

## Members of the Press

The following questions have nothing to do with Trump, but rather with a series of events I have witnessed and been involved in. Please keep politics out of these sincere questions.

How does one become a member of the press? How does one obtain press credentials? Can anyone claim they are a member of the press and begin taking pictures and gain entrance to court proceedings?

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I've wondered this as well. Years ago, being a member of the press meant working for a recognized newspaper. The size of the newspaper was not important, but it basically could not be one individual working out of their basement. Now, though, anyone with a blog or a YouTube channel can do the functions that one would associate with the traditional press.

Hopefully someone can fill in the details, but I'm all but certain there have been cases where bloggers have tried to assert press-related freedoms (e.g. not divulging the identity of sources). There was this case out of the Northern District of California in, apparently, 2006:

Andy I. Chen, California

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This is a periodic point of discussion regarding people who blog or have their own websites and are not what we might traditionally think of as journalists or "the press".. I think there was a local reporter who worked for traditional media sources and later published things on the internet on her own who argued that she was still a journalist and entitled to the access granted to journalists even if she was working for herself and not for any traditional media source.

Naomi C. Fujimoto, Hawaii

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Damn it. Clicked send too quickly. The link I was going to include is this:

<https://www.nytimes.com/2006/08/02/us/02protest.html>

Andy I. Chen

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Some organizations have professed that their entire membership is part of the media, and issued media passes to them. To my understanding, that does not make them accredited media. I have also seen this same discussion with regard to bloggers and "influencers" who may not be accepted as accredited.

So my non-technical understanding is that anyone can claim to be media but that does not get you past vetting.

Darrell G. Stewart, Texas

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Do not know; however, since launching my blog, I get all sorts of invitations to attend as a press representative.

Walter D. James III, Texas

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What is this "accreditation" of which you speak? What are the credentials to become a "journalist"? At what precise moment in time does a person transition from being a non-journalist to a journalist? Compare these questions with the steps necessary to become a lawyer: Graduate college, graduate law school, pass the bar exam, get admitted to at least one state bar. You can positively identify the precise moment in time that each step occurred because there is a defined process.

There are no credentials. I've been in and out of the radio business for 50 years. Sometimes our people are granted press credentials, others times we are not. It depends on who is issuing the credentials and how much value they think you will bring to the event with your coverage. Some podcaster friends of mine are quite successful at getting press credentials to events such as the National Association of Broadcasters Convention. Other times, they are unsuccessful.

Mike Phillips, North Carolina

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I used “accredited” to mean you got a press pass. It is terminology I have heard. You are basically stating the same thing with your second paragraph. Someone vets the requester for a media pass and makes a determination. I am keeping it generic because I may or may not have dealt with it professionally here.

Darrell G. Stewart

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Interesting.

For other (unrelated) reasons, the State Bar of California recently undertook a partial dis-integration. Now, the State Bar (membership in which remains mandatory) is focused on lawyer admission and discipline, and the (optional) California Lawyers Association is the home of the Sections, Committees, and so forth.

Matters such as drafting and commenting on legislation, lobbying, conducting CLE programs, and similar will be handled by the California Lawyers Association. Since those are the matters about which most of the ire is directed, I wonder if this will relieve some of the pressure in California.

Brian H. Cole, California

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CA last year broke up the integrated bar into: (i) the regulators (discipline); and (ii) the voluntary association (education, seminars, publications of interest to lawyer-members). I'm not sure how this implicates the press issue raised by the initial post.

Roger M. Rosen, California

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Virginia has always been separate. I wondered why and now I know.

Mitchell Goldstein, Virginia

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I worked in media for more than a decade.

It isn't the ID you receive from your employer, but the one you're issued by the source you cover, that gives you access.

That may be different if you're then not attending press conferences or conducting interviews on site, if that's what you mean. But I'm also gathering your question to be more what gives a person the right to do what they do?

I was just referring to access. I suppose blogging and posting is more along the lines of editorializing.

Reta McKannan, Alabama

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I don't think that's the reason the VSB and the VBA are separate, as (unlike CA) the VSB has many of the same sections and committees as does the VBA. The mandatory VSB covers various different practice sections, CLE, you name it, all the stuff that CA carved out into a separate voluntary bar. The VBA is actually older than the VSB. See [https://en.wikipedia.org/wiki/Virginia\\_Bar\\_Association](https://en.wikipedia.org/wiki/Virginia_Bar_Association)

Kevin Grierson, Virginia

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Consistent with what others have said, I do not think there is any organization that controls who are members of the press. I think anyone that reports the news, or events, is a "member of the press." If you are at some place for your own reason and not to gather and report to others, I do not think you would be part of the press.

It used to be fairly easy to determine who was part of the "press" since it was mostly radio/TV or print sources. The internet and blogging has expanded greatly who can do the "work of the press" so to speak.

As for credentials, the ones I have seen are from an employer that shows who you work for. More of a personal ID. I do not think there are any credentials that give you access, rather each event, etc. will have some control as to who gets to be closer to the action and attend. Often places with limited space will require, or only permit "pool" reporters and photographers that gain access with the promise to share immediately before reporting.

As for entrance to court proceedings, here that is controlled by the court. Nobody can take photos without permission. Often the court will only permit one camera to be used and the footage must be shared. I have seen more than one, but that was because there was room and not many asked to take pictures. They must also follow certain rules about who can be put on camera, etc. As for reporting, any member of the public can attend and report court proceedings.

Phil A. Taylor, Massachusetts

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It depends on what purpose you are talking about.

Everyone has a first amendment right; and the 'press' doesn't have additional 'rights' under the first amendment; see *Branzburg v Hayes* 408 U.S. 665 (1972).

Nonetheless; the government can and does draw distinctions based upon the 'press'; we have a number of laws in Florida that distinguish between certain press organizations and the general public, i.e.

### 316.066 Written reports of crashes

which limits the availability of crash reports immediately following the crash; essentially the only people who can get a crash report within 60 days of a crash are the people involved in the crash themselves, their agents (insurance companies, lawyers actually retained by the parties) and certain members of the press; how they define "press" is:

Crash reports held by an agency under paragraph (a) may be made immediately available to the parties involved in the crash, their legal representatives, their licensed insurance agents, their insurers or insurers to which they have applied for coverage, persons under contract with such insurers to provide claims or underwriting information, prosecutorial authorities, law enforcement agencies, the Department of Transportation, county traffic operations, victim services programs, radio and television stations licensed by the Federal Communications Commission, newspapers qualified to publish legal notices under ss.

50.011 [[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=0000-0099/0050/Sections/0050.011.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0000-0099/0050/Sections/0050.011.html)] and 50.031 [[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=0000-0099/0050/Sections/0050.031.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0000-0099/0050/Sections/0050.031.html)], and, in accordance with paragraph (f), free newspapers of general circulation, published once a week or more often, of which at least 7,500 copies are distributed by mail or by carrier as verified by a postal statement or by a notarized printer's statement of press run, which are intended to be generally distributed and circulated, and which contain news of general interest with at least 10 pages per publication, available and of interest to the public generally for the dissemination of news. For the purposes of this section, the following products or publications are not newspapers as referred to in this section: those intended primarily for members of a particular profession or occupational group; those with the primary purpose of distributing advertising; and those with the primary purpose of publishing names and

other personal identifying information concerning parties to motor vehicle crashes.

So, under that statute, not everyone can be the "Press".

Ronald Jones, Florida

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I have both lived and taught this subject for several decades.

There is no specific requirement to become a journalist (or member of the media). That's the point of the First Amendment. So yes, anybody can CALL themselves a member of the media. BUT, as someone here said, getting accreditation or credentials for a specific purpose — that is, to go somewhere that the general public is generally not allowed, requires that the entity granting access recognize you as someone who gathers information and distributes it to the public. So if you're the local TV station with a big audience, you get in. If you're Joe Blogger, it depends on how big an audience you can show, and whether there's a limited amount of access available, such as in a press box at a sporting event, where only so many people will fit. Big media outlets that have been around for a while generally always have access, cause when they send someone, they're effectively vouching for that person: "this is our reporter and we will hold them to the high standards we've always shown in our coverage."

As far as who gets hired by those established media outlets, many want to see some kind of training, such as a journalism degree and/or experience in other media outlets showing a pattern of solid reporting. Media trade organizations, such as the Society of Professional Journalists, have codes of ethics, tho these codes are aspirational, as the trade orgs do not have authority to force anybody to live by them. The most SPJ could do is publicly denounce someone's tactics (and maybe cancel their SPJ membership, for what that's worth).

The reason my colleagues and I always taught our students to live up to the highest ethical standards is because that's how they distinguish themselves from all of the other people who are out there calling themselves "media."

On one hand, nobody would love to regulate who can use the words “media,” “journalist,” “reporter” etc than the well-trained, ethical news reporters out there. On the other hand, we understand that setting any sort of legal barrier to entry into our noble profession would weaken the meaning of the First Amendment and give govt, or some other entity, the ability to exclude anyone they don’t like from gathering and disseminating news. So getting “accredited” depends on who is handing out credentials for a particular event or access to a particular place. But anybody can gather and disseminate news in a public place.

Hope this helps.

Meg Tebo, Illinois