

AUSTIN KNUDSEN



STATE OF MONTANA

June 19, 2025

**Via Email & USPS**

Molly Danahy  
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**Re: States Newsroom Demand Letter**

Dear Ms. Danahy:

This letter is in response to your March 24, 2025, demand letter (“Letter”). I am pleased to respond on behalf of Attorney General Knudsen and the Montana Department of Justice (collectively “Department”). The Letter threatens legal action if the Department does not rescind its policy of nonengagement with the Daily Montanan as stated in its March 4, 2025, joint letter to Chris Fitzsimon, Publisher and Chief Executive Officer of States Newsroom. We respectfully decline.

The Department would like to take this opportunity to disabuse the Daily Montanan of the notion that it is constitutionally entitled to special access simply because it identifies as a “news organization.” The courts have decisively rejected that claim. “[T]he First Amendment does not provide journalists any greater right of access to government property or information than it provides to members of the public, despite the fact that access to government information ‘might lead to more thorough or better reporting.’” *Ateba v. Jean-Pierre*, 706 F. Supp. 3d 63, 75 (D.D.C. 2023), *aff’d*, *Ateba v. Leavitt*, 133 F.4th 114, 127 (D.C. Cir. 2025). “As it pertains to the press, the First Amendment primarily protects the right to ‘communicate information once it is obtained,’ not the ability to collect it.” *Id.* (quoting *Houchins v. KQED, Inc.*, 438 U.S. 1, 9 (1978) (plurality opinion)). In other words, the Department has no legal obligation to engage with the Daily Montanan. *Sherrill v. Knight*, 569 F.2d 124, 129 (D.C. Cir. 1977) (“It would certainly be unreasonable to suggest that

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because the President allows interviews with some bona fide journalists, he must give this opportunity to all.”).<sup>1</sup>

Nor is the Department’s rationale for ignoring the Daily Montanan relevant. See *The Baltimore Sun Co. v. Ehrlich*, 437 F.3d 410, 418 (4th Cir. 2006) (“[G]overnment officials frequently and without liability evaluate reporters and reward them with advantages of access—i.e., that government officials regularly subject all reporters to some form of differential treatment based on whether they approve of the reporters’ expression.”). In *Baltimore Sun*, a newspaper sued the Governor of Maryland over his directive that no one in the Governor’s office speak with certain of the newspaper’s reporters because they were “failing to objectively report on any issue dealing with the” Governor’s administration. 437 F.3d at 413. The Fourth Circuit held that “no actionable retaliation claim arises when a government official denies a reporter access to discretionarily afforded information or refuses to answer questions.” 437 F.3d at 418; see also *AP v. Budowich*, No. 25-5109, 2025 U.S. App. LEXIS 13980, at \*16 (D.C. Cir. June 6, 2025) (“It is a time honored and entirely mundane aspect of our competitive and free press that public officials regularly subject all reporters to some form of differential treatment based on whether they approve of the reporters’ expression”).

Indeed, even the Associated Press “expressly disavow[ed] any right to interact or speak with the President” in its recent viewpoint discrimination lawsuit over access to the White House briefing room. *AP v. Budowich*, No. 1:25-cv-00532, 2025 U.S. Dist. LEXIS 66994, at \*42 (D.D.C. Apr. 8, 2025). Since the Daily Montanan purportedly aspires to practice “rigorous journalism,” *Baltimore Sun* offers a remedial lesson for that journey: “It would be inconsistent with the journalist’s accepted role in the ‘rough and tumble’ political arena to accept that a reporter of ordinary firmness can be chilled by a politician’s refusal to comment or answer questions on account of the reporter’s previous reporting.” 437 F.3d at 420.

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It is unclear if the Letter also threatens legal action over calling the Daily Montanan a “partisan-backed,” “dark money supported,” “hyperpartisan site” “masquerading as local news” or just regurgitates left-wing talking points into the void.<sup>2</sup> Regardless, the Department is pleased to describe in more detail why States Newsroom and its associated entities lack credibility and transparency.

To start, the Letter appears incensed that the Department views the Daily Montanan as nothing more than a liberal blog. That shouldn’t be surprising. By its

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<sup>1</sup> As our March 4, 2025, letter noted: “Of course, under the State’s constitutionally-provided right to know, staff of the Daily Montanan, like anyone else, may request public records of all public bodies or agencies of state government and its subdivisions.”

<sup>2</sup> The March 4, 2025, letter was incomplete. It should have also described the Daily Montanan as “foreign funded.”

own admission, States Newsroom considers itself “progressive political journalism.”<sup>3</sup> And, as the March 4 letter explains, the Daily Montanan’s content and operating structure demonstrate that it faithfully executes that mission. That, however, is just the tip of the iceberg.

States Newsroom is part and parcel of the left’s vast dark money empire. States Newsroom lists its donors of \$1000 or more.<sup>4</sup> Nestled in that list is the Wyss Foundation—the “philanthropic” arm of Swiss billionaire and Democratic-aligned megadonor Hansjörg Wyss. In 2023 alone, according to the *Washington Examiner*, the Wyss Foundation donated \$1.1 million to States Newsroom.<sup>5</sup>

Mr. Wyss is “a foreign national [who] is prohibited from donating to candidates or political committees. But his influence is still broadly felt through millions of dollars routed through a network of nonprofit groups that invest heavily in the Democratic ecosystem.”<sup>6</sup> As the *New York Times* reported, Wyss’ “political activism is channeled through a daisy chain of opaque organizations that mask the ultimate recipients of his money.”<sup>7</sup> Mr. Wyss’ goal is to “(re)interpret the American Constitution in the light of progressive politics.”<sup>8</sup>

Americans for Public Trust, a watchdog group, has exposed how Mr. Wyss has attempted to interfere with American democracy and advance far-left causes: “Wyss is influencing American elections and policy through his two nonprofits—the Wyss Foundation and the Berger Action Fund—and has used these two organizations to pump \$475 million into the arena of U.S. politics and discourse.”<sup>9</sup>

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<sup>3</sup> See <https://www.linkedin.com/jobs/view/media-administrative-assistant-at-states-newsroom-1362718370/>

<sup>4</sup> <https://statesnewsroom.com/support/>

<sup>5</sup> Gabe Kaminsky, *Billionaire Hansjörg Wyss ups giving to Democratic dark money-tied news network*, WASH. EXAMINER (Nov. 27, 2024), <https://www.washingtonexaminer.com/news/investigations/3242291/billionaire-hansjorg-wyss-ups-giving-democratic-dark-money-tied-news-network/>

<sup>6</sup> Brian Slodysko, *Group Steers Swiss Billionaire’s Money to Liberal Causes*, THE ASSOCIATED PRESS (Apr. 4, 2023), <https://apnews.com/article/darkmoney-democrats-wyss-politics-elections-601d40cd01569190559d545418afe396>; Emily Birnbaum, *Meet the Swiss Billionaire Cast by US Conservatives as the New Soros*, BLOOMBERG (Jan. 25, 2024), <https://www.bloomberg.com/news/articles/2024-01-25/meet-the-swiss-billionaire-castby-us-conservatives-as-the-new-george-soros>; Philip Wegmann, *Swiss Billionaire’s Mega-Influence On U.S. Politics*, Real Clear Politics (May 17, 2022), [https://www.realclearpolitics.com/articles/2022/05/17/swiss\\_billionaires\\_mega-influence\\_on\\_us\\_politics\\_\\_147610.html](https://www.realclearpolitics.com/articles/2022/05/17/swiss_billionaires_mega-influence_on_us_politics__147610.html).

<sup>7</sup> Kenneth P. Vogel, *Swiss Billionaire Quietly Becomes Influential Force Among Democrats*, N.Y. TIMES (May 3, 2021), <https://www.nytimes.com/2021/05/03/us/politics/hansjorg-wyss-money-democrats.html>.

<sup>8</sup> Hedi Wyss, HANSJÖRG WYSS – MY BROTHER, eFeF–Verlag Wettingen 50 (2014).

<sup>9</sup> AMERICANS FOR PUBLIC TRUST, FOREIGN INFLUENCE IN U.S. ELECTIONS (July 2023), <https://americansforpublictrust.org/wp-content/uploads/2023/07/APT-Wyss-Report.pdf>

The Wyss Foundation is a major donor to the Arabella Advisors network—the largest dark money player in American politics.<sup>10</sup> Arabella “backs nearly every major advocacy group on the left and allows Wyss to indirectly advance his progressive policy priorities, such as radical environmentalism and securing victories for like-minded Democrat politicians.”<sup>11</sup>

The most notable entity within the Arabella network is the Sixteen Thirty Fund, which finances attack ads against Republicans, backs targeted get-out-the-vote and advocacy campaigns, acts as a “fiscal sponsor” for other groups that have pushed liberal ballot measures, props up the left’s economic and health policies, and attempted to block conservative Supreme Court nominees.<sup>12</sup> As of 2024 Wyss had funneled \$243 million into the Sixteen Thirty Fund.<sup>13</sup>

The Sixteen Thirty Fund was the biggest dark money donor to Montana Rural Voters PAC, which spent \$1.4 million supporting the unsuccessful re-election campaign of liberal Democrat Jon Tester.<sup>14</sup> The Sixteen Thirty Fund gave over \$9 million in 2024 to Your Community PAC,<sup>15</sup> which led the “retail push for Tester.”<sup>16</sup> The Sixteen Thirty Fund “donated to multiple organizations and causes, including A Better Big Sky, Big Sky Voters PAC, Big Sky 55+, Clean Water Action, Forward Montana, Montana Budget and Policy Center and Montana State AFL-CIO.”<sup>17</sup> The Sixteen Thirty Fund also gave over \$3 million in 2024 to support CI-128, the right to abortion initiative.<sup>18</sup>

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<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> Written Testimony of Americans for Public Trust on American Confidence in Elections: Preventing Noncitizen Voting and Other Foreign Interference, U.S. House of Representatives, Committee on House Administration, 118th Congress (May 16, 2024), <https://www.congress.gov/118/meeting/house/117312/witnesses/HHRG-118-HA00-Wstate-SutherlandC-20240516.pdf>.

<sup>14</sup> Tom Lutey, *PAC money floods Montana Senate race*, MONTANA FREE PRESS (Aug. 1, 2024), <https://montanafreepress.org/2024/08/01/pacs-flood-montana-senate-race-with-more-than-27-million-in-early-ad-spending/>; PAC Profile: Montana Rural Voters, OpenSecrets, <https://www.opensecrets.org/political-action-committees-pacs/montana-rural-voters/C90019472/summary/2024>

<sup>15</sup> Your Community PAC Donors, OpenSecrets, <https://www.opensecrets.org/political-action-committees-pacs/your-community-pac/C00886614/donors/2024>

<sup>16</sup> Tom Lutey, *PAC spending on Montana’s U.S. Senate race approaches \$140 million*, MONTANA FREE PRESS (Oct. 16, 2024), <https://montanafreepress.org/2024/10/16/pac-spending-on-montanas-u-s-senate-race-approaches-140-million/>

<sup>17</sup> Tom Lutey, *PAC money floods Montana Senate race*, Montana Free Press (Aug. 1, 2024), <https://montanafreepress.org/2024/08/01/pacs-flood-montana-senate-race-with-more-than-27-million-in-early-ad-spending/>

<sup>18</sup> Ballotpedia, Montana CI-128, Right to Abortion Initiative (2024)[https://ballotpedia.org/Montana\\_CI-128\\_Right\\_to\\_Abortion\\_Initiative\\_\(2024\)#cite\\_ref-finance\\_13-0](https://ballotpedia.org/Montana_CI-128_Right_to_Abortion_Initiative_(2024)#cite_ref-finance_13-0).

Another States Newsroom donor, the Omidyar Network Fund, is part of a collection of nonprofits and for-profit companies directing the wealth of eBay Founder Pierre Omidyar to liberal political causes, including the dark money network of Democratic lawyer Marc Elias.<sup>19</sup> The Capital Research Center, an investigative think tank, “traced millions of dollars in grants flowing to other pass-through funders.”<sup>20</sup> And “[a]s with Arabella, these grants are effectively ‘laundered’ through a pass-through and onto the final recipient—washing away the connection between the Omidyar group and the activists that ultimately receive the cash.”<sup>21</sup>

But it gets better. Prior to 2019, States Newsroom was housed as a project of a nonprofit called the Hopewell Fund, one of the five largest nonprofits associated with the Democratic Party.<sup>22</sup> In 2017, the Hopewell Fund “gave just under \$5 million to the Priorities USA Foundation, the nonprofit arm of the Democratic Party Super PAC Priorities USA, which is funded by key Democratic donors like Donald Sussman, George Soros, and Fred Eychaner.”<sup>23</sup> The Hopewell Fund created Resources for Abortion Delivery in 2016, which has funded various programs to support abortion and co-manages the Abortion Defense Network, which “collaborat[es] with state and regional public interest organizations, public agencies committed to abortion access and private law firms, including some of the nation’s largest and most esteemed private law firms.” The Hopewell Fund also manages the Economic Security Project (co-founded by Black Lives Matter co-founder Alicia Garza), which funds progressive organizations such as the Roosevelt Institute, the Niskanen Center, Chesapeake Climate Action Network, Center for Popular Democracy, and the Stanford Basic Income Lab.<sup>24</sup>

And who manages the Hopewell Fund? That’s right: Arabella Advisors.<sup>25</sup> In fact, Eric Kessler, Arabella Advisors managing director of advocacy, was on the Hopewell Fund’s initial board of directors.

With that in mind, it’s fitting that the Daily Montanan believes mimicking the practices of ProPublica and the Associated Press immunize it from criticisms of its “journalistic integrity.” ProPublica, a notoriously left-wing publication that has

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<sup>19</sup> Hayden Ludwig, *Omidyar’s Political Machine: The Omidyar Nexus*, CAPITAL RESEARCH CENTER (June 30, 2022), <https://capitalresearch.org/article/omidyars-political-machine-part-2/>; Joe Schoffstall, *Dark money network gives top Dem lawyer ‘nearly unlimited funding’ for voting rights lawsuits, watchdog says* FOXNEWS.COM (Sept. 15, 2021), <https://www.foxnews.com/politics/dark-money-network-gives-dem-lawyer-nearly-unlimited-funding-for-voting-rights-lawsuits-watchdog-says>.

<sup>20</sup> Hayden Ludwig, *Omidyar’s Political Machine: Funding the Left*, CAPITAL RESEARCH CENTER (June 30, 2022), <https://capitalresearch.org/article/omidyars-political-machine-part-5/>.

<sup>21</sup> *Id.*

<sup>22</sup> Kenneth Vogel, *Democrats Decried Dark Money Then They Won With It in 2020*, N.Y. TIMES (Jan. 29, 2022), <https://www.nytimes.com/2022/01/29/us/politics/democrats-dark-money-donors.html>.

<sup>23</sup> BIG MONEY IN DARK SHADOWS: ARABELLA ADVISORS’ HALF-BILLION-DOLLAR “DARK MONEY” NETWORK, CAPITAL RESEARCH CENTER (Dec. 2022), <https://www.counties.citizensdefendingfreedom.com/app/uploads/2022/12/Arabella-Dark-Money.pdf>

<sup>24</sup> *Id.*

<sup>25</sup> <https://www.hopewellfund.org/about-the-fund/>

vigorously attacked Supreme Court Justices Clarence Thomas and Samuel Alito, “is funded by left-wing megadonors who pump money into court packing advocacy groups.”<sup>26</sup> Likewise, the Associated Press, which “was once funded largely by dues from member newspapers ... [n]ow [] increasingly relies on handouts from left-leaning charities. Yet it insists its journalism is ‘independent’ and ‘nonpartisan.’”<sup>27</sup> One of those charities is none other than the Omidyar Network.<sup>28</sup>

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Finally, it is ironic that the Letter indignantly questions the Department’s “commitment[] to the fundamental principles of free speech and freedom of the press.” Nothing illustrates the Daily Montanan’s cynical views on free speech better than its choice of legal counsel. Upper Seven Law, which bills itself as “holding the powerful accountable,” is co-counsel for Nina Jankowicz, the Biden Administration’s disinformation czar at the Department of Homeland Security’s Orwellian “Disinformation Governance Board,” in her defamation lawsuit against Fox News. Last summer, a federal judge in Delaware dismissed Jankowicz’s lawsuit in its entirety. *Jankowicz v. Fox News Network, LLC*, No. CV 23-513-CFC, 2024 WL 3510309 (D. Del. July 22, 2024).

On behalf of Jankowicz, Upper Seven Law claims that Fox News was “obsessed” with her and portrayed her in “melodramatic” and “venomous terms.” *Id.*, Doc. 26, ¶ 3. Among the lawsuit’s many chilling and disheartening attacks on the free press, Jankowicz sought damages over Fox News hosts and commentators mocking her as: “low IQ,” “illiterate,” “Miss TikTok meets America’s Got No Talent,” “disinfo overlord,” “disinformation czaress,” “minister of truth,” “Scary Poppins,” a “useful idiot,” “janko-half-witz,” a “lunatic,” and “the wicked witch.” *Id.* ¶ 7. One can only imagine the reaction of the Montana media if a state government official used a defamation lawsuit to silence a news organization based on dissatisfaction with its reporting and editorial content.

Bringing things full circle, in 2022 U.S. Senator Josh Hawley received information from a whistleblower exposing how Jankowicz’s Disinformation Governance Board “coordinated with the Omidyar Network.”<sup>29</sup>

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<sup>26</sup> Breccan Thies, *Group targeting conservative Supreme Court justices propped up by left-wing megadonors*, WASH. EXAMINER (June 26, 2023), <https://www.washingtonexaminer.com/news/2578494/group-targeting-conservative-supreme-court-justices-propped-up-by-left-wing-megadonors/>.

<sup>27</sup> Opinion, Ira Stoll, *Following the Money, the Associated Press Moves Left: The nonprofit media outlet takes handouts from the Omidyar Network and other ideological charities*, WALL ST. J. (Feb. 27, 2025), <https://www.wsj.com/opinion/following-the-money-ap-moves-left-financial-assistant-omidyar-bias-80a3d31b>.

<sup>28</sup> *Id.*

<sup>29</sup> *Hawley Investigation: DHS Documents Expose Shocking New Details on Disinfo Board Censorship Agenda*, U.S. Senator Josh Hawley (MO), Nov. 30, 2022, <https://www.hawley.senate.gov/hawley-investigation-dhs-documents-expose-shocking-new-details-disinfo-board-censorship-agenda/>

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Please feel free to “explore all possible legal remedies.” Any legal action would be frivolous and petulant. The First Amendment protects the right of the Daily Montanan to masquerade as a nonpartisan, legitimate source of news. It doesn’t, however, compel others to affirm those delusions of grandeur.

Sincerely,



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cc:

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Tate Mitchell, Communications Director, U.S. Senator Tim Sheehy

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Beau Brooks, Communications Director, U.S. Congressman Troy Downing (MT-02)

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Dewey Bruce, President and CEO, Montana Broadcasters Association

Erica Yakawich, President, Montana Newspaper Association

Brian Allfrey, Executive Director, Montana Newspaper Association

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