month investigation of excessive force lawsuits and settlements, and another describing an internal audit of the police disciplinary process, which the paper obtained through an open records request. See Mark Puente, *Undue Force*, The Baltimore Sun (Sept. 24, 2014), <http://perma.cc/Q5FS-42M6>; Mark Puente, *Baltimore police should*

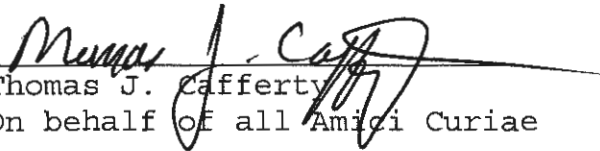
revamp misconduct probes, audit says, The Baltimore Sun (Oct. 20, 2014), <http://perma.cc/7ENT-5PFM>. Shortly after The Sun stories were published, the city responded with a new report of its own, highlighting possible policy reforms to its disciplinary process as well as those enacted within the previous two years, and the U.S. Department of Justice announced separately that it would conduct an independent review of the city police force. See Mark Puente, *U.S. Dept. of Justice reveals plans to review Baltimore Police Dept.*, The Baltimore Sun (Oct. 20, 2014), <http://perma.cc/YC9M-YVQS>. One policy change by the Baltimore Police Department – altering the makeup of trial boards that hear disciplinary cases – caused the rate at which officers were held responsible for alleged misconduct to increase from 57 percent to 88 percent. Puente, *Baltimore police should revamp misconduct probes, supra*.

If the Appellate Court decision holds, law enforcement agencies in New Jersey will be insulated from public scrutiny, and the public will have limited opportunity to oversee and evaluate this important government activity.

CONCLUSION

For the foregoing reasons, and the reasons set forth in Plaintiff North Jersey Media Group's brief, *amici* respectfully urge the Court to grant Plaintiff's Motion for Leave to Appeal.

Respectfully submitted,


Thomas J. Cafferty
On behalf of all *Amici Curiae*

Dated: September 25, 2015

Descriptions of *amici*:

The Reporters Committee for Freedom of the Press ("Reporters Committee") 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.

The American Civil Liberties Union of New Jersey (ACLU-NJ) is a private, non-profit, non-partisan membership organization dedicated to the principle of individual liberty embodied in the Constitution. Founded in 1960, the ACLU-NJ has tens of thousands of supporters throughout the state. The ACLU-NJ is the state affiliate of the American Civil Liberties Union, which was founded in 1920 for identical purposes, and is composed of approximately 500,000 members or donors nationwide.

For decades, the ACLU-NJ has worked on issues affecting the public's right to obtain meaningful and timely access to information concerning the workings of government. To further its goals, the ACLU-NJ formed the Open Governance Project to provide legal assistance, educate the public, and take an active role in adjudication of open governance issues. It has participated in numerous open governance lawsuits before this Court. See, e.g. McGovern v. Rutgers, 211 N.J. 94 (2012); Fair

Share Housing Center, Inc. v. New Jersey State, 207 N.J. 489 (2011); Kovalcik v. Somerset County Prosecutor's Office, 206 N.J. 581 (2011); Burnett v. County of Bergen, 198 N.J. 408 (2009); Mason v. City of Hoboken, 196 N.J. 51 (2008). It has also appeared as direct counsel or amicus curiae in numerous open governance cases in the Appellate Division and Law Division of the Superior Court of New Jersey. See, e.g., Gilleran v. Township of Bloomfield, 440 N.J. Super. 490 (App.Div. 2015); American Civil Liberties Union of New Jersey v. New Jersey Div. of Criminal Justice, 435 N.J. Super. 533 (App.Div. 2014).

The New Jersey Press Association is a non-profit membership organization incorporated in 1857 and comprised of daily and weekly newspapers, digital news websites and corporate and non-profit associate members. Its mission is to advance the interests of newspapers, to increase awareness in the benefits of newspaper readership and to help newspapers remain editorially strong, financially sound and free from outside influence.

Advance Publications, Inc., directly and through its subsidiaries, publishes more than 20 print and digital magazines with nationwide circulation, local news in print and online in 10 states, and leading business journals in over 40 cities throughout the United States. Through its subsidiaries, Advance also owns numerous digital video channels and internet sites and

has interests in cable systems serving over 2.3 million subscribers.

With some 500 members, American Society of News Editors ("ASNE") is an organization that includes directing editors of daily newspapers throughout the Americas. ASNE changed its name in April 2009 to American Society of News Editors and approved broadening its membership to editors of online news providers and academic leaders. Founded in 1922 as American Society of Newspaper Editors, ASNE is active in a number of areas of interest to top editors with priorities on improving freedom of information, diversity, readership and the credibility of newspapers.

The Associated Press ("AP") is a news cooperative organized under the Not-for-Profit Corporation Law of New York, and owned by its 1,500 U.S. newspaper members. The AP's members and subscribers include the nation's newspapers, magazines, broadcasters, cable news services and Internet content providers. The AP operates from 300 locations in more than 100 countries. On any given day, AP's content can reach more than half of the world's population.

Association of Alternative Newsmedia ("AAN") is a not-for-profit trade association for 130 alternative newspapers in North America, including weekly papers like The Village Voice and Washington City Paper. AAN newspapers and their websites provide

an editorial alternative to the mainstream press. AAN members have a total weekly circulation of seven million and a reach of over 25 million readers.

First Look Media, Inc. is a new non-profit digital media venture that produces The Intercept, a digital magazine focused on national security reporting.

Gannett Co., Inc. is an international news and information company that publishes 93 daily newspapers in the United States, including The El Paso Times and USA TODAY. Each weekday, Gannett's newspapers are distributed to an audience of 9 million readers and the websites associated with the company's publications serve online content to 95 million unique visitors each month.

The Investigative Reporting Workshop, a project of the School of Communication (SOC) at American University, is a nonprofit, professional newsroom. The Workshop publishes in-depth stories at investigativereportingworkshop.org about government and corporate accountability, ranging widely from the environment and health to national security and the economy.

MPA - The Association of Magazine Media, ("MPA") is the largest industry association for magazine publishers. The MPA, established in 1919, represents over 175 domestic magazine media companies with more than 900 magazine titles. The MPA represents the interests of weekly, monthly and quarterly publications that

produce titles on topics that cover politics, religion, sports, industry, and virtually every other interest, avocation or pastime enjoyed by Americans. The MPA has a long history of advocating on First Amendment issues.

The National Association of Black Journalists (NABJ) is an organization of journalists, students and media-related professionals that provides quality programs and services to and advocates on behalf of black journalists worldwide. Founded by 44 men and women on December 12, 1975 in Washington, D.C., NABJ is the largest organization of journalists of color in the nation.

National Newspaper Association is a 2,400 member organization of community newspapers founded in 1885. Its members include weekly and small daily newspapers across the United States. It is based in Columbia, Missouri.

The National Press Club is the world's leading professional organization for journalists. Founded in 1908, the Club has 3,100 members representing most major news organizations. The Club defends a free press worldwide. Each year, the Club holds over 2,000 events, including news conferences, luncheons and panels, and more than 250,000 guests come through its doors.

The National Press Photographers Association ("NPPA") is a 501(c)(6) non-profit organization dedicated to the advancement of visual journalism in its creation, editing and distribution.

NPPA's approximately 7,000 members include television and still photographers, editors, students and representatives of businesses that serve the visual journalism industry. Since its founding in 1946, the NPPA has vigorously promoted the constitutional rights of journalists as well as freedom of the press in all its forms, especially as it relates to visual journalism. The submission of this brief was duly authorized by Mickey H. Osterreicher, its General Counsel.

The New York Times Company is the publisher of *The New York Times* and *The International Times*, and operates the news website nytimes.com.

Online News Association ("ONA") is the world's largest association of online journalists. ONA's mission is to inspire innovation and excellence among journalists to better serve the public. ONA's more than 2,000 members include news writers, producers, designers, editors, bloggers, technologists, photographers, academics, students and others who produce news for the Internet or other digital delivery systems. ONA hosts the annual Online News Association conference and administers the Online Journalism Awards. ONA is dedicated to advancing the interests of digital journalists and the public generally by encouraging editorial integrity and independence, journalistic excellence and freedom of expression and access.

Society of Professional Journalists ("SPJ") is dedicated to improving and protecting journalism. It is the nation's largest and most broad-based journalism organization, dedicated to encouraging the free practice of journalism and stimulating high standards of ethical behavior. Founded in 1909 as Sigma Delta Chi, SPJ promotes the free flow of information vital to a well-informed citizenry, works to inspire and educate the next generation of journalists and protects First Amendment guarantees of freedom of speech and press.

The Tully Center for Free Speech began in Fall, 2006, at Syracuse University's S.I. Newhouse School of Public Communications, one of the nation's premier schools of mass communications.

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