



UPPER SEVEN LAW

P.O. BOX 31
HELENA, MT 59624

March 24, 2025

Via email & first class mail

Sean Southard
Communications Director
Office of the Governor
Montana State Capitol Building, Room 204
P.O. Box 200801
Helena, MT 59620-0801
sean.southard@mt.gov

Re: Daily Montanan

Dear Mr. Southard, et al.,

We write on behalf of our client, States Newsroom, in response to your March 4, 2025 letter to Chris Fitzsimon, Chief Executive Officer of States Newsroom. You assert that the offices and agencies of the Montana Governor, Attorney General, and Congressional delegation will no longer “engage” with States Newsroom’s outlet, the Daily Montanan, based on your perception that its coverage has a partisan slant. This policy and your apparent intent to weaponize access to governmental offices and officials to influence the Daily Montanan’s operations and reporting violates the First Amendment and the Montana Constitution.

We respectfully request that you rescind your letter and immediately cease any blacklisting of the Daily Montanan based on the content of its reporting and editorial coverage of your offices. If you continue to engage in viewpoint and content-based discrimination against the Daily Montanan and States Newsroom, please be advised that our client will explore all possible legal remedies.

In addition to raising serious concerns about your offices’ commitments to the fundamental principles of free speech and freedom of the press, your letter contains multiple false statements about States Newsroom and the Daily Montanan. States Newsroom is an independent nonprofit news organization focused on high-quality, nonpartisan reporting on state politics and policy. The Daily Montanan is a publication of States Newsroom and is a well-respected nonprofit and nonpartisan news source that has operated in Montana since 2021. Both are dedicated to the belief that truth, transparency, and trust are essential to a free republic.

States Newsroom and its publications, including the Daily Montanan, have an open and robust [commitment](#) to ethical and impartial journalism. States Newsroom does not accept corporate donations or underwriting, nor does it accept anonymous donations, and States Newsroom affirmatively [discloses](#) all [donors](#) who contribute in excess of \$1,000.

Notwithstanding these publicly available facts, your letter falsely asserts that States Newsroom and the Daily Montanan constitute “partisan-backed,” “dark money supported,” “hyperpartisan sites . . . masquerading as local news.”

As evidence of these claims, you cite an article from NiemanLab. Notably, however, you omit any reference to the correction issued in that same article, which states:

A previous version of this article and map included the 16 newsrooms of State Newsroom, a nonprofit of local news sites that previously received backing from the liberal Hopewell Fund and did not begin disclosing its donors until this year. **Its sites cannot be accurately described as “hyperpartisan sites...masquerading as local news,” and many of its staff are longtime journalists.**

Jessica Mahone & Philip Napoli, *Hundreds of Hyperpartisan Sites are Masquerading as Local News*, NiemanLab (July 13, 2020) (emphasis added).

You similarly and misleadingly cite an article from Axios purporting to characterize States Newsroom and its publications as “dark money” sites. But that article expressly states that States Newsroom discloses its donors. While you claim to be concerned about public confidence in journalism, the false and misleading statements about States Newsroom and the Daily Montanan contained in your letter appear designed to impugn rigorous journalism regarding your offices rather than to promote public confidence in the media.

Your attempt to call into question the integrity and impartiality of Daily Montanan staff is baseless, and your statement that the conflation of news and opinion “appears to be a feature, not a bug, of the States Newsroom model” is demonstrably false. States Newsroom and its publications are committed to journalistic integrity and are open and transparent about the division of news and commentary.

Journalists from the Daily Montanan and other States Newsroom outlets adhere to the ethics guidelines of the Society of Professional Journalists and the National Press Photographers Association. They also adhere to and borrow liberally from the practices embraced by the Associated Press, ProPublica, The Center for Investigative Reporting, NPR and the Washington Post. Those ethics guidelines are posted on every newsroom’s website.

Your letter seeks to silence an independent news organization based on your dissatisfaction with its reporting and editorial content. Neither the Montana Constitution nor the United States Constitution tolerates discrimination of this type. We ask that you immediately withdraw your unlawful and vague letter to the Daily Montanan and that you cease any ongoing efforts to prevent the Daily Montanan from newsgathering. If you fail to comply with our demand, our client reserves the right to pursue all available legal remedies.

Sincerely,

A handwritten signature in black ink, appearing to read "Molly Danahy", with a stylized flourish at the end.

Molly E. Danahy
Upper Seven Law

cc: Matthew Lloyd, Deputy Chief of Staff/Communications Director,
U.S. Senator Steve Daines
Tate Mitchell, Communications Director, U.S. Senator Tim Sheehy
Heather Swift, Chief of Staff, U.S. Representative Ryan Zinke
Beau Brooks, Communications Director, U.S. Representative Troy Downing
Emilee Cantrell, Communications Director,
Office of the Montana Attorney General

Dewey Bruce, President & CEO, Montana Broadcasters Association
Jim Strauss, Communications & Development Director,
Montana Newspaper Association