
2000 IDS Center
80 South 8th Street
Minneapolis, MN 55402-2119
TEL 612.371.3211
FAX 612.371.3207
www.ballardspahr.com

Leita Walker

Tel: [REDACTED]

Fax: [REDACTED]

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Via E-mail

Sean Rahn
Executive Director
House DFL Caucus
461 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
Saint Paul Minnesota 55155

Re: Treatment of media by House staff

Dear Mr. Rahn:

I represent a coalition of news media organizations that includes Axios, Fox 9, KARE 11, the Mankato Free Press, the Minnesota Chapter of the Society of Professional Journalists, Minnesota Public Radio, The Minnesota Reformer, MinnPost, the Pioneer Press, and The Star Tribune (the "Coalition").

I write regarding a February exchange between MinnPost reporter Peter Callaghan and Matt Roznowski, who serves as Director of Communications and Public Affairs for the House DFL Caucus. The Coalition is deeply concerned that Mr. Roznowski's conduct and your handling of the situation reflect a fundamental misunderstanding of, if not disregard for, the rights of the news media. In any event, the Coalition seeks to respond to the expectations set forward in your February 27 letter to MinnPost with some of its own.

Briefly, by way of background: On February 9 Mr. Callaghan attended a House DFL news conference. Its start was delayed and a "last question" warning was given approximately 15 minutes in. Mr. Callaghan responded, "No, we can take several more questions. We're trying to understand this bill." I have personally watched a recording of the pertinent portion of the news conference. While Mr. Callaghan's comment was perhaps less than deferential to the government official running the news conference, it was hardly remarkable to anyone familiar with the push and pull of a news conference.

The February 9 news conference concluded after a few more questions were asked. As it was ending, Mr. Roznowski began gesturing across the room at Mr. Callaghan and then rushed past where he was sitting and demanded they meet "outside." Mr. Callaghan responded to Mr. Roznowski's aggressive behavior with a profanity. Once outside the conference room,

and while they were within earshot of Mr. Callaghan's colleagues from other news organizations, Mr. Roznowski upbraided Mr. Callaghan for his comment that the questions should continue and threatened to call his editor. Mr. Callaghan told Mr. Roznowski to stop "shushing" reporters and offered to call his editor on his own phone. Suffice to say, it was a heated exchange, but had that been the end of the story I likely would not be writing to you.

It was not, however, the end of the story. Over the next several days, the following events unfolded:

- On February 10, Mr. Callaghan was removed from the House press conference/press release email list and stopped receiving emails sent to that list.
- On February 17 you and Kelly Knight, the House Director of Human Resources, accused Mr. Callaghan of discrimination and harassment based solely on his objection to the premature termination of the press conference—an objection that was both race and gender neutral. In support of the accusation, you cited a policy Mr. Callaghan never received or agreed to follow and that, on its face, applies only to House members and employees.
- On February 22, MinnPost sent a letter to you and Ms. Knight, and a second letter to Speaker Melissa Hortman objecting to Mr. Callaghan's treatment.
- On February 27, you responded to MinnPost in a letter that claimed Mr. Callaghan's fleeting comment during the news conference raised "serious concerns" under the House policy on discrimination and harassment. You vaguely stated that "House counsel, the House Sergeant at Arms, and Capitol Security were notified." You agreed to "extend" the "courtesy of providing emailed notice of press conferences to Mr. Callaghan."

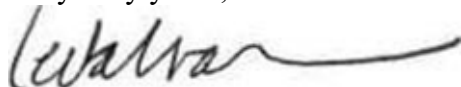
In light of this background and the language in your February 27 letter, the Coalition wishes to emphasize that its members are not granted access to information and events as a "courtesy" of the government. They have rights under both the First Amendment to the U.S. Constitution and the Minnesota Constitution to attend and report on goings-on at the State House. Further, excluding a member of the media from government communications after that member made a pointed but justifiable comment during a press conference smacks of retaliation and raises serious constitutional concerns. And although Mr. Callaghan was eventually reinstated to the email list, the top-down control of recent press conferences is unusual and antithetical to the robust coverage of legislative activities that your staff should be helping to foster. The media do not assemble at press conferences as passive recipients of prepared remarks. Rather, press conferences are participatory events, designed to be interactive. Uncomfortable comments and questions can and should be made, and the premature and unilateral termination of press conferences by government officials defeats their very purpose. Meanwhile, baseless accusations that a journalist engaged in discriminatory or harassing behavior simply by making a blunt but necessary comment are

deeply unfair. Government officials are not obligated to answer questions posed by Mr. Callaghan or any other journalist, but they should not attempt to prevent important questions from being asked or shame or defame the people who ask them.

Finally, the Coalition is very concerned by your statement that “House counsel, the House Sergeant at Arms, and Capitol Security were notified.” Your March 27 letter does not explain *why* they were notified. Nor does it explain *what* these law enforcement agencies plan to do with the information you gave them. As such, this sentence in your letter seems intended as a not-so-veiled threat to Mr. Callaghan and other journalists who your staff perceive as “out of line.” One reasonable interpretation of your letter is that Mr. Callaghan is now under surveillance and should watch his step—a message that is alarming due to its capacity to intimidate journalists and chill the exercise of their constitutional rights. Journalists should not be forced to walk on eggshells for fear they will be removed or arrested by armed guards if they ask a question that someone on your staff believes is rude. Perhaps this implication was unintentional—if so, we hope you will clarify and confirm that neither Mr. Callaghan nor any other member of the media is being specially surveilled by law enforcement.

In addition, the Coalition hopes your office would want to assure the Coalition of its belief in the importance of government transparency and robust press coverage, as well as its commitment to honoring the newsgathering rights of journalists recognized by both the First Amendment and the Minnesota Constitution. However, regardless whether those assurances are forthcoming, members of the Coalition are fully prepared to protect their rights.

Very truly yours,



Leita Walker

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cc: Kelly Knight, Melissa Hortman, Eric Roeske