



# CALIFORNIA NEWS PUBLISHERS ASSOCIATION CNPA Services, Inc.

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**ETHNIC MEDIA SERVICES**

*Promoting cross cultural communications*

**ACLU**  
California

**FAC**  
FIRST AMENDMENT COALITION

**CBM** | CALIFORNIA BLACK MEDIA

**La Opinión**  
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January 31, 2021

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

**RE: Support SB 98 (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, the California Broadcasters Association, ACLU of California, and the First Amendment Coalition in support of your SB 98. The measure 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 98 would: ensure an authorized member of the media may enter areas closed off by first responders during a demonstration, march, protest or rally; prohibit an officer from assaulting a journalist or obstructing their ability to gather or process news; and create an accelerated process for a journalist to challenge being detained by an officer.

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:

- 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.
- Barbara Davidson, a Pulitzer Prize-winning photojournalist, was covering a protest in Los Angeles when a police officer told her to move. She showed him her credentials, he responded he did not care, she again identified herself as press, and, as she began to walk away, the officer shoved her causing her to trip and hit her head on a fire hydrant;
- Cerise Castle, a reporter for National Public Radio's Santa Monica affiliate, KCRW, was shot with a rubber bullet while holding her press badge above her head. She said she was shot by an LAPD officer with whom she had just locked eyes;
- Katie Nielsen, a reporter with KPIX 5 News, was detained by officers in Oakland, while repeatedly identifying herself as press and with visible credentials. The detention was brief but interrupted her reporting on a peaceful protest organized by Oakland Tech High School students;
- Leonardo Castañeda, a reporter with the San Jose Mercury News, was zip-tied and detained by police in San Francisco;
- Jintak Han, a photographer and reporter with the University of California at Los Angeles's student newspaper, the Daily Bruin, was shot at with rubber bullets as he tried to return to his car after covering protests. He was wearing his press pass, a white helmet, a vest emblazoned with "PRESS" and was carrying three cameras;
- Adolfo Guzman-Lopez, a clearly identifiable radio journalist with KPCC in Los Angeles, was shot in the throat with a rubber bullet while covering protests in Long Beach, leaving a bloody red welt. "I felt it was a direct hit to my throat," the radio reporter said.
- 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.
- In Santa Monica, BuzzFeed News reporter Brianna Sacks was detained by Santa Monica police while documenting protests on May 31, 2020.

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 98 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.

CNPA, California Black Media, ImpreMedia, Ethnic Media Services, the California Broadcasters Association, and the First Amendment Coalition applaud your efforts to protect journalists from being targeted by police and hold officers who target members of the press accountable. For all of these reasons, CNPA, California Black Media, ImpreMedia, Ethnic Media Services, the California Broadcasters Association, and the First Amendment Coalition, strongly support SB 98 and we look forward to working with you to obtain the Governor's signature on this important piece of legislation.

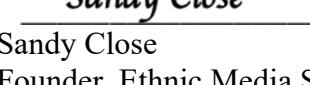
Sincerely,



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Arturo Carmona  
Senior Policy & Public Affairs Advisor, ImpreMedia

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Founder, Ethnic Media Services  
David Snyder  
Executive Director, First Amendment Coalition



Joe Berry  
President and CEO, California Broadcasters Association



Kevin Baker  
ACLU Director, Legislative Affairs

cc: Simon Grieve, CNPA Chairperson, Publisher, The Grunion, Beach Reporter, Palos Verdes Peninsula News  
Jeff Glasser, CNPA Governmental Affairs Committee Co-Chair, Senior Vice President and General  
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Steve Falk, CNPA Governmental Affairs Committee Co-Chair, CEO Sonoma Media  
Chuck Champion, CNPA President and Chief Executive Officer