



January 13, 2026

RE: HOUSE OVERSIGHT COMMITTEE SUBPOENA OF JOURNALIST SETH HARP

The Honorable Mike Johnson, Speaker of the House
The Honorable Hakeem Jeffries, Minority Leader
U.S. House of Representatives
Washington, DC 20515

Cc: All members of the House of Representatives

We are organizations dedicated to defending press freedom, free expression, and the First Amendment. We are urgently calling on Congress to rescind a subpoena for investigative reporter Seth Harp. The subpoena has few parallels or precedents in recent history and poses a grave danger to the First Amendment's guarantee of press freedom. This danger is not lost on the House of Representatives. In 2024, the House unanimously passed the PRESS Act to protect journalists from subpoenas about their newsgathering.

While Congress has a broad power of inquiry, due to the legacy of the McCarthy-era, when legislatures shamefully sought to have Americans testify about their First Amendment-protected activities, federal courts have set limits on legislative subpoena power. Rep. Anna Paulina Luna's comments on social media have made clear that she lacked a legitimate legislative purpose for proposing the subpoena. In one post explaining the subpoena, she claimed the purpose was for Harp to "face accountability" as "the media has gotten away with too much for too long and I'm sick of it." Instead of being part of a legislative inquiry, these comments indicate the subpoena is rooted in animus towards our free press.

Rep. Luna has falsely claimed, including with respect to her purported referral of the matter to the Department of Justice for a criminal investigation (further underscoring her lack of legislative purpose), that Harp shared classified information about the U.S. military operation in Venezuela and "doxxed" a Delta Force Commander. Harp, in fact, shared publicly available information, including a professional headshot from Duke University, of a high-ranking colonel believed to be in the chain-of-command for the controversial military action. He was not believed by Harp to be an actual participant in the on-the-ground operation. This information was published after the operation was complete. The public identities of public officials with command responsibility over controversial political or military decisions are a matter of public concern and are not (or cannot properly be) classified, especially with respect to a past operation.

Journalists have a right under the First Amendment to publish even classified information. This right was affirmed by Rep. Luna as a cosponsor of H.Res.934 - Expressing the sense of the House of Representatives that regular journalistic activities are protected under the First Amendment, and that the United States ought to drop all charges against and attempts to extradite Julian Assange. However, none of the information published by Harp was classified. It was neither national defense information within the meaning of the Espionage Act nor did it pertain to the identity of a covert agent as defined by the Intelligence Identities Protection Act. There is zero question that Harp's actions were fully and squarely within the protections of the First Amendment, as well as outside the scope of any federal criminal statutes.

Throughout his career, Harp has reported critically on the U.S. Special Forces, as well as on U.S. foreign policy more broadly. While members of Congress are, as individuals, entitled under the First Amendment to disagree with Harp, they cannot abuse the compulsory process to retaliate against journalists.

Press freedom, like all First Amendment rights, has come under some of the most sustained attacks in recent memory. By issuing this subpoena, Congress is undermining one of the most cherished American freedoms. We urge Congress to reverse course and rescind this dangerous, unconstitutional subpoena.

Sincerely,

Defending Rights & Dissent
American Civil Liberties Union
American Society of Journalists and Authors
The Association of Foreign Press Correspondents in the USA
The Authors Guild
Association of Health Care Journalists
The Coalition For Women In Journalism
Electronic Frontier Foundation
First Amendment Coalition
First Amendment Foundation
Freedom of the Press Foundation
Investigative Reporters and Editors (IRE)
Journalism & Women Symposium (JAWS)
Los Angeles Press Club
National Coalition Against Censorship
National Writers Union
PEN America
National Press Photographers Association

Radio Television Digital News Association

Reporters Without Borders (RSF)

Society of Professional Journalists

Woodhull Freedom Foundation

Whistleblower & Source Protection Program (WHISPeR) at ExposeFacts