



December 12, 2022

Senate Majority Leader Chuck Schumer
322 Hart Senate Office Building
Washington, D.C., 20510

Re: Pass the PRESS Act (H.R. 4330/S. 2457)

Dear Leader Schumer:

We, the undersigned press freedom organizations, government accountability and civil liberties organizations, and media outlets, urge you to include the PRESS Act (H.R. 4330/S. 2457) in a 2022 end-of-year omnibus bill. The PRESS Act is a [strong shield law](#) protecting journalists from surveillance or compelled disclosure of source materials except in emergency situations.

The PRESS Act is a bipartisan bill. The House passed the PRESS Act unanimously in September and Americans of all political leanings agree on the need to [reduce government surveillance](#). The Reporters Committee for Freedom of the Press and major media outlets nationwide have [come out in support](#) of the PRESS Act.

We know you understand the importance of this legislation – as well as its bipartisan appeal – because you and Sen. Lindsey Graham sponsored a similar shield bill, the [Free Flow of Information Act](#), almost a decade ago. [You rightly recognized then](#) that shield legislation like the PRESS Act “would provide clear and meaningful protection at the federal level for journalists against improper intrusion into the free press.”

Forty nine states, red and blue alike, have either [passed shield laws or recognized](#) some form of reporter’s privilege. The federal courts are the outlier and protections vary widely between appellate circuits, creating unpredictability for journalists and their sources. One federal appellate court admitted that journalists’ investigative capabilities “[would be enhanced](#)” if they were shielded from government-compelled disclosure. “But they are not,” it concluded, leaving journalists subject to intimidation and arrest for protecting sources.

Freedom of the Press Foundation | 49 Flatbush Avenue, #1017 | Brooklyn, NY 11217

Website: <https://freedom.press> | **Twitter:** @FreedomOfPress | **Email:** info@freedom.press



This year, the Department of Justice took a step towards remedying the problem by adopting new policies restricting subpoenas and seizures from journalists. [28 CFR 50.10](#). Attorney General Garland [released the following statement](#) in connection with those policies:

Because freedom of the press requires that members of the news media have the freedom to investigate and report the news, the new regulations are intended to provide enhanced protection to members of the news media from certain law enforcement tools and actions that might unreasonably impair newsgathering.

The PRESS Act would codify the DOJ's policies so they cannot be changed or repealed by future administrations.

A "[cantankerous press, an obstinate press, a ubiquitous press](#)" that promotes transparency and accountability benefits all facets of government, including national security. Nonetheless, the PRESS Act recognizes law enforcement concerns through an exemption when information is necessary to "prevent, or to identify any perpetrator of, an act of terrorism against the United States." It then establishes common sense procedures to ensure that the exemption is not abused. S. 2457, 117th Cong. §§ 3, 4.

The [DOJ now recognizes that](#) "freedom of the press can be no broader than the freedom of members of the news media to investigate and report the news." The Fourth Estate is not free as long as prosecutors and investigators are empowered to commandeer newsrooms in disregard of the media's constitutionally-recognized independence.

It is crucial that you act [before this Congress adjourns](#) so that journalists do not need to wait another decade or more for the protections they need to do their jobs effectively. By reaffirming your longtime commitment to First Amendment freedoms, you will be sending a powerful message to journalists and all Americans who rely on a free and vibrant press to participate in democracy.

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Sincerely,

Advocacy for Principled Action in
Government

American Civil Liberties Union

Arizona Press Club

ARTICLE 19

CalMatters

Center for Democracy &
Technology

Center for Media at Risk

Coalition for Women in
Journalism

Committee to Protect Journalists

Defending Rights and Dissent

Demand Progress

Electronic Frontier Foundation

Eye on Ohio, the Ohio Center for
Journalism

Fight for the Future

First Amendment Coalition

Freedom of the Press
Foundation

Good Morning Wilton

Government Information Watch

Illinois Eagle

Institute for Nonprofit News

J. The Jewish News of Northern
California

Knight First Amendment Institute
at Columbia University

LION Publishers

Ms. Magazine

National Coalition Against
Censorship

National Freedom of Information
Coalition

Online News Association

New York News Publishers
Association

PEN America

Project for Privacy &
Surveillance Accountability

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Association

Reporters Without Borders

Surveillance Technology
Oversight Project

The NewsGuild-CWA

Tucson Sentinel

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