



Society of Environmental Journalists

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October 19, 2016

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Dear Sirs and Madam,

The Society of Environmental Journalists condemns efforts to criminalize news gathering and reporting by prosecuting Amy Goodman of *Democracy Now!* and other journalists covering protests against the Dakota Access Pipeline.

It is in the public's best interest to understand all the issues surrounding the pipeline, including its construction, environmental effects and the public reaction. Whatever one's view of the protests and the legal and regulatory issues surrounding them, they are legitimately news, and it is the job of journalists to cover these events.

North Dakota law enforcement officials seem to equate journalists covering protests with the protesters themselves. Journalists have no First Amendment right to trespass, to be sure, but they must have the freedom to report if the press is to be free, as the Constitution guarantees. To arrest them because they're reporting on the protests is a blatant act of intimidation. If left unchallenged, such actions will have a chilling effect on the ability of news organizations of all types to report on newsworthy events, and deprive the American public of its right to know about them.

Fortunately, the judge hearing Goodman's case quickly determined that the prosecution had no case and found no probable cause for the charges. Yet, we learn from media accounts that prosecutors are apparently still searching for ways to punish Goodman for covering the protest, and [might seek outtakes](#) from *Democracy Now!* to gather more evidence.

The prosecutor was quoted by the Bismarck Tribune calling Goodman "a protestor, basically," because from his point of view her reporting was one-sided. But under the First Amendment, any purported bias in news coverage does not invalidate constitutional protections. And we note that North Dakota [has a shield law](#), which we trust will guard against any fishing expedition by prosecutors.

*Strengthening the quality, reach and viability of journalism across all media
to advance public understanding of environmental issues*

In another case, documentary filmmaker Deia Schlosberg was arrested and deprived of constitutional rights for covering another pipeline protest in Walhalla, North Dakota. The particulars in that case are different, but the assault on a journalist's First Amendment rights was far worse. She has been charged with three felony conspiracy counts, for which if convicted she faces a maximum of 45 years in prison.

Schlosberg was filming a protest event that was newsworthy. Whether the protestors' actions were legal or illegal is irrelevant. She was acting as a journalist, not a protester. Hers is yet another case where North Dakota prosecutors have wrongly based criminal charges on defining a journalist as a participant in the event she was covering. This poses a grave threat to the rights of journalists in many other situations.

Taken together, these attacks on First Amendment rights suggest a pattern of effort by North Dakota legal officials to suppress information about, and coverage of, protests against the North Dakota Access Pipeline.

We ask state and local prosecutors to declare publicly and definitively that they will drop all efforts to prosecute journalists for covering the pipeline controversy. We ask federal justice officials to investigate this assault on journalists as a civil rights case.

Sincerely,

A handwritten signature in black ink that reads "Bobby Magill". The signature is written in a cursive, flowing style.

Bobby Magill, President
Society of Environmental Journalists