

Maclver Institute: Sues Gov. Evers for equal access

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MADISON - A Wisconsin-based research and news outlet is suing Gov. Tony Evers for excluding its journalists from press briefings and refusing to provide them with press material that is shared with other news outlets.

Since Gov. Evers took office in January 2019, his administration has refused to include Maclver News Service reporters on invitations to press events, which makes it harder for the news outlet's reporters to stay up-to-speed on the governor's activities. The Evers administration also blocked Maclver journalists from participating in a budget press briefing that was open to other journalists.

The Evers administration's actions violate the journalists' constitutional right to free speech, freedom of the press and equal access. While no press outlet has a constitutional right to an exclusive interview or off-the-record tidbit, government officials may not target certain journalists that they disfavor for discriminatory treatment. The First Amendment prohibits government from discriminating against certain news outlets based on their editorial viewpoint. The Constitution also says state governments cannot treat people unequally, which the governor's office does by targeting Maclver for exclusion while inviting numerous other journalists to these events.

The case, Maclver Institute v. Evers, was filed in the U.S. District Court for the Western District of Wisconsin on Tuesday.

*"Gov. Evers should not block Maclver journalists from public press briefings and limit their access to government activities. Our reporters have the same constitutional rights as every other journalist in Wisconsin, and we have a duty to keep the public informed about what's happening in state government," **said Brett Healy, president of the Maclver Institute.** "While we hoped Gov. Evers would do the right thing and treat our journalists the way they treat others, the administration has refused. We now have no option but to sue. A free and vibrant press is critical to democracy, and to ensuring the people of Wisconsin are informed*

and engaged on what's happening in their state. We hope to quickly resolve this issue, not just so that our journalists can go about their important work but to ensure no future governor engages in the same unconstitutional practices."

The Maclver Institute is represented by the Liberty Justice Center, a public interest law firm based in Chicago.

The Maclver News Service has approached the administration numerous times in attempts to rectify the situation amicably, but its efforts have been ignored. On April 4, Maclver News Service hand-delivered to administration officials a letter from attorneys for the journalists, demanding that the Maclver reporters receive the same access to public press events and information as journalists from other news outlets. Even after the letter, the Evers administration has persisted in its course of conduct, continuing to exclude the Maclver journalists from media advisories and press briefings.

That's despite prominent left-leaning contacts being included on those very same lists, such as *The Progressive Magazine*, Devil's Advocate Radio, *The Capital Times* newspaper, the Democratic Party of Wisconsin, Democratic legislative offices and left-wing advocacy groups such as One Wisconsin Now.

"The First Amendment guarantees freedom of the press. Courts nationwide have held this means government officials can't pick and choose which reporters cover their public events. Gov. Evers has spent the past six months excluding the Maclver journalists from his press conferences and briefings. That's wrong," **said Daniel Suhr, associate senior attorney at the Liberty Justice Center.** *"Our country relies on vigilant watchdogs from the news media, and government officials can't duck hard questions by barring anyone who might ask those questions in a briefing."*

The lawsuit seeks to guarantee access for Maclver News Service journalists to all Gov. Evers' press announcements. It is available online here: <http://bit.ly/2Ku4Wub>