

May 30, 2024

Chair Dick Durbin
Senate Committee on the Judiciary
711 Hart Senate Building
Washington, D.C. 20510

Ranking Member Lindsey Graham
Senate Committee on the Judiciary
211 Russell Senate Office Building
Washington, DC 20510

RE: PRESS Act Markup (S.2074)

Dear Chairman Durbin and Ranking Member Graham:

The undersigned civil liberties, government accountability, and journalism organizations, as well as individual law professors and media lawyers, write to express our strong support for enacting the Protect Reporters from Exploitative State Spying Act (PRESS Act, [S.2074](#)). We appreciate that you have co-sponsored the bill and urge you to schedule a markup of the bill in the Senate Judiciary Committee as soon as possible.

The PRESS Act is a [bipartisan](#) shield bill that would protect journalist-source confidentiality, subject to common-sense exceptions, such as cases involving terrorism, other serious emergencies, or journalists suspected of crimes. The Act would also protect journalists against government surveillance through their phone and email providers.

The PRESS Act passed the House without objection in two consecutive terms because Americans of all political stripes value the Fourth Estate and agree on reducing government surveillance. As you know, the bill has strong bipartisan support in the Senate, and Senator Schumer has also [expressed support](#) for the PRESS Act. [Media publishers](#), [press freedom organizations](#) and editorial boards [around](#) the [country](#) have endorsed it.

Journalists need protection from compelled disclosure of their sources and newsgathering materials, to ensure their ability to report on matters of public interest. When courts require journalists to reveal confidential sources' identities or other information related to their reporting, such compulsion undermines their ability to gather the news and keep Americans informed. Currently, some federal circuits recognize a limited reporter's privilege, while others, like the Seventh Circuit, recognize none. That means journalists and their sources are faced with great uncertainty regarding what law would apply in the event of an effort to unmask confidential sources.

This threat is not hypothetical. In February, a federal judge [held journalist Catherine Herridge](#) in contempt of court for refusing to divulge her sources for reporting for Fox News about an online school’s alleged ties to the Chinese military. The judge repeatedly noted the absence of a federal law protecting journalist-source confidentiality. As Herridge recently [explained in her testimony](#) before a House Judiciary subcommittee, the PRESS Act would “put an end” to this legal jeopardy for her and other journalists.

Importantly, the PRESS Act has a broad definition of “covered journalist” that includes anyone who regularly gathers and reports news. This recognizes the evolving nature of the profession and affords the same protections to freelance journalists and independent outlets that are enjoyed by the likes of the Wall Street Journal and Fox News.

In addition, the PRESS Act would prevent future executive branch officials from targeting journalists and their sources. Subject to a few sensible exceptions, such as a reasonable threat of imminent violence or when journalists are suspected of crimes, the bill would prohibit most subpoenas of reporters’ phone and email records, a tactic used by [Democratic](#) and [Republican](#) administrations to attempt to uncover reporters’ sources. It would also protect local journalists who report on matters unrelated to politics.

As co-sponsors of the PRESS Act, we know you understand the importance of this legislation. We urge you to promptly schedule a markup of the PRESS Act in the Senate Judiciary Committee so that it can be considered by the full Senate and become the law of the land. Doing so would immeasurably fortify Americans’ First Amendment rights.

Respectfully,

Organizations:

Alabama Press Association
American Civil Liberties Union
American Society of Journalists and Authors
(ASJA)
Arizona Press Club
Arkansas Broadcasters Assoc
ARTICLE 19
Association of Foreign Press
Correspondents
Association of Health Care Journalists
The Authors Guild
CalMatters
Center for Democracy & Technology

The Chicago Headline Club (SPJ Chicago
Chapter)
The Coalition For Women In Journalism
Colorado Freedom of Information Coalition
Colorado Press Association
Committee to Protect Journalists
Defending Rights & Dissent
Demand Progress
Electronic Frontier Foundation
Fight for the Future
First Amendment Coalition
Fix the Court
Free Press Action

Freedom of the Press Foundation
Georgia First Amendment Foundation
GovTrack.us
Illinois Broadcasters Association
Illinois Press Association
Indigenous Journalists Association
Institute for Free Speech
The Intercept
Kansas Association of Broadcasters
Knight First Amendment Institute at
Columbia University
LION Publishers
Louisiana Association of Broadcasters
Marion County Record
Massachusetts Broadcasters Association
Media and Democracy Project
The Minnesota Broadcasters Association
Minnesota Newspaper Association
Mississippi Press Association
Montana Broadcasters Association
Motion Picture Association
Ms. magazine
National Association of Science Writers
National Freedom of Information Coalition
National Lawyers Guild
National Press Photographers Association
(NPPA)
Nebraska Press Association
New Jersey Broadcasters Association
New Mexico Broadcasters Association
New York News Publishers Association
New York Press Association
North Carolina Press Association
North Dakota Broadcasters Association
North Dakota Newspaper Association
Online News Association
PEN America
Penguin Random House LLC
Pro Publica, Inc.
Project Censored

Protect The 1st Foundation
Public Participation Project
Radio Television Digital News Association
Reporters Without Borders (RSF)
Restore The Fourth
RootsAction.org
Society of Environmental Journalists
Society of Professional Journalists
Society of Professional Journalists East
Tennessee Pro Chapter
Society of Professional Journalists Houston
Pro Chapter
South Carolina Press Association
South Dakota NewsMedia Association
South Florida Sun Sentinel
SPJ New England
St. Louis Society of Professional Journalists
Student Press Law Center
Surveillance Technology Oversight Project
Texas Association of Broadcasters
Thomas & LoCicero
Tucson Sentinel
Tully Center for Free Speech
Utah Press Association
Whistleblower & Source Protection Program
(WHISPeR) at ExposeFacts
Woodhull Freedom Foundation
Woodhull Freedom Foundation
Wyoming Press Association
X-Lab

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