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Written Testimony

before the

United States House of Representatives

Committee on the Judiciary

Subcommittee on the Constitution & Limited Government

April 11, 2024

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Good morning. Thank you, Committee Chairman Jordan, Subcommittee Chairman Roy, Committee Ranking Member Nadler, and Subcommittee Ranking Member Scanlon, and distinguished members of this subcommittee for this opportunity to testify on “Fighting for a Free Press: Protecting Journalists and their Sources.”

My name is Mary Cavallaro. I serve as the Chief Broadcast Officer for SAG-AFTRA, a national union of over 160,000 members that represents professionals in the entertainment and media industries. I am responsible for overseeing the union’s collective bargaining agreements with our news and broadcast employers across the country. I was invited here today for the purpose of providing testimony in support of the most basic of First Amendment principles, protecting journalists from being compelled to reveal their sources and the critical nature of the confidential source relationship.

Government intrusion upon the relationship between a reporter and their sources undermines the foundation of the freedom of the press. A free press is essential to our democracy. To quote Walter Kronkite, a longtime SAG-AFTRA member, “Freedom of the press is not just important to democracy, it is democracy.”

While SAG-AFTRA's core responsibility is to negotiate, administer, and enforce the collective bargaining agreements under which our members work in various jurisdictions from entertainment to news and information, the union is also charged with advocating on behalf of our members for legislation that directly impacts their work and their profession. SAG-AFTRA's legislative work has recently focused on artificial intelligence, protecting intellectual property, and restricting non-compete clauses and other anti-competitive restrictive covenants in employment contracts, all of which are important initiatives.

And, for decades the union has enthusiastically supported the passage of a federal reporter shield law. We therefore thank the House Judiciary Committee for its leadership on this issue, and its bipartisan unanimous passage of the Protect Reporters from Exploitative State Spying (PRESS) Act at the committee level. We also thank the entire United States House of Representatives for its unanimous passage of this vital legislation on January 20th, 2024, and call upon the United States Senate to expeditiously pass this legislation and send it to President Biden for signature.

If signed into law, the PRESS Act would establish the first federal press shield law in United States history, and will significantly strengthen press freedom by safeguarding journalists and their confidential sources. The PRESS Act creates a federal statutory privilege to shield journalists from being compelled to reveal confidential sources, and prevents federal law enforcement agencies from abusing subpoena power to access journalists' emails and phone records. This long overdue legislation represents a significant leap forward not just for journalists, but for the sanctity of journalism itself, and for the Constitutional right to freedom of the press.

SAG-AFTRA stands in solidarity with journalists, their employers and press advocacy groups who share the common goal of a federal shield law for journalists. The PRESS Act is bipartisan legislation that guarantees and protects our most basic of First Amendment principles. The freedom of the press to disseminate information to the public, free from government interference of any kind, is essential to our democracy. Protecting a journalist's relationship with a source is critical to allowing stories to be told and essential to holding our elected officials and others to account for their actions. If a journalist's source believes that their identity and other related information could be revealed either through government surveillance and/or other tactics compelling their disclosure, they are less likely to come forward.

The press *is* America's watchdog responsible for serving the public interest by working to uncover and investigate government and corporate abuse, overreach and malfeasance. Any form of government control over journalists could chill the instinct of potential sources to come forward and tell their stories to journalists, depriving the American people of critical information and the ability to hold those in power publicly accountable.

Recent events and ongoing litigation involving journalists and their employers and their shared concern for protecting sources have created some renewed interest and energy around this issue. SAG-AFTRA is hopeful that this renewed interest and energy will be used in a productive and nonpartisan way to move the PRESS Act forward.

Thank you again for this opportunity to speak before the Subcommittee today. I look forward to answering your questions.