

July 21, 2025

VIA EMAIL

The Honorable Sue Zwahlen, Modesto Mayor
Councilmember Rosa Escutia-Braaton
Councilmember Eric E. Alvarez
Councilmember Chris Ricci
Councilmember Nick Bavaro, Modesto Vice Mayor
Councilmember Jeremiah Williams
Councilmember David Wright
1010 10th Street
Modesto, CA 95354

Re: Concerns About Modesto Ordinance 4-23.02's Impact on Journalists

Dear Councilmembers:

We write on behalf of the First Amendment Coalition, the Society of Professional Journalists of Northern California and the Pacific Media Workers NewsGuild-CWA Local 39521 to express concern over Modesto City Ordinance 4-23.02 and its impact on lawful newsgathering. The ordinance's broad provisions prohibit anyone, including journalists, from possessing pieces of safety gear while covering public demonstrations. This puts journalists at risk while doing the job of keeping communities informed about important events in the city.

We urge the council to repeal or amend the ordinance at the earliest possible date and commit to not enforcing it against any journalist or other person engaged in lawful activity at any protest, march or public demonstration. While we appreciate the city's intentions of the ordinance are to ensure public safety for police and the public, we believe the ordinance has the opposite effect for members of the press who take common sense steps to protect their own safety while on assignment.

Specifically, the [ordinance](#) makes it a misdemeanor for anyone attending a protest to possess or wear a wide range of personal protective gear that is commonly used by journalists to cover public demonstrations. It prohibits wearing "a mask, scarf, bandana or any other accessory or item that covers or partially covers the face, except when worn for "religious beliefs or "medical necessity"; any gas masks or similar breathing devices; helmets; protective vests and jackets; and certain water bottles and much more.

These prohibited items on their face include pieces of gear that journalists often rely on to reduce risk of injury while covering protests. See the Committee to Protect Journalists' "[Guide to PPE \(Personal Protective Equipment\)](#)," the Reporters Committee for Freedom of the Press' "[Tips for covering protests](#)," the Radio Television Digital News

Association's [training guides for safe coverage of civil unrest](#), and the Los Angeles Press Club's "[Tips for Safety Covering Protests](#)." Given this — and the fact that a number of people were [recently arrested](#) under ordinance — you can understand why we are concerned the ordinance effectively criminalizes safe newsgathering practices.

Threats to the safety of journalists cannot be understated. Since 2017, there are more than 1,000 documented instances of journalists in the United States facing injury from assaults by both law enforcement and others, according to the [U.S. Press Freedom Tracker](#). That data includes 310 instances when journalists were struck or sprayed with chemical irritants and another 371 instances when journalists were shot or shot at with various crowd-control munitions. Hundreds of these incidents occurred in California, underscoring the real need for journalists to be able to carry and use the kind of equipment the city currently outlaws. For example, a recent [court order](#) noted that journalists covering protests in Los Angeles were exposed to tear gas and hit with so-called "less-lethal munitions."

Helmets, vests, masks and breathing devices have helped mitigate injury for an untold number of journalists who bravely report from public assemblies even when they become dangerous. Given the known risks to journalists and the inherent newsworthiness of public assemblies, Central Valley journalists, including those focused on informing Modesto residents, recently invested in personal protective equipment that the city prohibits. When the next protest, rally or other public assembly occurs, local reporters, photographers and other media workers should not be forced to choose between protecting themselves from harm and risking arrest.

California lawmakers made it the public policy of the state to ensure journalists can do their jobs at protests while law enforcement officers do theirs. [Penal Code section 409.7](#), adopted via SB 98 of 2021, requires journalists be permitted to access areas that are closed or blocked off by police responding to protests, and it prohibits any efforts to obstruct journalists from doing their jobs. This is a recognition of the important role journalists play in serving as the eyes and ears of communities. Modesto should ensure that its policies do not put journalists at risk by prohibiting items a given reporter or photographer may find essential to do this work.

We appreciate the city may be concerned that people wearing face coverings who attend public assemblies could feel a sense of impunity and therefore commit criminal acts. We appreciate those concerns, as California journalists have been [attacked](#) by attendees at protests and other assemblies. However, we believe the harms of the ordinance outweigh any speculative benefit.

We also want to amplify the concerns raised by the ACLU of Northern California in its [July 18 letter to you](#), detailing the ordinance's constitutional failings and harm to people's ability to peacefully assemble and report on protests. We share the concern of the clear legal defects and real risk to otherwise lawful activity, including newsgathering. Given this, we urge you to move swiftly to repeal or amend the ordinance to ensure it

complies with federal and state law and avoids unnecessary risk to journalists' ability to safely keep communities informed.

Thank you for your consideration of this important issue.

FIRST AMENDMENT COALITION

Ginny LaRoe
Advocacy Director
glaroe@firstamendmentcoalition.org

SOCIETY OF PROFESSIONAL JOURNALISTS OF
NORTHERN CALIFORNIA

Joe Fitzgerald Rodriguez
President
spjnorcal@gmail.com

PACIFIC MEDIA WORKERS GUILD
NEWSGUILD-CWA
LOCAL 39521

Annie Sciacca
President
aesciacca@gmail.com

cc: Diane Nayares-Perez, City Clerk
Jose M. Sanchez, Modesto City Attorney
Jeff Laugero, Stanislaus County District Attorney
Brandon Gillespie, Modesto Chief of Police