



June 17, 2020

The Honorable Steve Adler, Mayor of Austin
Chief Brian Manley, Chief of the Austin, Texas Police Department

Dear Mayor Adler, Chief Manley, and all those in positions of authority in Austin,

On behalf of the undersigned organizations, we are writing to express our deep concern at the numerous attacks on protesters and journalists while covering demonstrations following the recent murders of George Floyd in Minneapolis, MN, Breonna Taylor in Louisville, KY, Ahmaud Arbery in Glynn County, GA, Tony McDade in Tallahassee, FL, Rayshard Brooks in Atlanta, GA, Robert L. Fuller in Palmdale, CA, Malcolm Harsch in Victorville, CA, EJ Bradford in Hoover, AL and the countless others who have been the victims of anti-Black and state violence throughout our nation's history. We call on you to immediately and unambiguously stand up for free expression and take specific steps to ensure that protesters are protected from retaliation, and that the press can carry out their work safely.

As leaders of the city of Austin, you hold a position of power bound by the U.S. Constitution and the First Amendment. On behalf of the waves of individuals exercising their right to publicly assemble and dissent, as well as the hundreds of journalists who have been directly targeted or harmed in the course of these protests, we ask that you speak out unambiguously about the importance of free expression and take specific measures to ensure that journalists working in your city and protesters alike can carry out their vital work without fear of reprisal or injury.

The [US Press Freedom Tracker](#) and the [Committee to Protect Journalists](#) are investigating more than 400 incidents of anti-press violations, the majority of which appear to have been perpetrated by law enforcement. These include arrest, assault, shooting at journalists with rubber bullets and tear gas, in many cases despite the fact that these journalists were clearly identified as such. On May 30, the Austin Police Department [asked](#) the media to avoid the site of a protest on May 30, a statement that served to chill press freedom and signaled a lack of commitment to ensuring the free flow of information to the public. The next day, a crew of journalists from Fox 7 [was hit](#) with tear gas during a live report.

Alongside members of the media, citizen journalists and activists have done the essential work of documenting unwarranted use of force against demonstrators all over the country. These actions of law enforcement often go unnoticed and those responsible may be held unaccountable were it not for citizen journalists, organizers, and those committed to civil and human rights—and it is likely that the videos and images circulated represent only a portion of violence being used against civilians exercising their First Amendment freedoms. In Austin, there have been [reports](#) of police deploying tear gas, pepper spray, rubber bullets, and bean bag rounds at peaceful protesters.

We ask you to recognize the First Amendment freedoms of protesters and reporters, and to communicate to your police forces and other law enforcement agencies that these are inviolable rights. We also ask that you take steps to ensure that police forces responding to the protests understand the role of

the media, are treating journalists fairly, and are not targeting them with violence, kettling or crowd-dispersal tactics. At a minimum, we urge you to:

- Publicly affirm the First Amendment protections afforded to protesters and journalists, recognizing freedom of speech and assembly afforded to protesters and press freedom protections afforded to members of the media;
- Publicly reaffirm the rights of citizens and journalists to photograph and record police performing their official duties in a public place;
- Mandate that journalists and members of the media are essential workers exempt from city curfew orders;
- Ensure the immediate release of anyone who's been detained for exercising their First Amendment rights and drop any related charges;
- Where protesters and journalists are threatened or harmed, we ask you to commit that any reported attacks on journalists are thoroughly investigated and perpetrators are held to account.

Journalists must be recognized as essential, as they have been throughout the coronavirus pandemic, and as such remain exempt from any curfews imposed by state and local authorities. And, at a time when individuals across the country are facing the ongoing effects of a deadly pandemic, pressing economic concerns, and widespread protests and demonstrations, the importance of free expression and a free press have never been more crucial. In times of crisis, it is essential that the people are able to make their voices heard to those in power, to seek justice and air grievances, and that the public has access to accurate and independent information from national and local news outlets.

Free expression is the bedrock of a healthy democracy. We ask that you use your position to uphold the First Amendment and use your mantle to protect protesters and journalists, committing your office to preserve the free flow of information and ideas now, and in the future.

We look forward to hearing from you.

Sincerely,

Chaitali Sen and Tim Staley, PEN America Austin
Borderlands: Texas Poetry Review
Press On—A Southern Collective for Movement Journalism
The Texas Observer
Texas After Violence Project