No. 95441-1

IN THE SUPREME COURT FOR THE STATE OF WASHINGTON

The Associated Press;
Northwest News Network; KING-TV ("KING-5"); KIRO 7;
Allied Daily Newspapers of Washington; The Spokesman-Review;
Washington Newspapers Publishers Association; Sound Publishing, Inc.;
Tacoma News, Inc. ("The News Tribune"); & The Seattle Times,

Plaintiffs/Respondents/Cross-Appellants,

v.

The Washington State Legislature;
The Washington State Senate; The Washington State House of Representatives, Washington State Agencies; Senate Majority Leader Mark Schoesler; House Speaker Frank Chopp; Senate Minority Leader Sharon Nelson; & House Minority Leader Dan Kristiansen,

Defendants/Appellants/Cross-Respondents.

BRIEF OF *AMICI CURIAE* THE REPORTERS COMMITTEE FOR FREEDOM OF THE PRESS AND 16 MEDIA ORGANIZATIONS IN SUPPORT OF PLAINTIFFS/RESPONDENTS/CROSS-APPELLANTS

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IDENTITY AND INTEREST OF *AMICI CURIAE*

Amici curiae are the Reporters Committee for Freedom of the Press, American Society of News Editors, Associated Press Media Editors, Association of Alternative Newsmedia, Gannett Co., Inc., The Media Institute, MPA – The Association of Magazine Media, National Freedom of Information Coalition, National Press Photographers Association, Online News Association, Radio Television Digital News Association, Reporters Without Borders, Sinclair Broadcast Group, Inc., Society of Professional Journalists, Tribune Broadcasting Seattle, LLC, Tully Center for Free Speech, Washington State Association of Broadcasters. A supplemental statement of identity and interest of amici is included below as Appendix A.

Amici file this brief in support of Plaintiffs/Respondents/Cross-Appellants Media Plaintiffs (the "Media Parties"). As representatives and members of the news media, *amici* have a strong interest in ensuring that the press and public have access to lawmakers' records. Members of the news media frequently file requests under the Public Records Act (the "PRA" or the "Act"), RCW 42.56, to obtain records that help them accurately report on the work of the Legislature and individual legislators, reporting that keeps the public informed. Transparency is critical to ensuring that the public can monitor elected officials, and trust that those

officials are representing the public's interests. Recent sexual harassment claims against state legislators in Washington and other states, for example, acutely demonstrate the critical role that access legislative records plays in assuring accountability.

Amici write to emphasize the importance of access to legislative records to the news media and the public, and to provide the Court with additional information about the application of other states' public records laws to the legislative branch. *Amici* also stress that the PRA's plain text supports the Media Parties' position that the PRA applies to legislative records, and that separation of powers concerns do not bar this Court from interpreting the Act as written.

SUMMARY OF ARGUMENT

This case arises out of PRA requests submitted by reporters seeking text messages related to lawmakers' legislative duties, legislators' schedules, as well as documentation of staff complaints made against lawmakers and related legislative investigations. *See* Opening Br. of Associated Press et al. 2–4 ("Media Br."). However, rather than welcoming valuable public scrutiny, and despite the PRA's strong mandate of disclosure to "assure that the public interest will be fully protected," RCW 42.56.030, lawmakers have attempted to shield these

records from the public by claiming that individual legislative offices and the Legislature as a whole are not subject to the PRA.

Amici are concerned that any holding of this Court that limits public access to the records of individual legislative offices and the Legislature would impinge upon the news media's ability to report on the Legislature, and the public's ability to scrutinize the activities of their elected officials. *Amici* frequently report on the activities of the Legislature and individual legislators. The Legislature's position, if adopted by this Court, will stymie future reporting and transparency in government operations.

Access to legislative records under the PRA is in line with other states' public records laws. Numerous states include legislatures within the scope of their public records laws, and those that exempt the legislature do so explicitly.

In addition, the plain text of the PRA supports application of the Act to the Legislature and, as the trial court concluded, to individual legislators. The Legislature's reliance on separation of powers is also misplaced; this Court is well-positioned to interpret the Act as written, consistent with canons of statutory interpretation.

The PRA was enacted so that Washingtonians would "remain[] informed so that they may maintain control over the instruments they have

created." RCW 42.56.030. The Legislature's view that it is not subject to the PRA is contrary to the public's interest and the Act's goal of ensuring that government entities and officials are responsive to an informed public. For all the reasons herein, *amici* urge this Court to affirm the trial court's determination that individual legislators are subject to the PRA, but reverse the trial court's ruling that the PRA does not apply to the Legislature, Senate, and House of Representatives (collectively, the "Legislature").

ARGUMENT

I. Access to records of the Legislature and individual legislators under the PRA is essential for the press and public to monitor the activities of their elected officials.

A. Washingtonians have widely rejected the Legislature's attempt to shield its records from public disclosure.

Recent events demonstrate precisely why public access to legislative records is so essential. Allegations of inappropriate and abusive behavior by lawmakers, for example, have generated additional public interest in the activities of the Legislature and individual legislators, and demonstrate why the Legislature's belated preference for secrecy is untenable. On November 6, 2017, legislative leadership received a letter signed by 175 women, urging the Legislature to change its approach to sexual harassment and workplace culture. Austin Jenkins, *175 Women Sign Letter Calling for End to Sexual Harassment in Washington State*

Legislature, NW. PUB. BROAD. (Nov. 6, 2017), https://perma.cc/HR5W-2U6N; *see also* Media Br. 4–7. The open letter called on the Legislature to commit to its zero-tolerance policy on sexual harassment, stating: "We have no safe, neutral place to report our experiences. And there are currently few possibilities for meaningful consequences for inappropriate behavior." *Id.*

After the trial court's January 2018 order in this case, the Legislature passed a bill, SB 6617, that would have exempted it from the PRA, and created separate disclosure requirements and exemptions unique to the Legislature. *See* Joseph O'Sullivan, *Washington State Lawmakers Make Speedy Move to Shield Their Records From the Public*, SEATTLE TIMES (Feb. 23, 2018, 1:49 PM), https://perma.cc/29RN-7MDQ. Individual legislators expressed discomfort with the "wildly different" process used to pass SB 6617, which involved no public debate or public comment, and was introduced publicly only 48 hours before it was passed and sent to Governor Inslee. *Id.*

Washingtonians quickly voiced strong objections to the measure. After the hurried passage of the bill, more than 19,000 phone calls, emails, and letters from state residents flooded into Governor Inslee's office, largely urging him to veto the Legislature's attempt to shield itself from public scrutiny. *See* Joseph O'Sullivan, *Gov. Inslee Vetoes Legislature's*

Controversial Public-Records Bill, SEATTLE TIMES (Mar. 1, 2018, 12:58 PM), https://perma.cc/T6ZP-DBCB. Governor Inslee vetoed SB 6617, stating: "The public's right to government information is one we hold dearly in Washington. . . . I believe legislators will find they can fulfill their duties while being fully transparent, just like state and local governments all across Washington." *See* Walker Orenstein, *Inslee Vetoes Controversial Legislative Public Records Bill*, NEWS TRIBUNE (Mar. 1, 2018, 9:09 PM), https://perma.cc/QRV3-3PD2.

Legislators pledged to not override the veto and promised to convene a task force to examine future legislation limiting access to public records. *Id.* The task force, comprised of legislators and members of the media, public, and open government organizations, held four meetings to hear testimony and determine how the Legislature should approach disclosure of its records to the public. *See* REPORT OF THE LEGISLATIVE TASK FORCE ON PUBLIC RECORDS, FINAL REPORT 5–9 (Dec. 2018), https://perma.cc/ZJ7C-Z75S. Public comments to the task force stressed the importance of broad public access to legislative records, while still protecting constituent privacy, so that "ordinary citizens [can] learn about their government." FINAL REPORT 8. No public comments advocated for a wholesale denial of access to legislative records. After four months of hearings, the task force issued a final report, concluding that "[t]he

Legislature should strive for greater transparency" as it amends the PRA in the coming session. FINAL REPORT 14.

The public outcry that followed the Legislature's attempt to exempt itself from the PRA, and Governor Inslee's veto of SB 6617, demonstrate that Washingtonians value and understand the importance of the PRA to effective public oversight of elected officials. Without access to these records, the public's ability to oversee and understand what the government is up to would be drastically decreased.

B. Experience in other states confirms that access to legislative records is essential to allowing the public to monitor lawmakers.

Washington is not alone in confronting allegations of sexual harassment by state lawmakers. As of February 2019, the Associated Press had identified no fewer than 90 state lawmakers across the nation who have resigned or been removed from office, faced some sort of discipline, or been publicly accused of sexual misconduct since the beginning of 2017. *See* David A. Lieb, *#MeToo Movement was Not 1-Year Phenomenon in State Capitols*, ASSOCIATED PRESS (Feb. 2, 2019), https://perma.cc/JJ3S-PXZU. Nearly half of the 99 state legislative chambers have updated their sexual harassment policies, as has the United States Congress. *Id.*

In light of this wave of allegations of sexual misconduct by lawmakers, numerous state legislatures have released records to the public. For instance, in response to a request from the *Los Angeles Times*, the California legislature released documents detailing settlements, internal responses to sexual harassment claims, and complaints made within the legislature that were compiled over the past decade, after more than 140 women published an open letter denouncing sexual misconduct in California politics.[1] *See* John Myers & Melanie Mason, *California Legislature Releases a Decade's Worth of Records on Sexual Harassment Investigations*, L.A. TIMES (Feb. 2, 2018, 5:20 PM), https://perma.cc/P9NK-T6Q9 (noting that the legislature spent nearly $300,000 on retaining outside counsel for sexual harassment claims, and nearly another $300,000 on settlements). At least three lawmakers resigned as a result of these allegations. *See* John Myers & Melanie Mason, *California Sen. Tony Mendoza Abruptly Resigns, Was Facing*

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[1] While it was unclear whether these disclosures were required under California law, the legislature adopted a new policy in light of the open letter, explaining that such records relating to sexual harassment claims will be released if they are "substantiated against a high-level legislative employee or legislator for which discipline has been imposed or allegations have been determined to be well-founded." John Myers & Melanie Mason, *In About-Face After Legal Threats, California's Legislature Will Grant New Access to Sexual Misconduct Allegation Records*, L.A. TIMES (Jan. 5, 2018, 8:45 PM), https://perma.cc/LMV5-UCNJ.

Expulsion After Sexual Harassment Investigation, L.A. TIMES (Feb. 22, 2018, 2:45 PM), https://perma.cc/EV6G-L6PM.

The New York Assembly similarly released records after its ethics committee imposed sanctions on a lawmaker who asked a female staff member for naked photographs. *See* Sarah Maslin Nir, *New York Assemblyman Is Disciplined for Sexual Harassment*, N.Y. TIMES (Nov. 29, 2017), https://nyti.ms/2BxB1MF. The documents explained how the lawmaker, Steven McLaughlin, had been untruthful in testimony and violated state ethics rules. *Id.*

Although the California and New York legislatures may have chosen to release some legislative records voluntarily, it is only through mandated access under public records laws that the public can be assured that it has a right to legislative records that shed light on their elected officials' activities. For example, the Associated Press reports that its request to the New York Assembly for more information on the investigation into Assemblyman McLaughlin was ignored. David. A. Lieb, *AP Finds Legislatures Lack Public Records on Harassment*, Associated Press (Apr. 11, 2018), https://perma.cc/DRZ4-V2D9.

Access to legislative records also allows the news media to test lawmakers' public statements. For instance, after Mark Fincham, an Arizona lawmaker, introduced a controversial bill that forbade teachers

from spreading political or religious messages because—he claimed—he was "inundated with calls, emails, letters, and mostly personal encounters" by parents upset with teachers spending class time on talking about politics, an Arizona news outlet made a public records request for records of public contacts with Representative Fincham on the topic. Lily Altavena, *Lawmaker 'Inundated' by Angry Parents Over Teacher Advocacy Actually Got Email From 1 Parent*, AZ CENT. (Jan. 22, 2019, 5:47 PM), https://perma.cc/9K28-XSS7. The released records revealed that Representative Fincham had actually heard from only one parent on the topic, via an email that had come *after* he introduced the bill. *Id.* (noting that Finchem also claimed he received many calls and texts about the issue, but records of calls and texts were not required to be disclosed, and were not voluntarily released).

II. The public records laws in other states either apply to state legislatures or explicitly exempt the legislature.

The public records laws of numerous states apply to at least some legislative records, *i.e.*, records of individual legislators or the legislature as a whole. Much like the Washington PRA, many of these laws provide for such access under a plain reading of their text. *See infra* Part III; *see also, e.g.*, IDAHO CODE ANN. § 74-101(15) (West 2018) (including legislative branch in public records act's definition of "state agency"); IND.

CODE ANN. § 5-14-3-2(q)(1) (West 2017) (defining "public agency" to include any "agency" or "office" that exercises legislative power).

For instance, Arizona's statute broadly states that all "branches" of any political subdivision are public bodies subject to the public records act, and that all "officers" must furnish records to the public. *See* ARIZ. REV. STAT. ANN. § 39-121.01(A)(2)–(B) (West 2018). Legislators have followed a 1979 Arizona Attorney General opinion interpreting this language to mean that individual legislators are "public officers" that must furnish their records to the public. Ariz. Op. Att'y Gen. No. I79-292, 1979 WL 23359 (1979).

Connecticut legislators are similarly required to respond to public records requests. CONN. GEN. STAT. ANN. § 1-200(1)(A) (West 2019) (defining "public agency" and "agency" to include "legislative office"); *id.* § 1-210(d) (setting out a different appeals procedure if the records request is made to the legislative department). Like Governor Inslee, Connecticut's then-Governor M. Jodi Rell vetoed an amendment to Connecticut's public records act in 2005 that sought to "shield[] legislators and their staff from disclosure of their records related to their official duties." Letter from M. Jodi Rell, Governor, to Susan Bysiewicz, Secretary of State, (July 11, 2005), https://perma.cc/A6SN-EPWH.

Some states allow public records requests to the state legislature itself, but not the legislators. New York's Freedom of Information Law also requires the Assembly to respond to public records requests it receives. *See* N.Y. PUB. OFF. § 88(2)(b) (2019) (stating that the legislature must supply, among other items, "messages" received from the governor or the other house of legislature and that such records are subject to public inspection); New York Assembly, FREEDOM OF INFORMATION REQUEST (FOIL), https://nyassembly.gov/PIO/foil/ (explaining that the state legislature will respond in 5 days). Similarly, Illinois allows requests to "public bodies," which includes "all legislative . . . bodies of the State" and other state subsidiaries. 5 ILL. COMP. STAT. 140/2(a) (2016); *id.* 140/3(a); *see also* Memorandum from Office of the Clerk, Illinois House of Representatives (Nov. 2018), https://perma.cc/XAZ6-3ET3 (explaining the request must be made to the assistant clerk of the house).

Colorado requires both the legislature and individual legislators to respond to public records requests. *See* COLO. REV. STAT. ANN. § 24-72-202(6)(a)(II) (West 2018) (defining "public records" to include "the correspondence of elected officials," with some exceptions); Colorado General Assembly, OPEN RECORDS REQUESTS, https://leg.colorado.gov/open-records-requests (explaining that requests

must be sent to the individual legislative member and the Director of the Office of Legislative Legal Services).

Moreover, states that have different processes for the public to seek access to records from the legislature, outside of public records laws, establish those procedures explicitly through a separate statutory framework. For instance, California's Legislative Open Records Act, which is separate from the California Public Records Act, governs public records requests to the Legislature. *See* Cal. Gov't Code § 6252(a) (not including the state legislature or its committees in the general California Public Records Act); Cal. Gov't Code § 9070 *et seq.* (the Legislative Open Records Act and its provisions); *see also* UTAH CODE ANN. § 63G-2-103(11)(a)(ii) (West 2018) (listing state legislative bodies subject to Utah's public record act); *id.* § 63G-2-703(2)(b) (listing what parts of the public records act that the Utah legislative body is subject to). These expressly created frameworks leave no ambiguity as to how the public can obtain access to state legislative records.

Conversely, when a state's law limits access to legislative records, the relevant statute—unlike the PRA—exempts the legislature *explicitly*. For instance, Oregon's public records act affirmatively states that the definition of "state agency . . . does not include the Legislative Assembly" or its members. OR. REV. STAT. 192.311(6) (2017); *see also* MASS. GEN.

LAWS ANN. ch. 66, § 18 (West 2018) (stating the Massachusetts public records law chapter does not apply to the state legislative branch). Washington's PRA contains no such express exemption, and implying one would be contrary to the rule that the statute's "mandate of full disclosure of public records" is "limited only by the precise, specific, and limited exemptions which the Act provides." *Progressive Animal Welfare Soc. v. Univ. of Washington*, 125 Wn. 2d 243, 258, 884 P.2d 592 (1994).

III. The plain language of the PRA supports its application to the Legislature and individual legislators and is not precluded by separation of powers concerns.

Contrary to the Legislature's arguments, Opening Br. of Washington State Legislature 40–43 ("Leg. Br."), this Court's precedent in exempting judicial records from the PRA does not extend to the legislative branch; rather, it supports the Media Parties' interpretation of the Act. In *Nast v. Michels*, this Court held that judicial records are not subject to the PRA because, in part, the statute's plain text does not support including judicial records. 107 Wn.2d 300, 307, 730 P.2d 54 (1986) (interpreting prior version of the PRA).

In *Nast*, this Court explained that the judiciary was not subject to a prior version of the PRA because the Act's language never specifically included courts or case files. *Nast*, 107 Wn.2d at 306, 730 P.2d 54. The same is true today. *See City of Fed. Way v. Koenig*, 167 Wn.2d 341, 347,

217 P.3d 1172 (2009); RCW 42.56.010 (defining PRA terms to include state offices but no reference to courts); RCW 42.56.070 (regarding "documents and indexes to be made public"). No records that the judiciary makes or controls are directly included in the PRA's scope. As this Court explained in *Koenig*, the near quarter-century since the *Nast* decision signifies the Legislature's assent to this interpretation. 167 Wn.2d at 348, 217 P.3d 1172.

In contrast, however, as explained in the Media Parties' brief, the plain language of the Act—throughout its many amendments—has consistently included the offices of individual legislators and the Legislature itself. *See* Media Br. 8–25. The PRA's definition of "public records" expressly includes "legislative records"—as a type of record that applies to specified legislative officers—and *expands* the definition from there to apply to all "agencies." *See* RCW 42.56.010 ("[P]ublic records mean legislative records as defined in RCW 40.14.100[, regarding preservation and destruction of legislative records,] *and also means the following* . . . .") (emphasis added); Order on Cross-Motions for Summary Judgment ("Order"), No. 17-2-04986 at 22 (January 19, 2018). Nothing in this definition precludes finding that the Legislature or individual legislators are exempt from the expansive definition of "public records." *See* Media Br. 8–25 (explaining that the legislative history confirms the

natural reading of the statute to include the legislative branch and individual Legislators in the PRA). This Court should not deviate from the plain meaning of the Act. *See Cent. Puget Sound Regional Transit Authority v. Airport Investment Co.*, 186 Wn.2d 336, 346, 376 P.3d 372 (2016) (citing *State v. Radan*, 143 Wn.2d 323, 330, 21 P.3d 255 (2001)); *State v. Costich*, 152 Wn.2d 463, 470, 98 P.3d 795 (2004); *see also* Order at 22–23 (explaining separation of powers requires courts to strictly comply with the plain meaning of the legislature's text).

Under the Legislature's textual reading of the PRA, public access to most of its records would be based solely on the whims the Legislature and what it is *willing* to release—a stark contrast from the PRA's mandate of "full access to information concerning the conduct of government." RCW 42.17A.001 (relating to campaign disclosures and contributions, incorporated and referenced by the PRA, RCW 42.56.001). Exempting the Legislature from PRA obligations would deprive the public of any opportunity to exercise their right to access most legislative records, as the PRA intended and requires.

In addition, the separation of powers doctrine does not prohibit the judiciary from interpreting and applying the PRA as written. As the trial court noted, separation of powers requires strict adherence to the Act's language to ensure the judiciary carries out the Legislature's will. *See*

Order at 22–23. Separation of powers does not prohibit courts from requiring the Legislature to follow its own unambiguous laws. Numerous statutes explicitly apply to the Legislature or legislators, such as lobbying disclosure and restriction laws, RCW 42.17A.635 (prohibiting certain uses of public facilities by elected officials), or ethics of elected officials laws, RCW 42.52.490 (allowing the attorney general to bring a civil action against state employees for ethics violations). Holding that those statutes violate separation of powers simply because they apply to the Legislature or legislators would lead to absurd results.

Moreover, contrary to the Legislature's assertion, this Court's precedent does not raise separation of powers concerns in this case. Only one case, *Freedom Foundation v. Gregoire*, 178 Wn.2d 686, 310 P.3d 1252 (2013), has confronted potential separation of powers issues in the context of the PRA. That case concerned whether the PRA required the governor to disclose records that she claimed were protected by the executive communications privilege, which is rooted in the Washington constitution. *Id.* at 691–94, 696. This Court held that attempts to require disclosure of information pursuant to the PRA, a creature of the Legislature, inherently "involve a struggle between the legislative and executive powers." *Id.* at 699. Citing federal and sister state law, this

Court consequently adopted a constitutional executive communications exemption to the PRA. *Id.*

In contrast, this case asks whether the people, through a ballot initiative, subjected the *Legislature* to the PRA, rather than whether the PRA must be read to include an executive communications privilege. *See Lee v. State*, 185 Wn.2d 608, 619, 374 P.3d 157 (2016) ("The people, through the initiative process, exercise the same power as the legislature."). That is a determination best made by relying on the words in the legislation. In now arguing that this Court should defer to its arguments in this case regarding the proper interpretation of the Act, the Legislature relies on a variety of cases that address neither the PRA nor questions of statutory interpretation. It instead focuses on inapposite cases where one branch is arguably exercising the power of another branch. *See* Leg. Br. 41–43. No such concerns are present here: There is no interbranch conflict that "lies at the heart of the separation of powers doctrine." *Gregoire*, 178 Wn.2d at 699, 310 P.3d 1252. Indeed, in this case the trial court held that individual legislators fall within the PRA's definition of "agency"—a question of statutory interpretation squarely within the power of the judicial branch to resolve.

CONCLUSION

For the foregoing reasons, *amici* urge this Court to uphold the trial court's determination that individual Legislators are agencies under the PRA and have violated the PRA, but reverse the trial court's conclusion that the Legislature, Senate, and House of Representatives are not agencies under the PRA or subject to the PRA.

DATED: April 25, 2019

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APPENDIX A

STATEMENT OF INTEREST FOR *AMICI CURIAE*

The Reporters Committee for Freedom of the Press is an unincorporated nonprofit association. The Reporters Committee was founded by leading journalists and media lawyers in 1970 when the nation's news media faced an unprecedented wave of government subpoenas forcing reporters to name confidential sources. Today, its attorneys provide pro bono legal representation, amicus curiae support, and other legal resources to protect First Amendment freedoms and the newsgathering rights of journalists.

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 Media Editors** is a nonprofit, tax-exempt organization of newsroom leaders and journalism educators that works

closely with The Associated Press to promote journalism excellence. APME advances the principles and practices of responsible journalism; supports and mentors a diverse network of current and emerging newsroom leaders; and champions the First Amendment and promotes freedom of information.

Association of Alternative Newsmedia ("AAN") is a not-for-profit trade association for approximately 110 alternative newspapers in North America. 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.

Gannett Co., Inc. is a leading news and information company which publishes USA TODAY and more than 100 local media properties including the Kitsap Sun of Bremerton. Each month more than 125 million unique visitors access content from USA TODAY and Gannett's local media organizations, putting the company squarely in the Top 10 U.S. news and information category.

The Media Institute is a nonprofit research foundation specializing in communications policy issues founded in 1979. The Media Institute exists to foster three goals: freedom of speech, a competitive media and communications industry, and excellence in journalism. its program agenda encompasses all sectors of the media, from print and

broadcast outlets to cable, satellite, and online services.

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 news, culture, sports, lifestyle 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 Freedom of Information Coalition is a national nonprofit, nonpartisan organization of state and regional affiliates representing 45 states and the District of Columbia. Through its programs and services and national member network, NFOIC promotes press freedom, litigation and legislative and administrative reforms that ensure open, transparent and accessible state and local governments and public institutions.

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 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 **Online News Association** is the world's largest association of digital journalists. ONA's mission is to inspire innovation and excellence among journalists to better serve the public. Membership includes journalists, technologists, executives, academics and students who produce news for and support digital delivery systems. ONA also hosts the annual Online News Association conference and administers the Online Journalism Awards.

Radio Television Digital News Association ("RTDNA") is the world's largest and only professional organization devoted exclusively to electronic journalism. RTDNA is made up of news directors, news associates, educators and students in radio, television, cable and electronic media in more than 30 countries. RTDNA is committed to encouraging excellence in the electronic journalism industry and upholding First Amendment freedoms.

Reporters Without Borders has been fighting censorship and supporting and protecting journalists since 1985. Activities are carried out on five continents through its network of over 130 correspondents, its

national sections, and its close collaboration with local and regional press freedom groups. Reporters Without Borders currently has 15 offices and sections worldwide.

Sinclair Broadcast Group is one of the largest and most diversified television broadcasting companies in the country. The company owns, operates and/or provides services to 191 television stations in 89 markets. The company is a leading local news provider in the country and has multiple national networks, live local sports production, as well as stations affiliated with all the major networks.

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.

Tribune Broadcasting Seattle, LLC owns and operates television stations KCPQ and KZJO and the KCPQ news website. Tribune Broadcasting Seattle, LLC is a wholly-owned subsidiary of Tribune Media Company, which owns or operates 42 television stations, a radio station, a

regional cable news channel and a national cable network.

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.

Washington State Association of Broadcasters, a not-for-profit trade association the membership of which is made up of 28 television stations and 182 radio stations licensed by the Federal Communications Commission to communities within the state of Washington. The radio and television station members of WSAB are engaged in newsgathering and reporting on issues and events of public interest to their viewers and listeners, providing their primary source of news and information.

CERTIFICATE OF SERVICE

I hereby certify that on April 25, 2019, I electronically filed the foregoing Brief of *Amici Curiae* the Reporters Committee for Freedom of the Press and 16 Media Organizations in Support of Plaintiffs-Appellants with the Washington State Supreme Court and that it was electronically served by the Court's electronic filing system on the following:

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Appellate Court Case Title:	The Associated Press, et al. v. The Washington State Legislature, et al.
Superior Court Case Number:	17-2-04986-4

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