



CALIFORNIA NEWS PUBLISHERS ASSOCIATION CNPA Services, Inc.

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June 25, 2020

Honorable Mike McGuire
California State Senate
State Capitol, Room 5061
Sacramento, CA 95814

RE: Support SB 629 (McGuire)

Dear Senator McGuire,

We submit this letter on behalf of the following organizations, the California News Publisher's Association, California Black Media, Impremedia, Ethnic Media Services and the First Amendment Coalition in support of your SB 629. The measure, as amended on June 25, 2020 would ensure members of the news media covering protests are protected from physical assault, arrest, or obstruction of their newsgathering activities by law enforcement agencies.

In order to protect members of the media who are often responsible for the first draft of history, SB 629 would: ensure an authorized member of the media may enter areas closed off by first responders during a demonstration, march, protest or rally; create misdemeanor liability for an officer who assaults a journalist or obstructs their ability to gather or process news; create an accelerated process for a journalist to challenge being detained by an officer; and create a rebuttable presumption that an individual who appears to be gathering or processing information or is carrying a press badge/credential is a duly authorized journalist as defined.

Recent actions taken against journalists by law enforcement officers demonstrate that additional statutory protections are necessary to allow reporters and photographers to gather and process information and report on the significant events that are transforming and reshaping our world.

In California and across the country police have arrested, detained, and have physically assaulted journalists with rubber bullets, pepper spray, tear gas, batons, and fists. In many cases there are

strong indications that the officers injuring journalists knew their targets were members of the press.

The following incidents show the blatant disregard for the safety of journalists engaged in constitutionally protected activities by law enforcement during protest activities in the state:

- In Santa Monica, BuzzFeed News reporter Brianna Sacks was detained by Santa Monica police while documenting protests on May 31, 2020.
- Police detained KPIX 5 News reporter Katie Nielsen while she was documenting protests in Oakland, California, on June 1, 2020.
- Cerise Castle, a reporter for KCRW, a Santa Monica NPR affiliate, was reporting at Beverly Boulevard and Fairfax Avenue when she was hit by a rubber bullet. She was holding her press badge above her head at the time.
- San Diego Union-Tribune reporter Andrew Dyer was shot with pepper balls while he was documenting protests in La Mesa, California, on May 31, 2020.
- In Minneapolis, Molly Hennessy-Fiske, a Los Angeles Times reporter, and Carolyn Cole, a Los Angeles Times photographer (also with a “press” flak jacket), had to escape over a wall after being gassed and shot with rubber bullets at point blank range.

The right of the press to document police activity is foundational to our democracy and has long been recognized and protected by the courts. News reporting on police conduct serves the crucial First Amendment interest in promoting the “free discussion of governmental affairs.” *Mills v. Alabama*, 384 U.S. 214, 218 (1966). Further, the ability journalists to cover people exercising their First Amendment to petition the government and assemble is crucial to continuing a dialog on the difficult issues our society faces.

In a turbulent and troubled time and with an abundance of misinformation flooding information channels, journalists need to be able to gather and report facts without having to fear that they will be shot at or arrested by law enforcement officers simply because they are trying to provide context and help us all understand the significance of these events.

Police attacks on journalists are what we expect from third world countries. SB 629 would make clear that it is the policy of this state that assaults and obstructions designed to prevent the constitutionally protected free flow of information to Californians will not be tolerated.

We applaud your efforts to protect journalists whose jobs are already difficult enough. For these reasons, we strongly support SB 629 and look forward to working with you to obtain the Governor’s signature on this important piece of legislation.

Sincerely,



Honorable Mike McGuire
Support SB 629 (McGuire)
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