

# United States Senate

WASHINGTON, DC 20510

May 19, 2017

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Hon. Ajit Pai  
Chairman  
Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

Dear Chairman Pai:

We write in response to a very disturbing report that Federal Communications Commission (FCC) security personnel manhandled, threatened further physical violence, and ejected a respected Washington journalist after a news conference at the FCC headquarters in Washington, D.C., on May 18, 2017.

Given the FCC's role as the primary authority for communications law and its regulatory role with respect to the media, the FCC should set a sterling example when it comes to supporting the First Amendment and freedom of the press for other government entities here in the United States and around the world. As we discussed at the Senate Committee on Commerce, Science, and Transportation's March 8, 2017, oversight hearing,<sup>1</sup> this is particularly important given recent disturbing incidents involving the Trump campaign and Trump Administration.

Yet, according to a report by the National Press Club,<sup>2</sup> John M. Donnelly of CQ Roll Call and chairman of the National Press Club's Press Freedom Team "ran afoul of plainclothes security personnel at the FCC when he tried to ask commissioners questions.... Throughout the FCC meeting, the security guards had shadowed Donnelly as if he were a security threat.... They even waited for him outside the men's room at one point."

Even more disturbingly, the National Press Club description of the incident states that, "[w]hen Donnelly strolled in an unthreatening way toward FCC Commissioner Michael O'Rielly to pose a question, two guards pinned Donnelly against the wall with the backs of their bodies until O'Rielly had passed. O'Rielly witnessed this and continued walking. One of the guards, Frederick Bucher, asked Donnelly why he had not posed his question during the press conference. Then Bucher proceeded to force Donnelly to leave the building entirely under implied threat of force." According to this report, Mr. Bucher was involved in at least one other incident involving harassment of a journalist at an FCC meeting last year.<sup>3</sup>

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<sup>1</sup> "Oversight of the Federal Communications Commission." Committee on Commerce, Science, and Transportation. U.S. Senate. Mar. 8, 2017. available at: <https://www.commerce.senate.gov/public/index.cfm/hearings?ID=B9D3B299-E3CC-480A-B09B-1DEF0512A57C>, accessed May 19, 2017.

<sup>2</sup> Schoo, Julie. "Reporter manhandled by FCC guards because he asked question." National Press Club. May 18, 2017. available at: <http://www.press.org/news-multimedia/news/reporter-manhandled-fcc-guards-because-he-asked-question>, accessed May 19, 2017.

<sup>3</sup> *ibid.*

Yesterday's incident at the FCC is not an isolated one and seems to be a part of a larger pattern of hostility towards the press characteristic of this Administration, which underscores our serious concern. Recent examples that make this most recent incident a new low point in a disturbing trend are enclosed with this letter.

So we ask that you please respond in writing by Friday, May 26<sup>th</sup> and, at a minimum, include:

1. A detailed description of the facts and circumstances of the May 18th incident at FCC headquarters;
2. A thorough explanation of any inappropriate physical contact, aggression, or threats against reporter John M. Donnelly by FCC security staff or other FCC officials while at FCC headquarters;
3. An explanation of any potential misconduct or wrongdoing by FCC security personnel or other FCC officials on May 18th;
4. A description of FCC security policies for public events including but not limited to speaking events featuring an FCC Commissioner; and
5. Your assurance that an incident such as the alleged physical restraint of reporter John Donnelly will not happen again.

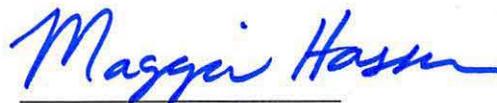
We further request that you review FCC security policies for public events and speaking engagements and whether FCC staff and security personnel are aware of such policies and adequately trained. We ask that you submit a written report within 60 days to the Senate Committee on Appropriations and the Senate Committee on Commerce, Science, and Transportation that includes this review and an explanation of any changes to security and training policies you will undertake following the May 18<sup>th</sup> incident.

Thank you for your consideration and prompt reply.

Sincerely,



Tom Udall  
United States Senator



Margaret Wood Hassan  
United States Senator

encl: Recent Incidents of Threats and Physical Restraint of Journalists by the Trump Campaign and Administration

cc: Hon. Michael O'Rielly, Commissioner, Federal Communications Commission  
Mr. David L. Hunt, Inspector General, Federal Communications Commission

## Recent Incidents of Threats and Physical Restraint of Journalists

By the Trump Campaign and Administration

- March 2016: Then-candidate Trump’s campaign manager at the time, Cory Lewandowski, was charged with battery by police in Jupiter, Florida, for physically grabbing a reporter who sought to ask candidate Trump a question after a press conference at the Trump National Golf Club. The Trump campaign denied any contact until video evidence surfaced that substantiated the reporter.<sup>1</sup>
- Campaign 2016: During his campaign rallies, then-candidate Trump routinely urged crowds to direct verbal abuse at reporters covering the election. Numerous incidents of verbal abuse and threats followed, forcing many media organizations to incur security expenses to protect their reporters from the risk of physical violence.<sup>2</sup>
- February 2017: President Trump accused the press of being the “enemy of the people.”<sup>3</sup>
- February 2017: During an appearance at a conservative policy conference, White House Chief Strategist Stephen Bannon dubbed the press “the opposition party” and that “it’s going to get worse every day for the media.”<sup>4</sup>
- February 2017: According to reports this week, a February memo by then-Director of the Federal Bureau of Investigation, James Comey, President Trump pressed him to prosecute leaks, including journalists who publish the leaked information.<sup>5</sup>
- March 2017: In a Senate Commerce Committee hearing, you declined to defend the free press or denounce President Trump’s assertion that media organizations—which you now oversee and regulate as FCC Chairman—are “enemies of the people.” We appreciate that you later responded in the negative to a written version of a similar question.<sup>6</sup>
- April 2017: White House Chief of Staff Reince Priebus confirmed on national television that the Trump Administration has researched whether it could change libel laws or other constitutional press protections, in response to news reports about Russia’s interference in the 2016 election and possible ties to the Trump campaign.<sup>7</sup>

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<sup>1</sup> <http://www.foxnews.com/politics/2016/03/29/report-trump-campaign-manager-charged-with-battery-over-reporter-incident.html>

<sup>2</sup> <https://www.nytimes.com/2016/10/15/us/politics/trump-media-attacks.html>

<sup>3</sup> <https://www.washingtonpost.com/news/worldviews/wp/2017/02/18/trump-called-the-news-media-an-enemy-of-the-american-people-heres-a-history-of-the-term/>

<sup>4</sup> <https://www.washingtonpost.com/news/the-fix/wp/2017/02/23/steve-bannons-not-so-subtle-threat-to-the-media/>

<sup>5</sup> <https://www.nytimes.com/2017/05/17/business/media/trumps-urging-that-comey-jail-reporters-denounced-as-an-act-of-intimidation.html>

<sup>6</sup> <http://www.latimes.com/business/la-fi-fcc-pai-media-enemy-20170320-story.html>

<sup>7</sup> <http://money.cnn.com/2017/04/30/media/reince-priebus-libel-laws/>

- May 2017: Last week, a well-known West Virginia reporter who covers politics in the state capitol was arrested while asking Department of Health and Human Services Secretary Tom Price questions about the House passed-bill to repeal the Affordable Care Act. He spent eight hours in jail and was forced to post a \$5,000 bond.<sup>8</sup>
- May 2017: A CNN reporter received a threatening phone call from Secretary of State Rex Tillerson's communications adviser R.C. Hammond, in which Hammond demanded that she reveal her sources and accused her of not being "smart enough to handle our information."<sup>9</sup>
- May 2017: The White House did not allow U.S. news organizations to cover President Trump's meeting with Russian Foreign Minister Sergey Lavrov and Russian Ambassador Sergey Kislyak but the Russian state-run TASS media company was allowed in to photograph the event.<sup>10</sup>

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<sup>8</sup> <http://www.wvgazettemail.com/news/20170517/press-agency-condemns-arrest-of-journalist-at-wv-capitol>

<sup>9</sup> <https://www.facebook.com/michelle.kosinski.14/posts/10154848242099565>

<sup>10</sup> <https://www.usatoday.com/story/news/2017/05/10/trumps-meeting-russians-closed-us-media-but-not-tass-photographer/101520384/>