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*Affiliations appear only for purposes of identification.*

By email

October 8, 2024

United States House of Representatives  
Washington, D.C. 20510

Re: Support the PRESS Act (S.2074/H.R. 4250).

Dear Representative:

The Reporters Committee for Freedom of the Press and the 108 undersigned news media and press rights organizations write in strong support of the Protect Reporters from Exploitative State Spying, or PRESS, Act. The PRESS Act would provide essential protections for the public's right to know.

The bill passed unanimously in the House of Representatives earlier this Congress, and it is currently pending in the Senate. We commend the House for passing the bill. If the measure returns to the House for a vote this Congress, we again urge you to support the measure.

The PRESS Act is timely and critical. Absent a federal law, journalists' protections in federal courts against the compelled disclosure by federal officials of confidential source information or sensitive newsgathering materials vary considerably by jurisdiction.<sup>1</sup> And, in recent years, under administrations of both parties, the Justice Department and other federal agencies have sought sensitive records from or of journalists on multiple occasions. While the Department of Justice adopted new internal guidance in 2021 sharply limiting that practice at DOJ, the policy remains subject to change at the department's discretion and other federal agencies are not bound by it.<sup>2</sup>

Only Congress can provide the press the certainty of a federal statute and, in doing so, vindicate the core principle that, when our Constitution was adopted, "[t]he press was protected so that it could bare the secrets of government and inform the people." *N.Y. Times Co. v. United States*, 403 U.S. 713, 717 (1981) (Black, J., concurring).

The PRESS Act, which passed in the House of Representatives on January 18, 2024, would shield reporters from having to disclose information identifying confidential sources as well as records, communications content, documents, or information that the journalist

<sup>1</sup> For a thorough accounting of the law on reporter's privileges in every federal and state jurisdiction, see *Reporters Privilege Compendium*, Reporters Comm. for Freedom of the Press, <https://www.rcfp.org/reporters-privilege/> (last visited September 27, 2024).

<sup>2</sup> See 28 C.F.R. § 50.10 (2022); Bruce D. Brown & Gabe Rottman, *A Major Milestone in the Fight for Press Freedom*, CNN (Oct. 28, 2022), <https://perma.cc/7EL5-737X>.

obtained or created as part of their journalism. The bill also bars government demands for that data to third parties like phone or email providers unless a court finds a reasonable threat of imminent violence absent disclosure. And it helpfully uses a functional definition of journalist that focuses on the gathering and reporting of news to the public.

The bill includes narrow exceptions. A court can order the disclosure of protected information from a covered journalist when it determines that it is necessary to prevent or identify the perpetrator of an act of terrorism against the United States, or to prevent a threat of imminent violence, significant bodily harm, or death, including specified offenses against a minor. It also does not apply when the journalist is suspected of having committed a crime.

When one of these exceptions does apply and the government seeks records from a third-party, the bill provides for strong notice provisions to ensure news organizations can negotiate the scope of a request for records or challenge it in court. The government would be able to delay this notice when a judge determines that providing it would pose a “clear and substantial threat to the integrity of a criminal investigation, or would present an imminent risk of death or serious bodily harm.”

The PRESS Act is a reasonable, common-sense measure to preserve the free flow of information to the public, as evidenced by its broad bipartisan support and the fact that 49 states and the District of Columbia have similar protections. All reflect the reality that the press cannot fulfill its constitutionally recognized watchdog role without some safeguard for confidential source identities and sensitive newsgathering material. Congress must step in to provide a durable shield at the federal level.

Please do not hesitate to contact Bruce D. Brown, Reporters Committee Executive Director, or Gabe Rottman, Policy Director, with any questions. They can be reached by email at [bruce.brown@rcfp.org](mailto:bruce.brown@rcfp.org) and [grottman@rcfp.org](mailto:grottman@rcfp.org), respectively.

Sincerely,

Reporters Committee  
for Freedom of the Press

Advance Publications, Inc.  
Alabama Press Association  
Allied Daily Newspapers of Washington  
America’s Newspapers  
American Broadcasting Companies, Inc.  
Arizona Media Association  
Arkansas Press Association  
The Associated Press  
The Atlantic Monthly Group LLC  
Axios Media Inc.  
Bloomberg L.P.

Boston Globe Media Partners, LLC  
BuzzFeed  
Cable News Network, Inc.  
California News Publishers Association  
CalMatters  
CBS Broadcasting Inc.  
The Center for Investigative Reporting  
(d/b/a Reveal)  
Colorado Press Association  
Columbia Journalism Review  
Committee to Protect Journalists

Cox Media Group  
The Daily Beast Company LLC  
Dow Jones & Company, Inc.  
The E.W. Scripps Company  
First Amendment Coalition  
Florida Press Association  
Forbes Media LLC  
Fox News Network, LLC  
Fox Television Stations, LLC  
Gannett Co., Inc.  
Georgia Press Association  
Gray Local Media, Inc.  
The Guardian U.S.  
Hoosier State Press Association  
Illinois Press Association  
Indiana Broadcasters Association  
The Intercept Media, Inc.  
International Society of Weekly  
Newspaper Editors  
Iowa Newspaper Association  
Kansas Press Association  
Kentucky Press Association  
Los Angeles Times Communications  
LLC  
Louisiana Press Association  
The Marshall Project  
Maryland-Delaware-D.C. Press  
Association  
Massachusetts Newspapers Publishers  
Association  
The McClatchy Company, LLC  
Media Law Resource Center  
Media of Nebraska  
MediaNews Group Inc.  
Michigan Press Association  
Minnesota Newspaper Association  
Mississippi Press Association  
Missouri Press Association  
Montana Newspaper Association  
Motion Picture Association  
National Association of Broadcasters  
National Newspaper Association  
National Press Club Journalism Institute  
The National Press Club  
National Press Photographers  
Association

National Public Radio, Inc.  
NBCUniversal Media, LLC  
Nebraska Press Association  
Nevada Press Association  
New England Newspaper and Press  
Association, Inc.  
New Jersey Press Association  
New York News Publishers Association  
New York Press Association / New York  
Press Service  
The New York Times Company  
The New Yorker  
News/Media Alliance  
Newsday LLC  
The NewsGuild – CWA  
Nexstar Media Inc.  
North Carolina Press Association  
North Dakota Newspaper Association  
Ohio News Media Association  
Oklahoma Press Association  
Oregon Newspaper Publishers  
Association  
Pennsylvania NewsMedia Association  
The Philadelphia Inquirer  
POLITICO LLC  
Pro Publica, Inc.  
Pulitzer Center on Crisis Reporting  
Radio Television Digital News  
Association  
Reuters News & Media Inc.  
The Seattle Times Company  
Slate  
Society of Professional Journalists  
South Carolina Press Association  
South Dakota NewsMedia Association  
TEGNA Inc.  
Tennessee Press Association  
Texas Press Association  
Texas Tribune  
TIME USA, LLC  
Univision Networks & Studios, Inc.  
Utah Press Association  
Vermont Press Association  
Virginia Press Association  
Vox Media, LLC  
Washington Newspaper Publishers

Association  
The Washington Post  
Wisconsin Newspaper Association  
WNET  
Wyoming Press Association