

JOURNALISM PROTECTION INITIATIVE

The Threat of a Broad Legal Assault by Government Against a News Organization

What Newsroom Leaders Need to Know

Mike Christie • February 4, 2026

US Press Freedom Series

The Journalism Protection Initiative at the Craig Newmark Graduate School of Journalism is commissioning a series of briefing papers from top experts to address emerging threats to press freedom in the United States and fill gaps in knowledge and understanding.

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Introduction

Press freedom and the media in the United States have come under attack from the second Trump administration on multiple fronts. This memo offers guidance on how newsrooms can prepare for a broad, concerted attempt to use the full force of the government’s legal, regulatory, prosecutorial, and messaging powers to bring a media company to its knees or close it down.

Many newsroom lawyers are concerned that it is only a matter of time before we see a targeted campaign against a news organization that President Trump determines is a threat to his agenda. A presidential memo issued in September 2025 casts as domestic terrorists any organization deemed to espouse “anti-Americanism, anti-capitalism, and anti-Christianity; support for the overthrow of the United States Government; extremism on migration, race, and gender; and hostility towards those who hold traditional American views on family, religion, and morality.” While the legal basis for the memo is questionable, civil rights groups say it reflects a desire to silence and intimidate all opposition, including potentially critical news coverage.

An all-out legal assault on a newsroom will likely trigger a complex crisis that will play out on various fronts and demand an array of preemptive countermeasures. Among them will be: adequate **legal defenses**; effective **internal and external communications**; an ability to ensure the **physical security** of a news organization’s offices and journalists; sound information technology and **infosec** practices to protect sources and data; a capacity for **senior management** to focus almost exclusively on the attack to the exclusion of other operational issues; newsroom-wide **resilience** against the emotional blow this could have on not just any specifically targeted journalists but the entire organization; and efforts at building industry-wide solidarity so that news organizations do not have to fight their corners all on their own.

This memo will look at each of these areas and offer suggested mitigations that for-profit and nonprofit newsrooms can adopt to shore up their defenses. All these defenses should be arranged in advance of an attack to ensure they are effective. The recommendations spring from a meeting in January 2026 of media executives, safety experts, newsroom lawyers, funders, and others invested in press freedom and the safety of journalists, organized by the Journalism Protection Initiative.

Threat avenues

A full-scale assault by the federal government and its supporters on a news organization would likely come through multiple avenues of attack, depending on the business model and vulnerabilities of an outlet.

Federal law enforcement investigations and raids

Lawyers warned in the first year of the second Trump administration that news organizations should brace for subpoenas trying to force them and their journalists to reveal their sources. Sure enough, in January 2026 the FBI raided Washington Post reporter Hannah Natanson’s home seeking evidence for an investigation against a government contractor accused of leaking information. The Justice Department also sent a subpoena to the newspaper seeking records of any communications the suspected whistleblower might have had with other employees of the newspaper. While investigators said Natanson was not the focus of the probe, they nevertheless seized her phone, a work laptop, a personal laptop, and a Garmin watch, potentially giving them access to her communications with hundreds of sources. It would not be unreasonable to plan for a time when a similar raid could be part of a direct investigation into a journalist and their work, or for a raid targeting a newsroom in its entirety rather than a single reporter’s home. Attorney General Pam Bondi quickly set the tone at the start of the second Trump administration when she rescinded Department of Justice Media Guidelines limiting how the DOJ could use subpoenas and other investigative tools to obtain records from or of journalists, or to force them to identify their sources. Investigations may also target board members, or funders, of for-profit and nonprofit news organizations.

Criminal prosecution of journalists

Before January 2026 was over, the Trump administration had also moved to make the first arrests of journalists over their reporting. The Department of Justice was initially repeatedly rebuffed by courts when seeking an arrest warrant against former CNN anchor Don Lemon, who had filmed and reported on a protest in a church in St. Paul against the government’s deportation efforts. But the DOJ persisted and managed to get a grand jury to indict Lemon and another independent journalist Georgia Fort on charges of violating the churchgoers’ civil rights and a law against blocking religious services or abortion clinics. Press freedom advocates said the administration’s determined effort to prosecute the journalists for carrying out their constitutionally protected role, despite alarmed objections from judges, was meant as a clear warning signal to the entire media sector. Trump has branded critical news coverage of his administration “illegal” and “corrupt” and mused at times about how journalists

could be pressured by federal law enforcement into revealing their confidential sources, including by jailing them. Media lawyers say newsrooms need to be alert for the potential use of the Espionage Act against journalists for reporting on classified information. The act is broad, its penalties severe, and it contemplates no public interest defense. Journalists could also be prosecuted for crimes totally unrelated to their work if the government decides to seek revenge for a story or to silence a reporter, as shown by the Trump administration's tactic of using alleged mortgage fraud to try to indict the president's perceived enemies, like former FBI head James Comey.

Tax investigations, questioning nonprofit status

A concerted legal assault on a news outlet will likely not be limited to a criminal investigation but could also probe other vulnerabilities in the organization's compliance with laws or regulations. This may include an attempt to audit a news organization's tax filings or to rescind a nonprofit newsroom's 501(c)(3) status. The IRS does not include journalism as one of the recognized categories for assigning nonprofit status. Instead, nonprofit newsrooms operate as educational organizations. While civic-minded news outlets have a strong basis for casting their work as educational, it does present a potential vulnerability that the authorities could try to exploit. News coverage that can be accused of being partisan or which appears to favor one political candidate over another may run afoul of a prohibition on intervening in campaigns on behalf of or in opposition to a candidate while significant revenues generated through advertising or other commercial activities can also jeopardize an outlet's tax-free nonprofit status. However, the administration might worry that aggressive actions here could boomerang, leading to the same tactics being used against right-leaning or conservative religious nonprofits under Democratic administrations.

Federal or state-level compliance investigations and compliance charges

Other compliance-related issues may become a target for attack in a concerted effort to rein in a news outlet or force it out of business. Immigration laws could be weaponized against newsrooms focused on immigration issues or community-based reporting and whose staff may include noncitizen journalists on short-term visas, green cards, or temporary protected status. Foreign news organizations dependent on getting journalist I visas for their correspondents to work in the United States could be threatened under proposals to shorten the length of those visas to less than a year, allowing the government to exert frequent leverage over them every time they try to renew a visa. Nonprofit newsrooms receiving donations or other funds from people or institutions in states in which they are not registered as charities could run afoul of state regulations. The widespread use of freelance journalists can draw

scrutiny of a news organization's adherence to labor laws. The FCC and Trump himself have repeatedly questioned if they can withdraw the licenses of broadcasters who produce critical news coverage of the administration. The Trump administration has also wielded the federal government's power to approve or block mergers and acquisitions to benefit billionaire allies seeking to capture independent media companies, or to press critical news outlets into toeing the line. Texas Attorney General Ken Paxton has launched a broad campaign against nonprofit organizations supporting migrants for allegedly misusing public funds, arguing that their efforts support illegal immigration. Paxton has also used consumer protection laws to demand nonprofit organizations hand over a wide range of records. There are concerns that similar tactics could be used against news outlets covering migration or other issues that Trump or Republican officials oppose. At the federal level, the Trump administration has sought to criminalize diversity, equity, and inclusion policies. A 501(c)(3) organization may not engage in illegal behavior or in activities that violate public policy, raising concerns that nonprofit newsrooms focused on specific communities or which promote diversity in some way could be targeted. Import-export laws could conceivably be used against journalists or news organizations traveling in and out of the country with personal protective equipment or controlled technology. Newsroom lawyers have some concerns that officials might claim overseas media should be registered under the Foreign Agents Registration Act (FARA) and could be held liable for not doing so. US news organizations receiving funding from foreign sources might be told they have to register as agents of the foreign funder. Other nonobvious laws could be wielded against the media, as in the case of Don Lemon and Georgia Fort, arrested over the protest in the church.

Legal insurance policies focused on libel and defamation are widely available to news organizations, and the US media sector is quite well supported by civic-minded organizations offering pro bono legal support. Nevertheless, a broader attack that also targets compliance and tax issues, and includes criminal prosecution and state-level charges, would test the industry's legal resources. Media-focused legal organizations offering pro-bono support can support newsrooms on both First Amendment issues around free speech and on compliance or state laws; however, newsroom lawyers say the regional and local law firms that often end up being brought in under legal insurance policies may lack a good understanding of the First Amendment and media rights.

Subpoenas to third-party vendors

In Trump's first term, the administration secretly sought email and phone records of reporters from CNN, The New York Times, and the Washington Post to identify their sources, as well as members of Congress. At the start of the second term, it got a warrant to raid the home of Washington Post reporter

Natanson and subpoenaed the newspaper for additional communications records in relation to an investigation into a suspected whistleblower. It is very likely a wide-ranging assault against a news organization would include subpoenas or secret FISA warrants being issued to companies providing the news outlet's telecommunications, email, and internet services. The third-party vendors may be barred from informing their clients of the action. In 2025, the FBI sent Microsoft a warrant seeking to unlock encrypted data connected with an investigation into Covid-related fraud in Guam and the software company handed over the encryption keys.

Seizure of devices or data

As in the case of the Washington Post reporter, any investigation or law enforcement action against a news organization could result in the seizure of laptops and phones, and vast amounts of possibly sensitive information. A journalist's phone will store the contact details of hundreds if not thousands of contacts, including possibly sources who need to keep their identity confidential to avoid retribution or prosecution by the authorities. A newsroom's internal chats may reveal legally troubling discussions about editing decisions while its data storage servers will contain large amounts of raw information that could endanger sources if not secured.

Vocal denunciations, incitements to online attacks, potential physical threats

President Trump and administration spokespeople frequently denounce journalists and news organizations whose reporting they object to. These denunciations often trigger a far-flung ecosystem of online trolls, influencers and activists whose attacks can make life hell for their targets. Online hate campaigns can lead to death threats and doxxing, with the release of home addresses or other private information, putting the safety of journalists and their families, and of newsrooms at severe risk. Online harassment can have a significant psychological toll. It undermines freedom of information by causing journalists to censor themselves or consider leaving the profession and disproportionately targets women, Black, and LGBTQ journalists, journalists of color, and those from minority religions. Death threats can result in significant physical security costs.

Private lawsuits coordinated with official investigation and prosecution

Official law enforcement actions may be accompanied by private lawsuits seeking perhaps billions of dollars from news organizations. President Trump secured \$32 million from ABC and CBS parent company Paramount after they decided not to fight lawsuits many legal experts considered defensible.

He continues to pursue billion-dollar claims against the New York Times, the Wall Street Journal, the BBC, and others. Private lawsuits brought by officials or wealthy individuals allied with the administration can tie up senior management in a news organization, particularly small nonprofits, for years, and place a heavy psychological burden on their leaders and staff. Even frivolous lawsuits can cost millions of dollars to defend against.

Resource drain

A wide-ranging, concerted attack on a news organization may seek to simply overwhelm its resources and prevent it from having the capacity to function. Small newsrooms will rely on external lawyers to fend off the legal attacks but will still need to dedicate management time to the crisis, to handling internal and external communications, dealing with any security threats, liaising with board members, and dealing with other fallout from government actions and accusations. The senior leaders may have little time and energy left over for the actual news business. Journalists that are targeted will need to support their families and manage their personal circumstances. Online threats will be a major distraction. If devices have been seized and databases compromised, small news organizations may struggle to find alternative tools for their work. Sources will go quiet and refuse to talk to journalists who are being investigated. A determined assault on a small newsroom may quickly become an existential threat.

Emotional toll

Any concerted legal effort to bring down a news outlet would place an enormous emotional burden on a newsroom. Journalists and managers will be concerned about criminal charges and jail terms, worried about being held liable in a lawsuit for impossible sums, and fearful of being attacked in the streets or at home by extremist government supporters. They will fear for the safety of their families and for the viability of the news organization and of their future employment. Legal cases and investigations can run for years without resolution. Psychological support, and perhaps even financial assistance, will need to be in place for some journalists.

Areas of mitigation

What to do before a crisis

Establish a crisis management team – News organizations should establish a senior crisis management team well before they need one. The team should cover key functions that might need to be drawn on during a broad legal assault, including: newsroom leadership, legal, internal and external communications, human resources, information technology, editorial safety (if such a team or position exists), finance, and so on. A first step to establishing a crisis management team could be to create a group chat on a secure platform like WhatsApp or Signal. If possible, members of the team should have assigned delegates in case they are not available in an emergency. Each member should have a clear understanding of their role in a crisis.

Run a table-top exercise to test the crisis management team – Going through an escalating, realistic crisis scenario in a two- to three-hour session can be illuminating. Even the best-prepared newsroom will have gaps in its defenses that might be identified by discussing a problem that could arise and what the organization has in its inventory to address it. Auditing the sort of information and data available to authorities if a work laptop or mobile phone were to be seized and accessed can help a news organization understand its potential infosec vulnerabilities and make some decisions.

Review legal resources – Newsrooms should sit down with their lawyers to discuss potential scenarios that could occur and review the legal defenses they have available. They should make sure they have access to outside counsel both for the organization and for individual journalists caught up in an investigation or prosecution. They should discuss obvious First Amendment issues but also the array of other legal and compliance threat avenues that federal and state authorities could use against them and determine if they have the right legal expertise available or know where to get it.

Conduct a compliance audit – They should check their compliance in several key legal areas such as with regard to employment contracts and use of freelancers, corporate governance, tax compliance, commercial revenue streams, intellectual property policies, data and privacy protections, federal funding and public policy shifts, state registrations, and fundraising.

Put together a crisis communications plan – If newsrooms have internal expertise in crisis communications, they should ask that person to put together a crisis communications plan for a major attack on the news organization. If not, they should look outside for strategic communications experts who may be able to help with this. They should talk to funders about whether they can assist with this

aspect of pre-planning for a crisis as strategic communications expertise will be as essential as having lawyers and information security experts.

Build emotional resilience in your newsroom and organization – News organizations need to build resilience that will help their staff resist, support each other, back their leadership and report the news with vigor and determination during a major legal assault aimed at shutting a newsroom down. This can be achieved through various steps that address safety and wellbeing, including: making sure there are procedures in place for dealing with incidents like arrests and raids and informing staff about the plans; making sure there is a risk assessment process for potentially risky news assignments that allows the newsroom to put in place mitigations ahead of time for physical, digital, legal, and emotional risks; providing a newsroom-based program of psychological support that can help journalists get therapy if needed; and training managers and editors in both leadership and mental health awareness.

Communicate with staff beforehand – Journalists in the newsroom will need to know how to react to legal action against them because of their work or a raid on the newsroom. They will also need to have some confidence in their leadership's ability and readiness to fight an attack. Senior management in news organizations should decide how to discuss the possibility of a legal assault on the newsroom with their staff and how to prepare them to react. The newsroom will also need to know what it can do to report on the story as this may be a big part of a news organization's counteroffensive strategy.

Review technology setup and information security practices – The data available on seized devices or through digital storage accessed via subpoenas is a genie that cannot be stuffed back into the bottle. Scrubbing or remotely deleting data or devices once a legal action has begun could make a news organization vulnerable to sanctions affecting the availability of legal defenses and contempt charges. The information that journalists collect as they go about reporting and the sources who give it to them must be protected in advance. Among the information security topics news organizations should review are: their data retention and classification policies; their data storage mechanisms for audio files, interview transcripts, source documents, story drafts, email editing chains, and records of reporters' communications with contacts; their policies on the use of private laptops and phones that lie outside a company's security perimeter; the use of secure communications and disappearing messages for sensitive chats; whether cloud backups are end-to-end encrypted or just encrypted at rest and therefore vulnerable if your provider hands over the encryption keys; and whether their agreements with providers of third-party telecommunications, software, and internet services offer any defenses or a degree of collaboration in the event of a subpoena or warrant being served.

Try to build coalitions - A broad, united front standing up against government overreach and violations of press freedoms will be stronger than a single news organization, no matter how well resourced, fighting off an attack all on its own. News organizations that come under a concerted assault are going to need the support of the community they report on and for. But their resistance and resilience is likely to be stronger if they can also lean on a broad coalition of interest groups and peers that could bring collective pressure on the administration or exert influence on its supporters. To be truly influential, the coalition should be able to stretch over the partisan divide in American politics and also in the US media, as left-leaning and right-wing media outlets will both suffer if press freedom is quashed and critical reporting outlawed.

What to do during a crisis

Activate the leadership team – News organizations should be able to do this with a single message sent to a pre-arranged and prepared group of key leaders and managers.

Mobilize your legal team – If a newsroom has a legal insurance policy, they should contact their broker immediately and activate the policy. They should get online with their inside or outside counsel to guide their legal steps as quickly as possible. If data and devices have been seized, they might need to get before a judge that very day to try to prevent access to sensitive, protected information.

Decide what to inform the staff – There may be limits to what newsroom leaders can say, including not talking about the merits of any criminal case, but it will be imperative to respond quickly and address internal concerns. They will need to make sure journalists in the newsroom know not to talk externally or post, and that they know what they can report. Transparency, within legal limits, will be important to managing morale and newsroom resilience. Regular staff meetings, including someone from the legal defense team, will help to manage expectations and concerns. Internal communications may also involve quickly getting in touch with the families of any journalists directly impacted by a legal investigation or prosecution and knowing what you can tell them.

Communicate the news to your board – News leadership will have to figure out a cadence for updates to their boards. A member of senior leadership may need to be dedicated to this task.

Figure out your external communications strategy – Does the person leading a newsroom on communications have experience with crisis communications or do they need some help? Can someone guide your news organization on strategic positioning? Does it need a PR firm? Can coverage of the news story be part of the strategy? The primary stakeholder of the news industry is the public and drawing the dots between the people's right to be well informed, and an attack on a news

organization may help to garner support and mobilize pushback against the government's actions. Journalists do not like to be the story but in these cases, they already are and news outlets should use that to try to win back public trust, engage with their communities, and perhaps even recruit those normally critical of the media to their fight. Who can be enlisted as allies or third-party spokespeople? Are there allies in the media world prepared to stand up for the news organization and raise the volume of opposition to the attack?

Communicate with union leadership – The union, if a news organization's workforce has one, can be an important partner in managing staff expectations, reactions and resilience.

Lobbying and pressure campaigns through third-party press freedom groups – News organizations should consider when and how to work with advocacy groups like the Committee to Protect Journalists, Reporter's Committee for Freedom of the Press, Freedom of the Press Foundation, and Reporters Without Borders, to amplify their protest and lobbying efforts. (See resources and links section below)

Figure out your message to donors/business partners/clients - Nonprofits may want to discuss whether the assault represents a fundraising opportunity. While this may seem opportunistic or even unseemly, the intention of legal action may be to drain resources. Converting the attack into a fundraising opportunity is therefore a way of fighting back.

Supporting reporters – Newsroom leaders will need to decide how to support any reporters caught up in the legal actions and speak plainly to them about their commitment to their safety and wellbeing. Will their families need support? In some cases, a news organization may need to assign a senior manager to be the lead liaison with a journalist's family and this could become a full-time job. Do they need emotional support or financial aid of some kind? Do they need to be moved to a secure location? If the journalist is a freelancer, the news outlet will have to decide the level of support it is willing to commit to. This may have to be a higher degree of commitment than its labor lawyers might like in normal times. If the journalist or their family insists on using their own attorneys, a news organization must decide how it can make sure its institutional interests are also represented. If the journalist targeted is from an underrepresented group, managers should consider whether reaching out to journalism affinity groups would be helpful. There may be situations in which large fines are levied on a journalist by a court, and their employer is barred from paying the fine or compensating the journalist. The news organization will need to decide in these cases what it can do.

Supporting the newsroom – Rapidly providing any journalist caught up in the law enforcement action with legal support will reassure the wider newsroom that the news organization will stand with all of them. Newsroom leaders should proactively make counseling resources available to any journalist who needs them, rather than just relying on journalists to decide for themselves whether to go through their health insurance or use the company’s Employee Assistance Program to seek support.

Your sources – What, if anything, will the news organization do about any sources caught up in an investigation? Does it have any responsibilities toward them? Is it safe to contact them, or legal to warn them?

Information technology response plan – Does the news organization know what data might have been compromised? Is there any other data that needs to be secured, and can the news organization do so legally?

Online hate campaigns – Does the organization need to prepare a reporter or the newsroom for online harassment or doxxing, or support them in any way while they are being targeted online?

Physical security - Are there any steps that need to be taken on physical security to protect reporters or offices?

What to do after a crisis

Share insights – The lessons a news organization may have learned while coming under a sustained legal assault can be helpful to other news organizations seeking to build up their defenses. Industry associations such as INSI (International News Safety Institute) and the ACOS Alliance for freelance journalist safety can be excellent forums for collaboration.

Learn from mistakes and from victories – News organizations should conduct an honest after-action review to see what could have been done better and what steps were particularly effective but could be improved or bolstered. They should allow staff journalists to provide feedback from their perspective.

Longer-term support for affected reporters – A major life event like a criminal prosecution, a detention, or serious threats to their own safety and that of their families, can have a long-term impact on a journalist’s wellbeing. The emotional toll does not end with the conclusion of the crisis. News organizations should put in place mechanisms to keep an eye on affected reporters in the medium to longer-term, such as having debriefs shortly afterwards and a check-in with them several months down the road. Extended time off, or a sabbatical, may be needed, or a rotation to a different beat.

Emergency resources for individual journalists are also available from organizations like the International Women's Media Foundation while the Global Center for Journalism and Trauma can provide guidance to news organizations.

Resources & Support

LEGAL SUPPORT & COMPLIANCE

[Lawyers for Reporters](#) - Pro bono assistance, training, and [Reporters Shield](#)
[Vance Center](#) - Compliance Assurance Program for news outlets
[Reporters Committee](#) (RCFP) - Legal hotline, litigation, and training
[ProJourn](#) - Legal checkup for news organizations
[Media Law Resources Center](#) - Legal tools and training (membership based)
[First Amendment Coalition](#) - Legal assistance and advocacy
[Legal Network for Journalists at Risk](#) - Global coalition for pro bono and emergency legal aid
[Thomson Reuters Trust Law](#) - Service connecting newsrooms to pro bono counsel
[EPIC News Media](#) - Liability protection and insurance programs
[ACOS Alliance](#) - Curated legal resource directory
[Nonprofit Law Blog](#) - Insights into nonprofit legal structures
[National Council of Nonprofits](#) - Expert analysis of nonprofit laws

DIGITAL AND INFORMATION SECURITY

[Freedom of the Press Foundation](#) - Guide on securing sensitive information against raids
[GCA Cybersecurity Toolkit](#) - Newsroom security assessment tool (*Supported by [Craig Newmark Philanthropies](#)*)
[CyberPeaceBuilders](#) - Volunteer network supporting nonprofits on information security
[Electronic Frontier Foundation](#) - Support and guidance on information security
[AccessNow Hotline](#) - 24/7 emergency digital security support for journalists

INDUSTRY ORGANIZATIONS

[Institute for Nonprofit News](#) - Membership-based industry organization supporting nonprofit newsrooms

[LION Publishers](#) - Professional association for independent newsrooms providing support

[International News Safety Institute](#) - Industry-wide collaboration on safety

WELLBEING & TRAUMA SUPPORT

[Global Center for Journalism & Trauma](#) - Training and guidance on mental health and emotional preparedness

[Journalist Trauma Support Network](#) - Connects journalists with trained therapists

EMERGENCY ASSISTANCE

[CPI](#) - Emergency support for journalists

[Reporters Without Borders Helpdesk](#) - Emergency support and assistance

[IWMF Emergency Funds](#) - Financial assistance for journalists in crisis