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October 9, 2025

VIA ELECTRONIC MAIL

Clinton Curtis
County Clerk/Registrar of Voters
Shasta County
1450 Court St., Suite 108
Redding, CA 96001
Email: ccurtis@shastacounty.gov

Re: Exclusion of Shasta Scout from press releases sent to other outlets

Dear Mr. Curtis:

The First Amendment Coalition is a nonprofit, nonpartisan organization dedicated to defending freedom of speech, freedom of the press, and the people's right to know. I represent Shasta Scout, an independent online publication that covers Shasta County news. I write to explain that your office's decision to exclude Shasta Scout from the distribution of press releases sent to other media outlets violates the First Amendment and threatens freedom of the press.

Please immediately restore Shasta Scout's access to distribution of your office's press releases. With an election scheduled for November 4, 2025, time is of the essence, and failure to restore Shasta Scout to distribution of press releases immediately would impact the public's access to relevant information and expose the County to imminent litigation.

I understand that an October 3 press release sent by your office to other local media outlets was not sent to Shasta Scout. When Shasta Scout inquired about the matter, you replied that it was excluded from distribution of press releases because you do not consider it to be a "legitimate" newsroom due to alleged concerns with its "political lean" and nonprofit status.¹ As you wrote, "While we are fairly lenient with what constitutes valid media, this office notifies potential media outlets that appear legitimate."

This and other evidence suggests your office's treatment of Shasta Scout is motivated by its perceived content or viewpoint. The exclusion of Shasta Scout from press releases sent to other newsrooms followed not long after [Shasta Scout reported](#) on whether the California Secretary of State's office had approved your plans for processing ballots. Previously, [you told Shasta Scout](#), "I'll speak to people that are semi-friendly, anybody else I stop talking to altogether." While perhaps it may be your right to decide which reporters will receive personal interviews, your

¹ Shasta Scout strongly disputes that it is not in compliance with relevant tax rules or that its coverage has favored or opposed any candidate for elected office, but even taking your allegations at face value, they are irrelevant for First Amendment purposes and cannot justify excluding Shasta Scout from distribution of press releases sent to other outlets. In any event, Shasta Scout has [publicly posted](#) the nonprofit tax returns for its fiscal years ending June 30, 2023 and June 30, 2024. [According to the IRS](#), the return for its fiscal year that ended June 30, 2025 is not due at the earliest until November 15, 2025.

comment raises serious concerns that Shasta Scout was deprived of access to press releases because its coverage is not perceived as sufficiently “friendly.”

In addition, following Shasta Scout’s recent election coverage, its editor received a voicemail and phone call from Assistant Registrar of Voters Brent Turner unjustifiably accusing her of “meddling” in elections, “election interference,” and trying to throw the 2026 election in favor of your opponent. Contrary to Mr. Turner’s unfounded allegations, Shasta Scout’s coverage has reported the facts fairly and accurately. In any event, media coverage of campaigns and elections is fully protected by the First Amendment and cannot be deemed “interference.” Any suggestion to the contrary threatens the fundamental freedom of the press.

For the following reasons, the decision to exclude Shasta Scout from distribution of press releases shared with other news outlets violated the First Amendment and threatened freedom of the press. The First Amendment was designed to “preserve an untrammelled press as a vital source of public information.” *Grosjean v. Am. Press Co.*, 297 U.S. 233, 250 (1936). From the earliest days of this nation, the “right of free public discussion of the stewardship of public officials” has been “a fundamental principle of the American form of government.” *New York Times Co. v. Sullivan*, 376 U.S. 254, 275 (1964). The Ninth Circuit recently affirmed that “newsgathering is an activity protected by the First Amendment.” *Garcia v. County of Alameda*, No. 24-6814, 2025 U.S. App. LEXIS 22860, *11 (9th Cir. Sept. 4, 2025) (cleaned up).

As the Supreme Court said, the “Constitution specifically selected the press” to “play an important role in the discussion of public affairs,” and “the press serves and was designed to serve as a powerful antidote to any abuses of power by governmental officials and as a constitutionally chosen means for keeping officials elected by the people responsible to all the people whom they were selected to serve.” *Mills v. Alabama*, 384 U.S. 214, 219 (1966) (striking down law that prohibited editorials on election day urging people to vote in a certain way).

In particular, the First Amendment prohibits the government from excluding specific publications from access to materials generally provided to other news outlets. The government may not “selectively exclude news media from access to information otherwise made available for public dissemination,” because the government cannot be “allowed to affect the content or tenor of the news by choreographing which news organizations have access to relevant information.” *Anderson v. Cryovac. Inc.*, 805 F.2d 1, 9 (1st Cir. 1986).

In other words, with respect to distribution of press releases, “once there is a public function, public comment, and participation by some of the media, the First Amendment requires equal access to all of the media or the rights of the First Amendment would no longer be tenable.” *Am. Broad. Cos. v. Cuomo*, 570 F.2d 1080, 1083 (2d Cir. 1977); *see also, e.g., Telemundo of L.A. v. City of Los Angeles*, 283 F. Supp. 2d 1095, 1102–03 (C.D. Cal. 2003) (noting First Amendment prohibits discriminating in press access “to public forums or information”); *United Teachers of Dade v. Stierheim*, 213 F. Supp. 2d 1368, 1373–74 (S.D. Fla. 2002) (holding that exclusion of a reporter from a press room that was open to the media was improper and noting government may not discriminate against publication because of its viewpoint); *Chicago Reader v. Sheahan*, 141 F. Supp. 2d 1142, 1147 (N.D. Ill. 2001) (holding government must allow reporter to continue covering a jail “on the same terms as other reporters”); *Westinghouse Broad. Co. v. Dukakis*,

409 F. Supp. 895, 896–97 (D. Mass. 1976) (holding selective exclusion of television station from press conference violated First Amendment); *Borreca v. Fasi*, 369 F. Supp. 906, 907, 909–10 (D. Haw. 1974) (enjoining mayor from excluding reporter from news conferences due to mayor’s belief that reporter’s coverage “was irresponsible, inaccurate, biased, and malicious”).

The government may not condition its distribution of press releases on its perception of what publications are deemed “legitimate.” As settled by the Supreme Court long ago, “The liberty of the press is not confined to newspapers and periodicals.... The press in its historic connotation comprehends every sort of publication which affords a vehicle of information and opinion.” *Lovell v. City of Griffin*, 303 U.S. 444, 452 (1938).

Therefore, for purposes of the First Amendment, the press includes not only “the institutionalized print or broadcast media” but also any person or entity “gathering news for dissemination to the public,” regardless of business model, corporate status, or allegations about tax or regulatory compliance. *Shoen v. Shoen*, 5 F.3d 1289, 1293 (9th Cir. 1993).

The same is true for digital media. *O’Grady v. Superior Court*, 139 Cal. App. 4th 1423, 1467–68 (2006). There is “no sustainable basis to distinguish” Shasta Scout “from the reporters, editors, and publishers who provide news to the public through traditional print and broadcast media,” because they all “gather, select, and prepare, for purposes of publication to a mass audience, information about current events of interest and concern to that audience.” *Id.* at 1467.

The First Amendment protects a news publication’s “exercise of editorial control and judgment.” *Miami Herald v. Tornillo*, 418 U.S. 241, 258 (1974). The Constitution leaves the choice of how to cover “public issues” — “whether fair or unfair” — to each independent news organization, not the government. *Moody v. NetChoice, LLC*, 603 U.S. 707, 738 (2024) (quoting *Miami Herald*, 418 U.S. at 258). The government’s function is to serve the people and defend the Constitution, not to “sit as some kind of journalism review seminar.” *Fletcher v. San Jose Mercury News*, 216 Cal. App. 3d 172, 187 (1989) (cleaned up).

The selective targeting of one publication for exclusion from materials distributed to other media outlets is unconstitutional, regardless of whether the government intends to discriminate based on perceived viewpoint or content. See *Minneapolis Star & Tribune Co. v. Minn. Comm’r of Revenue*, 460 U.S. 575, 591–93 (1983). Where, as here, the facts suggest that such discrimination may indeed have motivated the exclusion of Shasta Scout from press releases sent to other news outlets, the constitutional violation is particularly stark. “At the heart of the First Amendment’s Free Speech Clause is the recognition that viewpoint discrimination is uniquely harmful to a free and democratic society.” *NRA of Am. v. Vullo*, 602 U.S. 175, 187 (2024). Even without viewpoint discrimination, content-based discrimination violates the First Amendment. *Reed v. Town of Gilbert*, 576 U.S. 155, 163–64 (2015); see also *Sherrill v. Knight*, 569 F.2d 124, 129 (D.C. Cir. 1977) (noting “arbitrary or content-based criteria for press pass issuance are prohibited under the first amendment”).²

² Your mistaken belief about Shasta Scout’s viewpoint or content does not immunize the County from a First Amendment violation. See *Heffernan v. City of Paterson*, 578 U.S. 266, 273 (2016) (holding public employer’s “factual mistake” about employee’s speech did not immunize it from First Amendment claim).

Beyond the threat to Shasta Scout's press freedoms, your office's actions exert a chilling effect on the journalism community as a whole. No publication should have to couch its news coverage for fear of losing basic rights guaranteed to the media. Whatever your office's intent may have been, its actions suggest that publications will be punished for coverage perceived as critical. The First Amendment does not tolerate such interference with a free press, especially in the context of covering elections. Election officials hold an important role, and the public relies on the press for information about the election process.

For all of these reasons, please ensure compliance with the First Amendment by immediately restoring Shasta Scout to your office's distribution of press releases. I hope it will be unnecessary to litigate this matter, but the County remains exposed to imminent litigation if this matter is not promptly resolved.

Sincerely,

FIRST AMENDMENT COALITION



David Loy
Legal Director

cc: Shasta County Board of Supervisors, shastacountybos@shastacounty.gov
Shasta County Counsel, countycounsel@shastacounty.gov
Brent Turner, bturner@shastacounty.gov
Elections Office, elections@shastacounty.gov