

The Protect Reporters from Exploitative State Spying [PRESS] Act

Background: At a time when the federal government has increasingly retaliated against journalists for their use of confidential sources, it is more urgent than ever to preserve the free flow of information to the public and ensure journalists are not unfairly and excessively targeted by the federal government for their work. This threat was highlighted by media reports which revealed that the Department of Justice secretly seized records from reporters who work for The Washington Post, CNN, and New York Times. Government seizure of data has a chilling effect on reporters' ability to speak with confidential sources and inform the public. These fundamental activities of a free press are vital to democracy.

Shield laws give journalists the right to refuse to disclose sources used, or information obtained, during news gathering. While 48 states and the District of Columbia have some form of a shield law or reporter's privilege, the protections vary widely from state to state. There is currently no federal shield law.

The PRESS Act aims to ensure that the media can continue to play its essential role as a watchdog holding our government accountable. The bill would protect the free flow of information against government overreach. Specifically, the PRESS Act would shield journalists from court-ordered disclosure of information about a source and what the source told them unless disclosure of the protected information is necessary to prevent, or to identify any perpetrator of, an act of terrorism against the United States, or necessary to prevent the threat of imminent violence, significant bodily harm, or death, including specified offenses against a minor.

The PRESS Act:

- Defines a covered journalist as someone who gathers, prepares, collects, photographs, records, writes, edits, reports, or publishes news or information that concerns news events or other matters of public interest for dissemination to the public.
- Requires the federal government to provide journalists the opportunity to respond to demands for records, information, or other communications from journalists.
- Extends these compelled disclosure standards and exemptions to include email, telephone, and other third party providers holding data that could reveal a journalist's source.

Endorsements

● News/Media Alliance ● Radio Television Digital News Association ● National Association of Broadcasters ● Freedom of the Press Foundation ● Demand Progress ● American Civil Liberties Union ● Committee to Protect Journalists ● Reporters Without Borders ● Reporters Committee for Freedom of the Press ● Electronic Frontier Foundation ● Defending Rights and Dissent ●

PEN America • Center for Democracy & Technology • First Amendment Coalition • ARTICLE 19 • Protect the 1st Foundation • Online News Association • Coalition For Women In Journalism • Knight First Amendment Institute at Columbia University • Government Information Watch • Institute for Nonprofit News • New York News Publishers Association • Surveillance Technology Oversight Project • Granitt • Illinois Eagle • J. The Jewish News of Northern California • Tucson Sentinel • Arizona Press Club