



July 23, 2024

VIA ELECTRONIC MAIL

Councilmember Jovita Mendoza
Vice Mayor Susannah Meyer
City of Brentwood
City Hall, 150 City Park Way
Brentwood, CA 94513

Re: July 23 City Council Meeting: Agenda Item J.1

Dear Councilmember Mendoza and Vice Mayor Meyer:

We are writing to let you know that your idea for discriminating against news outlets is unconstitutional, no matter how well intentioned it might be.

In the United States, the government cannot control editorial decisions of news organizations or require them to follow any particular ethical code, yet that is what you have proposed to discuss. [Agenda Item No. J. 1](#) for today's meeting of the city council says you have requested the council "discuss requiring media outlets with which the City spends money on advertising, or that distribute City press releases, be held to the Society of Professional Journalists Code of Ethics and that those organizations state publically that they follow those guidelines."

While journalists are free to adopt ethical guidelines, such as the [Society of Professional Journalists' Code of Ethics](#), the government may not dictate that the press do so. As the Supreme Court held 50 years ago, the First Amendment prohibits the government from interfering with the editorial discretion of the press. *Miami Herald Pub. Co. v. Tornillo*, 418 U.S. 241 (1974). The Supreme Court reaffirmed that principle this year in *Moody v. NetChoice LLC*, 144 S. Ct. 2383 (2024). Accordingly, the First Amendment prohibits the government from requiring the press to adopt, follow, or announce any particular "code of ethics." It also prohibits the government from attempting to reach the same result indirectly by discriminating in placement of advertising or issuance of press releases. Any attempt to do so would violate the core First Amendment rule against compelling speech or discriminating based on the content or viewpoint of speech. (It's worth noting that SPJ offers its code of ethics as principles journalists may aspire to, [but it opposes](#) using it in the manner you propose.)

Given these First Amendment protections, we expect the city to take no action on this proposal. If any member of the city council or city staff wishes to deepen their understanding of these bedrock press freedom protections, we are happy to discuss further.

Please do not hesitate to contact Ginny LaRoe, advocacy director, First Amendment Coalition (glaroe@firstamendmentcoalition.org), or Joe Fitzgerald Rodriguez, president, Society of Professional Journalists Northern California Chapter (spjnorcal@gmail.com).

Thank you for your attention to this matter.

FIRST AMENDMENT COALITION

SOCIETY OF PROFESSIONAL
JOURNALISTS, NORTHERN CALIFORNIA

Ginny LaRoe
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cc: Joel R. Bryant, Mayor
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Tim Ogden, City Manager
Margaret Wimberly, City Clerk
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