



unprecedented wave of government subpoenas forcing reporters to name confidential sources, the Reporters Committee today serves as a leading voice for the legal interests of journalists and news organizations.

3. The Association of American Publishers, Inc. (“AAP”) represents the leading book, journal, and education publishers in the United States on matters of law and policy, advocating for a free and sustainable environment for publishers, authors, booksellers and readers around the world to incentivize the publication of creative expression, professional content, and learning solutions. As essential participants in local markets and the global economy, AAP’s members invest in and inspire the exchange of ideas, transforming the world we live in one word at a time.

4. PEN American Center, Inc. (“PEN America”) is a non-profit organization that represents and advocates for the interests of writers, both in the United States and abroad. PEN America is affiliated with more than 100 centers worldwide that comprise the PEN International network. Its Membership includes more than 7,400 journalists, novelists, poets, essayists, and other professionals. PEN America stands at the intersection of literature and human rights to protect open expression. It champions the freedom to write, recognizing the power of the word to transform the world. Its mission is to unite writers and their allies to celebrate creative expression and defend the liberties that make it possible, working to ensure that people everywhere have the freedom to create literature, to convey information and ideas, to express their views, and to make it possible for everyone to access the views, ideas, and literatures of others. Its mission and mandate include fighting for the right to speak critically of a governmental body, and for all of the rights associated with a free press, both core elements of a democracy and free expression.

5. The proposed amicus brief (attached hereto as **Exhibit A**) emphasizes that Plaintiff's request that the Court enjoin Defendants, including the Book's publisher, Simon & Schuster, from further publishing or disseminating *Too Much and Never Enough: How My Family Created the World's Most Dangerous Man* (the "Book"), is a prior restraint on speech subject to a heavy presumption against its constitutional validity, and that Plaintiff cannot meet the exacting standard for a prior restraint in this case. The proposed amicus brief also highlights the jurisprudential preference for post-publication remedies, particularly in cases like this one, where the alleged harm is purportedly disparaging speech. In addition, the proposed amicus brief underscores that contractual provisions contrary to public policy—particularly sweeping confidentiality provisions that purport to restrain speech of public interest and concern regarding government officials—are unenforceable.

6. As organizations devoted to defending First Amendment freedoms, including the rights of journalists and media organizations to gather and publish newsworthy information, the rights of publishers to publish and distribute books, and the rights of authors to produce works on public affairs, amici are uniquely positioned to provide the Court with arguments addressed to the First Amendment rights at stake here. Such arguments, which are not duplicative of those of Defendants, will aid the Court in ruling on the Motion pending before it.

7. No party's counsel authored this brief in whole or in part. No party or party's counsel contributed money that was intended to fund preparing or submitting this brief. And no person other than amici, their members, and their counsel contributed money that was intended to fund preparing or submitting this brief.

8. For these reasons, amici respectfully request that the Court grant them leave to file the accompanying amicus brief.

Dated: Washington, D.C.  
June 30, 2020

By: /s/ Katie Townsend  
Katie Townsend