

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

ABDUL-HAKIM SHABAZZ,)	
)	
Plaintiff,)	
)	
v.)	No. 1:22-cv-268
)	
TODD ROKITA, in his official capacity)	
as Attorney General of the State of)	
Indiana,)	
)	
Defendant.)	

Complaint for Injunctive and Declaratory Relief

Introduction

1. Abdul-Hakim Shabazz is a well-known member of the Indianapolis media community, having covered and written about state politics and Indiana government for almost two decades. He has reported and written for many local radio and television stations as well as print media and he continues to report on politics on many media platforms. Consistent with state policy, he has been issued media credentials from the Indiana Department of Administration that he regularly uses to gain “media only” access to state officials conducting press conferences and press interviews. Nevertheless, he has been barred by Attorney General Rokita from the Attorney General’s press conferences, even though the conferences are open to all other media personnel. General Rokita’s

actions violate the First Amendment and appropriate injunctive and declaratory relief should issue.

Jurisdiction, venue, and cause of action

2. This Court has jurisdiction of plaintiff's claims under 28 U.S.C. § 1331 as he alleges a violation of his rights protected by the First Amendment.

3. Venue is proper in this district pursuant to 28 U.S.C. § 1391.

4. Declaratory relief is authorized by Federal Rule of Civil Procedure 57 and by 28 U.S.C. §§ 2201, 2202.

5. This action is brought pursuant to 42 U.S.C. § 1983 to redress the deprivation, under color of state law, of rights secured by the Constitution of the United States.

Parties

6. Abdul-Hakim Shabazz is an adult resident of Marion County, Indiana.

7. Todd Rokita is the duly elected attorney general of the State of Indiana. Although his legal name is Theodore Edward Rokita, he is known professionally and politically as Todd Rokita.

Factual allegations

8. Abdul-Hakim Shabazz has been a reporter covering Indiana government and politics since 2004.

9. Mr. Shabazz received a degree in broadcasting and journalism from Northern Illinois University. He also received a master's degree in Public Affairs from the University of Illinois and a law degree from St. Louis University.

10. Mr. Shabazz is a member of the Indiana bar in good standing and serves as an adjunct professor at the University of Indianapolis where, among other things, he has taught a course entitled American Political Behavior and a course entitled Introduction to the Mass Media and at Ivy Tech Community College where he teaches courses in the Communications Department.

11. Mr. Shabazz has covered and written about Indiana politics and the goings on at the Indiana Statehouse for Indianapolis radio stations WXNT and WIBC and Indianapolis television stations WRTV, WISH, and Fox 59. He has written for the Indianapolis Business Journal, Indianapolis Star, the StatehouseFile.Com, and NUVO.

12. At the current time Mr. Shabazz hosts a two-hour program, *Abdul at Large*, each Saturday on WIBC, 93.1 FM. He has been, and remains, a frequent contributor to Fox 59's *IN Focus* and WISH TV's *All Indiana Politics*. He remains a regular contributor to the Indianapolis Business Journal.

13. Additionally, Mr. Shabazz is the editor and publisher of IndyPolitics.Org, a political news website that focuses on Indiana and Indianapolis politics. He has owned and operated this site for 12 years.

14. Mr. Shabazz currently hosts *Indiana Issues*, a radio public affairs program that runs across the state of Indiana. It was formerly called *Politically Speaking*.

15. Given the many platforms that Mr. Shabazz appears in, he is constantly reporting on, and seeking out, news of interest to those following Indiana politics and Indiana political figures.

16. Elected officials in the Indiana Statehouse will frequently hold press conferences or other similar events where only credentialed members of the media are allowed to attend.

17. Media credentials are provided by the Indiana Department of Administration in the form of media badges that credentialed persons will wear or display.

18. Mr. Shabazz has a media badge issued by the Indiana Department of Administration. He was given this credential years ago and it has never been suspended or voided.

19. Mr. Shabazz frequently attends press conferences and similar events open only to credentialed media members so he can obtain information that he uses in his reporting on Indiana politics and other related issues.

20. Mr. Shabazz is well known as a reporter and writer about Indiana politics and was selected to moderate the debate of Republicans seeking to run as the party's candidate for the United States Senate in 2018. The debate was hosted by the nonpartisan Indiana Debate Commission.

21. One of the candidates was General Rokita and it is reported that then-candidate Rokita objected to Mr. Shabazz moderating the debate and stated that the debate should be moderated by conservatives, not “liberal media figures” and “liberal college professors.”

22. Mr. Rokita’s objections were not successful, and Mr. Shabazz moderated the debate.

23. Mr. Rokita lost the primary election for the United State Senate, although he was elected Indiana Attorney General in 2020.

24. In October of 2021, General Rokita announced that he would hold a news conference on October 14, 2021 regarding a lawsuit filed by his office to challenge robocalls made to Indiana residents.

25. The announcement of the press conference issued by the Office of the Attorney General specified that it was for credentialed media and that media personnel had to RSVP to attend.

26. As this was a newsworthy issue that Mr. Shabazz believed was of interest to the numerous persons he reaches on his various media platforms, Mr. Shabazz sent his RSVP confirming that he would attend the press conference.

27. On October 14, 2021, shortly before the press conference was to begin, Mr. Shabazz went to the press conference located in the main conference room in the Office of the Attorney General in the Indiana Statehouse.

28. This conference room could easily accommodate the members of the press who were seeking to attend.

29. At the door of the room there was a staff person employed by the Office of the Indiana Attorney General who was checking to make sure that persons attending were properly credentialed as media personnel.

30. Mr. Shabazz had his badge and presented it. However, the staff person denied him admission, indicating that he was not a credentialed media member, although Mr. Shabazz obviously was and is.

31. Mr. Shabazz was therefore not able to attend the event.

32. As Mr. Shabazz was traveling to the news conference, he was sent an e-mail by General Rokita's press secretary as a reply to his RSVP e-mail. Mr. Shabazz did not review the email until after he was denied admission to the conference.

33. The e-mail states: "Hi Abdul, [w]e're sorry, but you are not credentialed for this event. Please watch via live stream. Best, David A. Keltz."

34. The live stream option, even if Mr. Shabazz had been aware of it, was not a viable option as it did not allow for questions or the informal interactions that frequently occur with officials prior to or after formal press conferences.

35. Following this, General Rokita's office released a statement indicating that Mr. Shabazz was not an actual journalist and was merely a gossip columnist.

36. While it is true that Mr. Shabazz publishes a newsletter periodically, called the *Cheat Sheet*, which jokingly indicates that it is “a compilation of pure gossip, rumor, and blatant innuendo,” this is in addition to all the other reporting the Mr. Shabazz does on the various platforms noted above.

37. The Office of the Attorney General subscribes to the *Cheat Sheet*.

38. On October 15, 2022, Mr. Shabazz sent an e-mail to General Rokita’s press secretary that stated, “Good morning, [c]ould you please e-mail a copy of the criteria for the issuance of media credentials for the Office of the Attorney General. Thank you.”

39. Mr. Shabazz has never received a response to this e-mail.

40. On October 28, 2021, Mr. Shabazz sent a public records request to General Rokita pursuant to the Indiana Access to Public Records Act seeking information concerning credentialing of media that cover the Attorney General, documents describing the reasons for approving or denying media requests, and all documents regarding interviews General Rokita had done since being sworn into office in January of 2021.

41. He received a response indicating that the request is being reviewed. However, this is the only response that he has received.

42. The Attorney General and his office have not removed the ban on Mr. Shabazz attending the Attorney General’s news conferences and he therefore remains barred.

43. Despite Attorney General Rokita’s ban, Mr. Shabazz regularly attends press briefings, as a credentialed member of the press, of other persons in the Indiana

Statehouse. This includes press briefings and media availabilities with legislative leaders. Additionally, Mr. Shabazz has participated in a press gathering with Governor Holcomb and a news conference at the Statehouse by United States Senator Mike Braun.

44. Mr. Shabazz wishes to attend future media-only events that the Attorney General will conduct and being denied this ability negatively impacts his ability to collect, disseminate, and comment on matters of interest and import to Hoosiers.

45. The Attorney General's decision to ban Mr. Shabazz from press events is not reasonable given that Mr. Shabazz was and remains a credentialed member of the media.

46. The Attorney General's decision to ban Mr. Shabazz is based on either personal antipathy of the Attorney General towards Mr. Shabazz or on the Attorney General's opinion that Mr. Shabazz's reporting is too "liberal," or perhaps based on both.

47. In either event, the Attorney General's decision to ban Mr. Shabazz from press events is not viewpoint neutral.

48. At all times General Rokita has acted under color of state law.

49. The actions of General Rokita are causing Mr. Shabazz irreparable harm for which there is no adequate remedy at law.

Claim for relief

50. The action of defendant Rokita in banning Mr. Shabazz from press conferences and other events to which attendance is limited to credentialed media violates rights secured to Mr. Shabazz by the First Amendment to the United States Constitution.

Request for relief

WHEREFORE, plaintiff requests that this Court:

1. accept jurisdiction of this case and set it for hearing at the earliest opportunity.
2. declare that defendant has violated plaintiff's First Amendment rights.
3. enter a preliminary injunction, later to be made permanent, enjoining defendant to allow plaintiff to attend and participate in press conferences and similar events to which only credentialed press members are invited on an equal footing with the other credentialed members of the press.
4. award plaintiff his costs and reasonable attorneys' fees pursuant to 42 U.S.C. § 1988.
5. award all other proper relief.

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