



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

April 25, 2025

MEMORANDUM FOR ALL DEPARTMENT EMPLOYEES

FROM: THE ATTORNEY GENERAL *h*

SUBJECT: UPDATED POLICY REGARDING OBTAINING INFORMATION
FROM, OR RECORDS OF, MEMBERS OF THE NEWS MEDIA

Safeguarding classified, privileged, and other sensitive information is essential to effective governance and law enforcement. Federal government employees intentionally leaking sensitive information to the media undermines the ability of the Department of Justice to uphold the rule of law, protect civil rights, and keep America safe. This conduct is illegal and wrong, and it must stop. Therefore, I have concluded that it is necessary to rescind Merrick Garland's policies precluding the Department of Justice from seeking records and compelling testimony from members of the news media in order to identify and punish the source of improper leaks.¹ I am also directing the Office of Legal Policy to publish new regulatory language in 28 C.F.R. § 50.10 to reflect the rescission of those policies.

Without question, it is a bedrock principle that a free and independent press is vital to the functioning of our democracy. The Department of Justice will defend that principle, despite the lack of independence of certain members of the legacy news media. Under the new regulatory language implemented today, the Department will continue to employ procedural protections to limit the use of compulsory legal process to obtain information from or records of members of the news media, which include enhanced approval and advance-notice procedures. These procedural protections recognize that investigative techniques relating to newsgathering are an extraordinary measure to be deployed as a last resort when essential to a successful investigation or prosecution.

¹ All policies inconsistent with this memorandum and the accompanying regulation are hereby rescinded, effective immediately. *See, e.g.*, 28 C.F.R. § 50.10 (2022); Merrick Garland, U.S. Dept. of Justice, Memorandum, Use of Compulsory Process to Obtain Information from, or Records of, Members of the News Media (July 19, 2021), <https://www.justice.gov/ag/page/file/1413001/download>.

However, under the Biden Administration, “elitist leaders in Government . . . weaponized their undeserved influence to silence perceived political opponents and advance their preferred, and often erroneous, narrative about significant matters of public debate.”² This weaponization included prosecutors trying to muzzle protected First Amendment speech criticizing the Biden Administration, including through gag orders targeting not only President Trump³ but also other criminal defendants such as Dr. Ethan Haim.⁴ The Biden Administration also abused Garland’s overly broad procedural protections for media allies by engaging in selective leaks in support of failed lawfare campaigns.⁵ The leaks have not abated since President Trump’s second inauguration,⁶ including leaks of classified information.⁷

This Justice Department will not tolerate unauthorized disclosures that undermine President Trump’s policies, victimize government agencies, and cause harm to the American people. “Where a Government employee improperly discloses sensitive information for the purposes of personal enrichment and undermining our foreign policy, national security, and Government effectiveness—all ultimately designed to sow chaos and distrust in Government—

² Presidential Memorandum, Addressing Risks from Chris Krebs and Government Censorship, ___ Fed. Reg. ___ (Apr. 9, 2025), <https://www.whitehouse.gov/presidential-actions/2025/04/addressing-risks-from-chris-krebs-and-government-censorship>.

³ See ECF No. 105, *United States v. Trump*, No. 23-Cr.-257 (D.D.C.) (gag order); ECF No. 592, *United States v. Trump*, No. 23-Cr.-80101 (S.D. Fla.) (motion for gag order).

⁴ See ECF Nos. 105, 129, *United States v. Haim*, No. 24-Cr.-298 (S.D. Tex.) (motion for gag order).

⁵ See, e.g., Katie Benner, *et al.*, *Garland Faces Growing Pressure as Jan. 6 Investigation Widens*, New York Times (Apr. 2, 2022), <https://www.nytimes.com/2022/04/02/us/politics/merrick-garland-biden-trump.html>.

⁶ See, e.g., Phil Stewart, *Exclusive: Top Hegseth adviser Dan Caldwell put on leave in Pentagon leak probe*, Reuters (Apr. 15, 2025), <https://www.reuters.com/world/us/top-hegseth-advisor-dan-caldwell-put-leave-pentagon-leak-probe-2025-04-15>.

⁷ See, e.g., John Hudson & Warren P. Strobel, *U.S. intelligence contradicts Trump’s justification for mass deportations*, Washington Post (Apr. 17, 2025), <https://www.washingtonpost.com/national-security/2025/04/17/us-intelligence-tren-de-aragua-deportations-trump>; Charlie Savage & Julian Barnes, *Intelligence Assessment Said to Contradict Trump on Venezuelan Gang*, New York Times (Mar. 22, 2025), <https://www.nytimes.com/2025/03/20/us/politics/intelligence-trump-venezuelan-gang-alien-enemies.html>.

this conduct could properly be characterized as treasonous.”⁸ The perpetrators of these leaks aid our foreign adversaries by spilling sensitive and sometimes classified information on to the Internet. The damage is significant and irreversible. Accountability, including criminal prosecutions, is necessary to set a new course.

Accordingly, under the revised regulations implemented today, the news media “must answer subpoenas” when authorized at the appropriate level within the Department of Justice.⁹ Specifically, the policy contemplates the use of subpoenas, court orders, and search warrants to compel production of information and testimony by and relating to members of the news media, subject to the Privacy Protection Act, 42 U.S.C. § 2000aa, and the approval of the Department’s leadership in some instances. Members of the news media are presumptively entitled to advance notice of such investigative activities, subpoenas are to be narrowly drawn, and warrants must include protocols designed to limit the scope of intrusion into potentially protected materials or newsgathering activities. When considering whether to approve the use of such techniques, the Attorney General will consider, among other things,

- Whether there are reasonable grounds to believe that a crime has occurred and the information sought is essential to a successful prosecution;
- Whether prosecutors have made all reasonable attempts to obtain the information from alternative sources; and
- Whether, absent a threat to national security, the integrity of the investigation, or bodily harm, the government has pursued negotiations with the affected member of the news media.

⁸ Presidential Memorandum, Addressing Risks Associated with an Egregious Leaker and Disseminator of Falsehoods, __ Fed. Reg. __ (Apr. 9, 2025), <https://www.whitehouse.gov/presidential-actions/2025/04/addressing-risks-associated-with-an-egregious-leaker-and-disseminator-of-falsehoods>.

⁹ *People for the Ethical Treatment of Animals, Inc. v. N. Carolina Farm Bureau Fed'n, Inc.*, 60 F.4th 815, 825 (4th Cir. 2023); see also *Cohen v. Cowles Media Co.*, 501 U.S. 663, 669 (1991) (“Neither does the First Amendment relieve a newspaper reporter of the obligation shared by all citizens to respond to a grand jury subpoena and answer questions relevant to a criminal investigation, even though the reporter might be required to reveal a confidential source.”); *New York Times Co. v. Jascalevich*, 439 U.S. 1317, 1322 (1978) (“There is no present authority in this Court either that newsmen are constitutionally privileged to withhold duly subpoenaed documents material to the prosecution or defense of a criminal case or that a defendant seeking the subpoena must show extraordinary circumstances before enforcement against newsmen will be had.”).

The Attorney General must also approve efforts to question or arrest members of the news media.

Further guidance regarding the new regulations at 28 C.F.R. § 50.10 is available in the updated version of Justice Manual § 9-13.400.