



# CALIFORNIA NEWS PUBLISHERS ASSOCIATION CNPA Services, Inc.

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March 15, 2021

Honorable Lorena Gonzalez  
California State Assembly  
State Capitol, Room, 2114  
Sacramento, CA 95814

**RE: Support AB 48 (Gonzalez)**

Dear Assemblywoman Gonzalez,

I submit this letter on behalf of the California News Publisher’s Association, in support of your AB 48, which seeks to prohibit the use of kinetic energy projectiles and chemical agents to disperse those exercising their First Amendment rights to assemble and protest, except in specific circumstances. The widespread use of rubber bullets and tear gas against protesters following the death of George Floyd, have made it clear that limitations on the use of these tactics are necessary.

AB 48 will protect the public, and the press, who are almost always among the public, covering these demonstrations, and are also harmed when these tactics are used to disperse those protesting, by limiting the circumstances that kinetic energy projectiles, such as rubber bullets, and chemical agents, such as tear gas. The prohibition against the use of these serious and often harmful weapons simply to disperse a crowd or for violation of an imposed curfew, frequently used to bring an end to protests, will ensure that police give pause before using these “non-lethal” methods.

Further, this bill will enhance the press’s ability to cover these demonstrations and the use of rubber bullets and tear gas by police by requiring departments to report: what kinetic energy projectiles or agents chemicals are used; the number of rounds or quantity of gas used; the justification for the use of these tactics; and the injuries resulting from the use of kinetic energy projectiles and chemical agents. By requiring these reports, the press can follow up on the aftermath of demonstrations with accurate information on the use of these tactics against the public. This reporting will in turn better inform the public debate on issues of importance, such as police brutality.

In California and across the country police have arrested, detained, and have physically assaulted journalists with rubber bullets, pepper spray, tear gas, batons, and fists. In many cases there are strong indications that the officers injuring journalists knew their targets were members of the press.

The following incidents show the blatant disregard for the safety of journalists engaged in constitutionally protected activities by law enforcement during protest activities within the last year:

- San Diego Union-Tribune reporter Andrew Dyer was shot with pepper balls while he was documenting protests in La Mesa, California, on May 31, 2020.
- Cerise Castle, a reporter for National Public Radio's Santa Monica affiliate, KCRW, was shot with a rubber bullet while holding her press badge above her head. She said she was shot by an LAPD officer with whom she had just locked eyes;
- Jintak Han, a photographer and reporter with the University of California at Los Angeles's student newspaper, the Daily Bruin, was shot at with rubber bullets as he tried to return to his car after covering protests. He was wearing his press pass, a white helmet, a vest emblazoned with "PRESS" and was carrying three cameras;
- Adolfo Guzman-Lopez, a clearly identifiable radio journalist with KPCC in Los Angeles, was shot in the throat with a rubber bullet while covering protests in Long Beach, leaving a bloody red welt. "I felt it was a direct hit to my throat," the radio reporter said.
- In Minneapolis, Molly Hennessy-Fiske, a Los Angeles Times reporter, and Carolyn Cole, a Los Angeles Times photographer (also with a "press" flak jacket), had to escape over a wall after being gassed and shot with rubber bullets at point blank range.

Your AB 48 protects the public and the press two-fold, first by limiting the circumstances these weapons and tactics can be used, and then requiring the reporting of when, how, why, and the injuries that resulted from their use. The monthly reporting requirement will better enable the press to accurately report on the aftermath of demonstrations and how police are responding to them.

CNPA applauds your efforts to protect the public, while exercising their First Amendment rights, from the use of kinetic energy projectiles and chemical agents, as well as the additional reporting requirements following the use of these tactics. For all of these reasons, CNPA, strongly support AB 48 and we look forward to working with you to obtain the Governor's signature on this important piece of legislation.

Sincerely,



Brittney Barsotti  
General Counsel, CNPA

cc: Simon Grieve, CNPA Chairperson, Publisher, The Grunion, Beach Reporter, Palos Verdes Peninsula News  
Jeff Glasser, CNPA Governmental Affairs Committee Chair, Senior Vice President and General Counsel, Los Angeles Times

Steve Falk, CNPA Governmental Affairs Committee Co-Chair, CEO Sonoma Media  
Chuck Champion, CNPA President and Chief Executive Officer