



Press Freedom Under Fire in Ferguson

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A PEN AMERICAN CENTER REPORT

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Introduction

ON AUGUST 9, 2014, Ferguson Police Department Officer Darren Wilson shot Michael Brown six times, killing him. Brown's killing touched off protests in Ferguson that grew into several weeks of demonstrations. The aggressive law enforcement response to the protests drew national attention. As the protests continued, reports of police interference with the media, including arrests, physical assault, threats, and obstructing the media's access to the scene, became increasingly frequent. This report compiles 52 alleged violations of freedom of the press during the Ferguson protests. These infringements contravene a right that is protected under both the U.S. Constitution and international human rights law. The majority of reported incidents included here occurred between August 12 and 20, 2014; however, some protests have been mounted into October, and reports of infringements on press rights continue to emerge.

On the basis of these findings, PEN American Center calls upon the U.S. Department of Justice to carry out investigations into violations of press freedom that took place in the context of the Ferguson protests. Such investigations would shed essential light on the factors that drove law enforcement officers in Ferguson to infringe on media freedoms, and on the necessary steps to ensure that in an era of instantaneous transmission, cell phone cameras and citizen journalists, the rights of members of the press and of the public at large are upheld in the context of protests and public assemblies.

The most serious human rights violations in Ferguson affected both protestors and the press, and were fueled by the police's aggressive, militarized response to largely peaceful public protests. Police wielded assault rifles and pointed them at people who were behaving in a lawful and orderly manner. The use of tear gas, pepper spray, attack dogs, rubber bullets, snipers, flash-bang grenades, and sound cannons (long-range acoustic devices) against protestors was seen by many observers as a disproportionately violent response to mostly peaceful assemblies of protestors.¹ The many infringements of the right to freedom of assembly seen in Ferguson deserve thorough investigation, and those responsible for human rights abuses should be held accountable.

ROLE OF THE PRESS IN THE FERGUSON PROTESTS

The issue of press freedom in Ferguson deserves attention not at the expense of, but in addition to, much-needed investigations into civil rights violations by local police in the St. Louis area. The media play a valuable role in documenting abuses and disseminating information about them to the public, thereby supporting citizens' efforts to demand accountability for violations of constitutional and human rights. Photographs, video footage, and journalists' reports from the scene in Ferguson played a crucial part in sparking a nationwide debate over the police response to the protests. In addition, the media's presence at a public protest may act to deter law enforcement officers from violating protestors' rights. Put another way, as shocking as the police response to the Ferguson protests was, it might have been even worse if the media had not been present. Several of the journalists interviewed for this report recounted protestors asking them to stay with the crowd, and expressing fear of what the police would do if the media left.

Journalists on the ground in Ferguson also helped expose the deeper human rights issues driving the protests. Media interviews with protestors and investigations into the local political context quickly made clear that protestors were concerned not only with the killing of Michael Brown, but also with years of tense relations between the community and law enforcement, underrepresentation of minorities in local government and on police forces, the aggressive and arbitrary enforcement of traffic laws and fines, and ongoing economic malaise affecting local communities.²

The press also played a critical role in catalyzing government responses to the Ferguson protests. Together with the protestors' persistent calls for action, media coverage of the police response to the protests and the allegations of long-term police misconduct prompted several members of the United States Congress and President Barack Obama to call for reconsideration of federal programs that provide military-grade equipment to local police forces. Such coverage also influenced the Justice Department's decision to initiate investigations into the killing of Michael Brown and civil rights abuses by local police.³ The Justice Department



PHOTO: JAMELLE BOUIE

prevent the media from documenting the protests and the police response. The many and varied ways in which police interfered with the media's ability to do their job makes it difficult to dismiss these as isolated mistakes. At best, they reflect a failure to adequately train the law enforcement officers present in Ferguson on the rights of the press protected by the First Amendment and international human rights law.

UPHOLDING PRESS FREEDOM IN AN EVOLVING MEDIA LANDSCAPE

also sent agents from its Community Oriented Police Services (COPS) program to help local authorities “conduct crowd control and maintain public safety without relying on unnecessarily extreme displays of force.”⁴ The Reporters Committee for Freedom of the Press and 44 news organizations sent a letter to the Justice Department in September, urging them to include “police interaction with and release of information to the press and public” in their investigations in Ferguson, and to work with local police on developing more effective training for police on their interactions with the media.⁵

THE POLICE AND THE PRESS IN FERGUSON

This report is not a blanket condemnation of the law enforcement officers who policed the Ferguson protests. Many of the officers no doubt acted in good faith and were trying to protect the safety of their fellow officers and those present at the protests under difficult circumstances. At some points during the protests, individuals present in the crowds were armed and fired weapons. Several of the journalists interviewed for this report acknowledged that some police officers allowed them to do their jobs without interference, and that the police attitude towards the press varied depending on who was on duty and was generally more hostile at night than during the day. Captain Ron Johnson of the Missouri State Highway Patrol was specifically praised by many interviewees for his willingness to engage in dialogue, answer questions, and interact with protestors and the press.

However, the number of reported abuses collected here strongly suggests that some police officers were deliberately trying to

The need for better training for police is heightened by the changing nature of journalism in the digital age. New technologies allow everyone to engage in acts of journalism: Citizen journalists can begin recording incidents of police abuse on a camera phone instantly, well before professional media arrive on the scene.⁶ Those with a Twitter account can live-tweet their observations of a protest or any police conduct undertaken in public. Citizen journalists play an increasingly important role in the flow of news to the public: A Pew Research Center study found that the story of Michael Brown's killing and the resulting protests “emerged on Twitter before cable”, and social media played a crucial role in documenting the continuing protests.⁷ The National Press Photographers' Association called citizen journalists “an integral part of the information network” on Ferguson.⁸

St. Louis Alderman Antonio French is an example of the important contributions made by citizen journalists. Prior to being elected to office, French published a website, PubDef (Public Defender), that used new media and social networking tools to “report the stories that get overlooked by local and national mainstream media”, including local politics in St. Louis.⁹ Alderman French began documenting police activity in Ferguson shortly after Michael Brown's killing through live tweeting, Instagram posts, and short videos posted to Vine. He was described by local paper *The St. Louis American* as “the go-to citizen journalist using the digital-age approach to capture every waking moment of the aftershock following Brown's killing.”¹⁰ French was also among the 21 journalists arrested in Ferguson.¹¹

The emergence of citizen journalists presents new challenges for police departments seeking to uphold press freedoms. Many journalists interviewed for this report noted that it was sometimes difficult to distinguish members of the press from protestors in Ferguson, and that this may have made it more difficult for

police officers to act in a way that respected press freedoms.¹² At the same time, many of the incidents of police aggression against journalists documented in this report are constitutional and human rights violations regardless of whether the police recognized the individual concerned as a member of the press. Both the public and the press have the right to photograph and/or film police officers in the course of their duties.¹³ It is as impermissible to threaten to shoot a member of the public for attempting to film the police as it is to threaten a journalist.

COVERING PROTESTS: THE WIDER CONTEXT

The treatment of journalists in Ferguson did not occur in isolation. Journalists' ability to report on public protests in the U.S. has been jeopardized on many occasions in recent years, an indication that a nationwide reform effort is required to ensure that police departments fully respect the media's right to access and document protests. There were numerous reports from the last several Democratic and Republican National Conventions of journalists being arrested or assaulted by police, or police obstructing press access to public protest locations.¹⁴ During the 2008 Republican National Convention in St. Paul, Minnesota, police arrested or detained at least 42 journalists, including Democracy Now! host Amy Goodman and two of the show's producers. Other journalists were pepper-sprayed or held at gunpoint by police.¹⁵ Goodman said of her arrest, "It's so much bigger than us. When the press is shut down, it's closing the eyes and ears of a critical watchdog in a democratic society."¹⁶

During the Occupy Wall Street movement, police arrested at least 90 journalists covering the protests in 12 U.S. cities between September 2011 and September 2012, including journalists with major news outlets, photojournalists, freelancers, livestreamers (journalists holding cameras that feed directly to an online site, providing continuous, live coverage of an event), and citizen journalists.¹⁷ On numerous occasions, police in New York City acted to obstruct journalists' access to the Occupy protests and physically assaulted journalists. These attacks on press freedoms continued even after New York City Police Commissioner Ray Kelly issued a directive to officers instructing them to "respect the public's right to know about these events and the media's right of access to report."¹⁸

The frequency of arrests of journalists covering major U.S. public demonstrations, and of incidents of police obstructing journalists' access to protests or assaulting journalists who are covering a protest, point to a need for greater emphasis in police departments on the rights of the press to access and document public protests. Furthermore, as new technologies redefine how we understand journalism and major news publications and citizen journalists make increasing use of digital media, conventional approaches to upholding press freedom must adapt, and new training is required to assist police in understanding the rights of all individuals who engage in acts of journalism.¹⁹

OBAMA ADMINISTRATION RESPONSES TO ALLEGED PRESS FREEDOM INFRINGEMENTS

Both President Barack Obama and Attorney General Eric Holder have publicly criticized the treatment of journalists in Ferguson. Attorney General Holder stated on August 14 that "journalists must not be harassed or prevented from covering a story that needs to be told."²⁰ On the same day, President Obama said, "In the United States of America, police should not be bullying or arresting journalists who are just trying to do their jobs and report to the American people on what they see on the ground."²¹

President Obama's remarks were criticized as hypocritical by some journalists and press freedom advocates who point to his administration's pursuit of national security leaks, and in particular to the government's ongoing effort to force New York Times reporter James Risen to identify a confidential source, as serious threats to freedom of the press in the U.S.²² The remarks of U.S. Assistant Secretary of State for Democracy, Human Rights, and Labor Tom Malinowski were overly dismissive of the infringements on press freedom witnessed in Ferguson. Assistant Secretary Malinowski, writing about Ferguson for the State Department's official blog DipNote on September 9, 2014, said:

"We also uphold the freedom of expression, including for members of the press. Though footage of the events in Ferguson has, at times, been disturbing, it has not been suppressed. When a handful of journalists were detained or arrested during the course of the protests, these actions were instantly reported to the public and widely condemned."²³

The 52 alleged incidents of infringements on press freedoms collected in this report demonstrate that some police officers made vigorous efforts to prevent the press from collecting footage of the events in Ferguson, and that far more than a “handful” of journalists were detained or arrested. As of October 14, the number stood at 21 journalists.

KEY RECOMMENDATION

PEN therefore calls upon the Department of Justice to open an investigation into reported incidents of infringements on press freedoms during public protests in Ferguson, drawing on relevant information about similar infringements elsewhere in the country. This investigation should culminate in the formulation of new guidelines for U.S. police departments on respect for media freedoms during public demonstrations. The guidelines should include an explanation of what constitutes an “act of journalism” and the constitutional protections afforded to anyone engaging in such an act. These guidelines should serve as the basis for police departments to develop new policies on respect for First Amendment freedoms during public demonstrations, trainings on those policies for all officers, and the implementation of disciplinary proceedings for officers who violate the policies.

Report Framework and Methodology

THE REPORT BEGINS with a brief overview of press freedoms under U.S. law and international human rights law, outlining the obligations of U.S. public officials. The report then presents selected incidents as examples of the ways in which freedom of the press was obstructed in Ferguson. The report also includes an Appendix listing 52 alleged violations of press freedom collected by PEN researchers and the sources for those allegations.

This report is based on reviews of news reports filed by journalists present during the protests, pictures and video recordings of the protests, the Twitter feeds of journalists, and telephone interviews and email conversations with journalists and media law experts.

Some of the journalists interviewed requested to speak on background so that their comments would not interfere with their ability to continue reporting on Ferguson. The report compiles various allegations of violations of press freedom and includes the sources for each allegation in the hope that this will aid authorities in Missouri and at the Department of Justice in their investigation of violations of First Amendment rights in Ferguson.

The Ferguson Police Department, Missouri State Highway Patrol, and Missouri Department of Public Safety did not respond to repeated requests for comment. The responses of the St. Louis County Police Department are incorporated in this report.

Legal Framework

FREEDOM OF THE PRESS GENERALLY

FREEDOM OF THE PRESS is protected both by the U.S. Constitution and under international law. Freedom of the press is enshrined in the First Amendment, which provides:

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.”²⁴

The Supreme Court has defined “press” in the context of this amendment as “every sort of publication which affords a vehicle of information and opinion.”²⁵

Under international law, the right to freedom of expression, including the right to freedom of the press, is protected by Article 19 of the International Covenant on Civil and Political Rights (ICCPR), to which the United States is a state party.²⁶ Freedom of expression as defined by Article 19 includes the “freedom to seek, receive and impart information and ideas of all kinds.”²⁷ The United Nations Human Rights Committee, the body that provides authoritative interpretations of the ICCPR’s provisions, has recognized that journalism may be engaged in not only by professional full-time reporters, but also “bloggers and others who engage in forms of self-publication in print, on the internet or elsewhere.”²⁸

NEWSGATHERING AND THE MEDIA’S RIGHT OF ACCESS

The media’s right to engage in the process of newsgathering is also protected under the U.S. Constitution and international law. The Supreme Court first protected newsgathering in *Branzburg v. Hayes*, a 1972 Supreme Court decision in which Justice Byron White wrote for the majority:

“We do not question the significance of free speech, press, or assembly to the country’s welfare. Nor is it suggested that news gathering does not qualify for First Amendment protection; without some protection for



seeking out the news, freedom of the press could be eviscerated.”²⁹

Justice Potter Stewart underscored this principle in his dissent:

“News must not be unnecessarily cut off at its source, for without freedom to acquire information the right to publish would be impermissibly compromised. Accordingly, a right to gather news, of some dimension, must exist.”³⁰

The United Nations Human Rights Committee has affirmed that the right to freedom of expression protects both the dissemination of news and the process of newsgathering.³¹

Although generally applicable laws cannot be considered unconstitutional simply because they affect newsgathering activities,³² restrictions on the times, places and ways in which reporters may gather news must not discriminate based on the content or the opinions expressed by the journalist or news outlet, must be defined as narrowly as possible and must serve a significant government interest, and must leave open alternative channels for expression and communication.³³ In general, the public and the press have the right to access public spaces, including parks, streets and sidewalks, as well as other spaces that have been made available for public use by the government.³⁴ Several states, including Alaska, California, Ohio, and Virginia, have enacted laws that specifically protect journalists’ access to disaster and emergency scenes.³⁵

At least one tactic used by police in Ferguson has already been declared unconstitutional by a federal court. The so-called “Five Second Rule,” whereby protestors and the press were required to walk continuously, standing still for no longer than five seconds, has been enjoined from future use in the Ferguson protests by Chief U.S. District Judge Catherine Perry of the Eastern District of Missouri. Chief Judge Perry held that, “[a]s it was applied in this case, the practice of requiring peaceful demonstrators and others to walk, rather than stand still, violates the constitution.”³⁶ Several other lawsuits alleging violations of the First Amendment rights to freedom of assembly, speech and the press have been filed.³⁷

Under international law

Under most circumstances, deliberate interference with news-gathering violates international law. The UN Human Rights Committee has stated that restrictions on the movement of journalists are rarely justified, specifically noting that journalists’ access to “conflict-affected locations, the sites of natural disasters and locations where there are allegations of human rights abuses” should not be restricted.³⁸ Attacks against journalists or others involved in monitoring potential abuses of human rights, including arbitrary arrests, threats and intimidation, should be “vigorously investigated” and the perpetrators should be prosecuted.³⁹

Freedom of expression, including freedom of the press, may be subject to certain restrictions under international law, but these are strictly limited.⁴⁰ Limitations on press freedom implemented in the name of protecting public order must satisfy certain conditions, as the Human Rights Committee has explained:

“It is for the State party to demonstrate the legal basis for any restrictions imposed on freedom of expression... When a State party invokes a legitimate ground for restriction of freedom of expression, it must demonstrate in specific and individualized fashion the precise nature of the threat, and the necessity and proportionality of the specific action taken, in particular by establishing a direct and immediate connection between the expression and the threat.”⁴¹

THE RIGHT TO FILM THE POLICE

Filming the police in the course of their duties allows citizens to hold police officers accountable for abuses of power, and may also act as a deterrent to such abuses.⁴² A plurality of U.S. appellate courts have explicitly recognized citizens’ First Amendment right to film the police subject to varying reasonable limitations,⁴³ stated most clearly by the 1st Circuit:

“[A] citizen’s right to film government officials, including law enforcement officers, in the discharge of their duties in a public space is a basic, vital, and well-established liberty safeguarded by the First Amendment.”⁴⁴

Notably, the U.S. Department of Justice has strongly supported this position, stating:

“It is now settled law that the First Amendment protects individuals who photograph or otherwise record officers engaging in police activity in a public place...The reach of the First Amendment’s protection extends beyond the right to gather information critical of public officials – it also prohibits government officials from ‘punish[ing] the dissemination of information relating to alleged governmental misconduct.’”⁴⁵

Violations of Press Freedoms in Ferguson

JOURNALISTS HAVE ALLEGED A WIDE RANGE OF VIOLATIONS of their right to report on the Ferguson protests, including arrests of media workers, threatening conduct and physical aggression from police officers, and obstruction of media access to the protest areas. The journalists involved include accredited journalists from leading news outlets, freelancers, photographers, livestreamers, and citizen journalists.

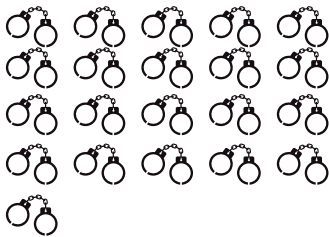
The Ferguson and Missouri state authorities' decision to respond to the protests with a large, heavily militarized police contingent set the stage for massive, widespread violations of assembly and press rights. Almost every journalist interviewed for this report commented on the militarized police response and the negative impact it had on the situation in Ferguson. The decision to respond to largely peaceful protests with an overwhelming show of force immediately created an atmosphere of tension and fear, provoking anger from protestors who felt the response was unjustified. As Jamilah Lemieux of Ebony described it, "The police were mobilized and militarized as if they were in a war with the citizens of Ferguson."⁴⁶

Another journalist explained, "When the wholly peaceful protest was going on, all of a sudden they'd pull out armored trucks and riot gear, and the tone would sort of shift. People in the crowd would get angry, 'why are you doing this, we're not doing anything wrong, this is our community.' There might be, but wasn't always, a plastic bottle thrown [by protestors]. Once that happened, it was guns drawn, gas, and not giving a fuck about the press."⁴⁷ At many points during the protests, interviewees said, police refused to allow anyone to approach their lines, making it essentially impossible for journalists (or anyone else present) to approach the police to ask questions, engage in dialogue, or identify themselves as press, or to determine which police officers belonged to which departments or see their identification badges.⁴⁸

The problem was apparently compounded by the fact that police from multiple departments were involved in the response, and particularly in the early days of the protests, the chain of command appeared unclear to many present. Mickey Osterreicher, general counsel for the National Press Photographers' Association, described one of the major problems in Ferguson as "the

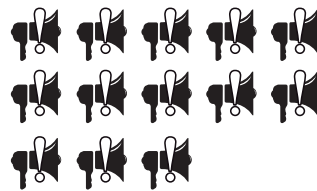
#Ferguson

52 Reported incidents of press freedom violations by police*



21

journalists arrested



13

incidents of journalists threatened with guns, other weapons, or bodily harm



11

incidents of obstructing the media
(blocking their access, ordering them to leave, etc.)



7

incidents of journalists tear gassed, hit with rubber bullets/bean bag rounds, or pushed by police

absolute lack of a unified command and the lack of understanding about what First Amendment rights journalists have... Police agencies were operating, from what I could see, in whatever manner they felt like operating. It didn't appear that there was anyone giving everybody the same orders."⁴⁹

Many of the violations of press freedoms catalogued in this report likely could have been avoided if the police had responded to the protests in a manner that allowed for dialogue and interaction between those present at the protests and law enforcement officers. A more measured response may also have prevented many of the violations of protestors' First Amendment rights that occurred.

A compilation of alleged violations of press freedoms collected by PEN, along with brief descriptions of each incident and the sources from which the description is drawn, is included in this report as an Appendix. This section of the report presents a select number of incidents as illustrations of the infringements experienced by media in Ferguson. The circumstances vary widely from one incident to another, as does the nature of each interaction between members of the media and police. Several of the alleged incidents involved threats or harm to multiple journalists. All of these incidents deserve a thorough investigation by local police forces and the Department of Justice. The St. Louis County Police Department has confirmed that it is currently investigating several complaints made by members of the press to its Bureau of Professional Standards.⁵⁰

Where possible, officers have been identified by police department. However, as several journalists interviewed for this report noted, it was often difficult to determine which department an officer belonged to. There were multiple local police forces involved in the response to the Ferguson protests, and at times police would not allow anyone to approach them closely enough to identify them by their uniforms or badges. Identification of police officers' departments was further complicated by the fact that some officers were wearing riot gear or camouflage uniforms, and that some officers had covered or removed their identification badges.⁵¹

Finally, it should be noted that those participating in the Ferguson protests who were not members of the media experienced similar human rights violations, often on a much larger and more violent scale, and those violations of assembly rights must also be thoroughly investigated and those responsible held accountable.

Many of the journalists who commented on their experiences in Ferguson emphasized that their treatment by police paled in comparison to what the largely black residents of Ferguson endured during the protests. Ryan Reilly, the Huffington Post reporter arrested on August 13, commented on Facebook: "I'm fine. But if this is the way these officers treat a white reporter working on a laptop who moved a little too slowly for their liking, I can't imagine how horribly they treat others."⁵²

Jamilah Lemieux of *Ebony* reflected on the experience as follows:

"I've long since been highly aware of the contentious relationship between black people and law enforcement. It's something with which I'm intimately familiar. However, I never thought that I would bear witness to anything like that in the United States...We, members of the media, at times were safer than the citizens of that community, but that feeling of tension was palpable. I can't speak to how someone who's not black reacted to being down there and seeing those things, but I would imagine that for some of those, particularly younger white journalists, they were given a taste of what black people in this country see and feel and experience every day."⁵³

ARRESTS OF JOURNALISTS

Since August 12, at least 21 journalists have been arrested in the course of reporting from Ferguson.⁵⁴ Many of the arrested journalists were released after police verified that they were press, or after a short period of detention. This could be interpreted as an effort by police to respect press freedoms, but Mickey Osterreicher, lawyer for the National Press Photographers' Association, sees a different motive: "The police don't care about making charges that stick. They just want to stop the journalists from doing the job, which creates a chilling effect." Osterreicher describes the practice of briefly detaining journalists as "catch and release."⁵⁵

*Wesley Lowery and Ryan Reilly*⁵⁶

On Wednesday, **August 13**, reporters Wesley Lowery of the Washington Post and Ryan Reilly of the Huffington Post sat in the McDonald's restaurant on West Florissant Avenue, near the most concentrated protest activity. The restaurant was one of few areas providing internet access and power to journalists. Armed officers (most likely from the Ferguson Police Depart-

ment) first entered the McDonald's asking for press credentials, then returned moments later telling all present that they needed to leave. At that point, Lowery began recording video on his cell phone.⁵⁷

According to the video footage, the armed officer tells Lowery to stop recording video. He tells Lowery and others to get moving, but it is not made clear why they are being asked to do so. Lowery continues to record the officer, who then corrals him to where his computer was set up. The recording ends. In his firsthand account, Lowery describes his attempt to exit the restaurant:

“As I made my way toward the door, the officers gave me conflicting information. One instructed me to exit to my left. As I turned left, another officer emerged, blocking my path. ‘Go another way,’ he said. As I turned, my backpack, which was slung over one shoulder, began to slip. I said, ‘Officers, let me just gather my bag.’ As I did, one of them said, ‘Okay, let’s take him.’⁵⁸

As Lowery dropped what he held in his hands, the officers yelled at him to “stop resisting.” The same officers then “slammed [him] into a soda machine”.⁵⁹ The same group of officers arrested Reilly. In Reilly’s account, “A Saint Louis County police officer in full riot gear, who refused to identify himself despite my repeated requests, purposefully banged my head against the window on the way out and sarcastically apologized.”⁶⁰

Police led the pair out the door in plastic cuffs, where they waited fifteen minutes for a police car to arrive.⁶¹ The car took the pair to the police station, where they were briefly placed in a holding cell before a processing officer came in asking, “Who’s media?” The officer informed them that they were free to go, at which point they requested to speak to a commanding officer, as well as an arrest report and the names of all officers involved. The police did not provide any of the requested information.⁶² Ferguson Police Chief Thomas Jackson reportedly ordered the release of Reilly and Lowery as soon as he was informed by the L.A. Times that they had been arrested.⁶³

*Bilgin Şaşmaz*⁶⁴

Bilgin Şaşmaz, a Turkish reporter and photographer, was documenting a clash between police and protestors in Ferguson on **August 19**.⁶⁵ Şaşmaz told his news outlet, the Anadolu Agency, that his life was threatened while he was photographing a St. Louis County police officer who was about to fire rub-

ber bullets. “The policeman told me: ‘If you direct your flash toward me once again, I will kill you,’” Şaşmaz recounted. He was forced to the ground for his refusal to stop filming, while shouting that he was press, before he was handcuffed and taken to jail. He was released after five hours, and the officer implicated in the incident was later suspended.⁶⁶ The official arrest report from the St. Louis County Police, obtained in a Freedom of Information Act request by transparency advocacy website MuckRock, cites Şaşmaz for a “Civil Disturbance.”⁶⁷

*Ryan Devereaux & Lukas Hermsmeier*⁶⁸

In the early morning hours of **August 19**, reporters Ryan Devereaux of The Intercept and Lukas Hermsmeier of the German newspaper Bild were driving near the area of the protests, making their way towards a “command center” that had been set up for journalists. Crossing W. Florissant Ave., they heard police megaphones tell protestors that it was their “final warning.”⁶⁹ The pair stopped the car and got out to see what was happening. While talking to a group of peaceful protestors, police fired tear gas in their direction. The interviewees left, and the two reporters returned to W. Florissant to document what munitions the police were using.

At this point, the police were patrolling W. Florissant in armored vehicles and intermittently firing tear gas canisters. The two reporters needed to cross W. Florissant to return to their car, and intended to walk along a street running parallel to W. Florissant until they could cross the avenue in an area not filled with tear gas. Devereaux described the ensuing situation:

“At one point the police vehicle takes a left into the neighborhood we’re in. If they take another left they’ll be on the street we’re on. We decided we should identify ourselves as press as they’re coming into neighborhood, to make sure they know we’re journalists. We come out from the shadows with our hands up. I have a press ID card in my hand, yelling, ‘Press! Press! Press! We’re journalists! Media! Media! Media!’”⁷⁰

Police in one vehicle shone a light on the pair and directed them forward. They advanced, still shouting “Press!” and were directed towards another armored vehicle. As they were approaching that vehicle, the group of officers in the vehicle that had initially directed them to move forward began to fire rubber bullets at them. Devereaux was struck once in the back and Hermsmeier was shot twice.⁷¹ According to Devereaux, the police had “made no verbal commands that we had heard” before beginning to shoot.⁷²



- On the night of **August 13**, Chris King of the St. Louis American tweeted that the publication’s web editor addressed an officer, saying “Excuse me.” The officer responded by pointing a rifle at her.⁷⁶
- Alice Speri of VICE reported in an **August 13** tweet, “Officer literally just asked me if I want to get shot (for taking a photo of all things...)”⁷⁷
- As police advanced towards a group of protestors on **August 17**, some members of the media trailed behind the moving line of police. Unable to see over the police equipment, MSNBC’s Chris Hayes inched forward among the group of officers and media. On video, an officer begins shouting, “Hey! Media! Do not pass us. Next time you pass us you’re getting maced.”⁷⁸
- As Argus Radio live-streamed the events of **August 17**, officers were disturbed by a light coming from their video camera. In an incident captured on video, an officer approaches streamer Mustafa Hussein, shouting, “Get the fuck out of here and get that light off or you’re getting shelled with this.”⁷⁹
- Outside of Ferguson city limits, Al Jazeera America Producer Aaron Ernst and his team were stopped by police on the night of **August 14**. Police officers from the neighboring town of Kinloch instructed them to leave the town immediately. As they drove away, the local police followed their car, a cab driven by a local columnist whom they were interviewing at the time.⁸⁰ When the crew stopped to film a shot of a road sign, the officers pulled up beside them. The officers instructed them to get out of Kinloch, adding, when they refused, a number of instructions and threats:

- “This is not an area where you are supposed to be right now.”
- “I’m not saying you did anything wrong, I’m saying that I don’t want you here at this time of night.”
- “Film it! I don’t give a shit. Because you’ll go, and I’ll sure confiscate your film for evidence.”
- “Go now or you get locked up!”
- [Grabbing Ernst’s arm] “Don’t resist. I’ll bust your ass. I’ll bust your head right here.”⁸¹

The reporters dove behind a car to get out of the line of fire, at which point police swarmed around them. They repeatedly told police that they were press just trying to get to their car. Police arrested them using plastic flex cuffs and put them in the back of an armored car. Devereaux stated, “They didn’t tell us we were under arrest, and didn’t tell us why. They asked us why we were out, and I said the same reason you are- we’re working, we’re journalists. They said they were getting a bad reputation for their handling of the protests.”⁷⁵ The two were taken to jail in nearby Clayton and held until the morning. Only then did they find out the grounds on which they were detained—failure to disperse.⁷⁴ Devereaux added that later “I was able to speak to Missouri Highway Patrol Captain Ron Johnson about being detained. He was respectful and apologetic for what happened, and willing to have a fairly reasonable conversation about it, and I appreciated that.”⁷⁵

THREATENING CONDUCT BY POLICE OFFICERS

Many journalists in Ferguson reported that police officers engaged in intimidating or threatening conduct towards them. An alarming number of these reports involve police officers allegedly pointing their weapons at journalists after the journalists had asked them a question or engaged in newsgathering activities like photographing or filming. PEN has documented numerous reports of threatening conduct by officers towards the media (see full list in the Appendix). Among these incidents:

- On **August 19**, in an incident of considerable notoriety that was captured on video, a heavily equipped police officer is seen pointing an assault rifle at a man who is holding a video camera to live-stream the events. The livestreamer notes that the officer, at a distance of about ten feet, has the gun pointed directly at him.⁸² He tells the officer that his hands are up, and that there is no need to point the gun. The officer responds, saying “I will fucking kill you.” The livestreamer then asks for the officer’s name, which prompts the uniformed man to respond, “Go fuck yourself.”⁸³ More media arrive to film the officer, when a St. Louis County officer approaches the first and pushes his gun downward, so that it is no longer pointing at the livestreamer and the group of people standing with him.⁸⁴ Another journalist present at the scene said, “I was standing right there when that happened, we all had badges that say press, and that was in the media area!”⁸⁵ The ACLU of Missouri wrote to the Missouri State Highway Patrol to ask them to identify the officer and remove him from duty. The officer, Ray Albers, was then removed from duty and later resigned after being presented with the choice of either resigning or being fired.⁸⁶

Through a spokesman, the St. Louis County Police Department said, “We have not been made aware that any of our officers on our department pointed weapons at journalists, and if our officers did so, they would have been removed from the detail and placed under investigation.”⁸⁷

TEAR GAS: AL JAZEERA AMERICA AND KSDK-TV⁸⁸

In a widely publicized incident, police in Ferguson allegedly fired tear gas directly at an Al Jazeera news crew. On the night of **August 13**, Al Jazeera America’s crew was filming a developing protest. Police had been firing tear gas and rubber bullets at protestors. As caught on video by a crew for KSDK, a St. Louis-based news station, the Al Jazeera crew did not appear to be near any protestors, or anyone else, when police launched a tear gas canister that landed among the camera equipment. The crew was forced to flee, leaving their equipment set up.⁸⁹ The crew also reported that the police fired rubber bullets in their direction, even after the crew repeatedly shouted, “Press.”⁹⁰ Police from the St. Charles County Sheriff’s Department then took down the crew’s lighting equipment, which it later stated was an effort

to aid the crew in its retreat and to remove the lights because they were making it difficult for officers to see. A St. Charles police spokesman said that their department had not fired the tear gas and did not know who had, but that he did not think the Al Jazeera crew had been targeted: “I’m sure that when they did deploy that, they were unaware that there were media there.”⁹¹

However, Ash-har Quraishi, a member of the news team, said after the incident, “We had been in contact with police officers who were just feet away from us. I had spoken to police officers who knew we were there. We had had discussions with them. We understood this was as far as we could get in terms of where the protest was going on, about a mile up the road. So, we didn’t think there would be any problems here so we were very surprised.”⁹² In addition, Rembert Browne, a reporter from the online sports and culture publication Grantland, came across the Al Jazeera news crew shortly before this incident while looking for a place to recharge his phone. He reported that the Al Jazeera team was clearly identifiable as a news crew: “The reason I stopped with them is that they looked like a news crew. They had a car there, I assumed someone had a charger or something like that...I have no idea whether the police were telling the truth, but I know as soon as I saw them, I saw a big spotlight, microphones, it looked like they were setting up a live TV shot...it was very clear to me that they were members of the press, they had all the setup.”⁹³

Shortly after this incident, the KSDK crew that caught the tear gassing on video reported that a SWAT team approached their SUV with guns drawn. KSDK reporter Elizabeth Matthews said that she and a photojournalist were in the SUV with their hands up. The third member of their crew got down on his knees in front of the SUV and raised his hands, telling police he was with the press.⁹⁴ One of the crew’s photojournalists also reported that a beanbag round (a form of less-lethal ammunition used by police) was fired at his camera equipment shortly before the tear gas incident, and the precise moment was caught on camera by another photographer.⁹⁵

OBSTRUCTION OF PRESS ACTIVITY

Journalists reported numerous instances in which the police obstructed their ability to work, either by attempting to bar them from entering an area, ordering them to leave an area, or restricting them to a designated area. One reporter described the general police attitude towards the media as “Get the hell out of here, we don’t owe you an explanation, that kind of stuff.

You hesitate to make that representative of the entire force, but it happened enough that you were like, these guys, they were told to shut down the set, clean up this block, they don't really give a damn if you have a press badge or not.”⁹⁶

Another journalist expressed concern regarding police orders that media leave an area, saying, “The idea that in order to do their job, the police needed the media to leave—why? There were a bunch of kids saying ‘media, don't leave us, they're going to kill us, you don't know what they'll do if you leave.’”⁹⁷

Police orders directed at the media were sometimes confusing and contradictory. On the night of **August 19**, police had a “five-second rule” in place—protestors could not stand in one place, and had to be continuously moving. At one point, the police ordered the media to go to the press area and ordered protestors to leave. One journalist present at the scene reported, “We walked out and were told we need to go to the press area, the police blocked me and said go the other way, and then another cop tried to turn us back to go the other way. I just tried to clarify which direction they wanted us to go, and a cop drew his gun, pointed it at me, and said, ‘you need to go that way or everyone's going to be arrested,’ motioning at me with his gun. I had credentials and three cameras hanging around my neck. The whole thing was absurd.”⁹⁸ The journalist commented, “That group of cops on that night [August 19]—that was the worst batch. Those guys, I thought I was going to get shot.”⁹⁹

The “five-second rule” has since been declared unconstitutional by a federal judge.¹⁰⁰ As Mickey Osterreicher of the National Press Photographers' Association explained, “A police officer can't order you to do or not do something unless it's based on a law. You can't just make it up...It would just be silly if it weren't so problematic.”¹⁰¹

The following are allegations of police conduct that interfered with the media's ability to gather news and/or to access the site of the protests.

- On the afternoon of **August 18**, a CNN newscast cut to reporter Don Lemon's live broadcast from a sidewalk in Ferguson.¹⁰² As recorded on video, a police officer yells at Lemon to move out of the way.¹⁰³ The same officer is seen moments later physically forcing Lemon back into the crowd of protestors. Lemon explains that the media were

initially instructed to stand exactly where the conflict arose, as were the protestors. Only later in the day did the police take objection to their position, which Lemon described as “changing the rules.”¹⁰⁴

- Trey Yingst, a livestreamer for online news site News2Share, was filming the daytime arrest of a protestor on **August 18** when he was pushed back by an officer.¹⁰⁵ His livestream recording shows an officer shouting, “Step back.” As a man is taken into custody, an officer corrals Yingst and blocks his view, telling him, “Just give us a minute here, okay?” When the police move the arrested man to a squad car, the officer insists that Yingst move further back, repeating, “Go that way. Go that way. Go that way. Go. Go now. Go that way, sir.” As the officer physically pushes him back and turns his camera, a second officer can be heard instructing people to “keep moving.” Yingst commented on the incident, asserting that “[t]he police did not want these arrests to be filmed. I was pushed multiple times by officers and was threatened with arrest.”¹⁰⁶
- Alexia Fernandez-Campbell and Reena Flores of the National Journal reported that on **August 13** they were delayed for 4½ hours attempting to access the protests by officers who threatened them with arrest and obstruction. Police told the pair that protests were over, when in fact they were ongoing.¹⁰⁷ Police alternated between asking that they consider their own safety before entering and informing them that they would face arrest if they insisted on entering the protest area. Fernandez-Campbell and Flores described police efforts as trying to create a “media blackout,” and quote St. Louis County police officers as saying: “I want you to get out of here...‘You're not going to walk down the street. If you insist on going down here, and you want to disobey the orders of the police that have been given to you, thoroughly and fairly, you'll most likely be placed under arrest.’” After Fernandez-Campbell and Flores made it to the scene of the protests, a different group of officers who saw them filming approached and said, “We're gonna put you under arrest if you don't leave the area. This is your final warning...We don't want to have to take you to jail but we definitely will, OK?”¹⁰⁸
- On **August 18**, Ryan Devereaux of The Intercept reported that police were pointing their guns at people with cameras,

in an apparent attempt to shine the flashlights attached to the guns into the cameras and cameraphones of people trying to film or photograph them.¹⁰⁹

DESIGNATED MEDIA AREAS/PRESS PENS

On certain nights of the protest, police set up a designated media area for members of the press. Many of the journalists interviewed reported that they were pressured or directly ordered by police to stay in the media area. One commented, “They weren’t physically holding us there [in the media area], but if you left, there’s a chance a cop will decide you need to go to jail.”¹¹⁰ Another said, “Every time I tried, they would let me leave [the press area], but to go home, not to go back to the action. I couldn’t go back to where the protests were taking place. They didn’t really give a reason, it was like martial law down there.”¹¹¹ St. Louis County Police Department spokesman Officer Brian Schellman commented, “We set up media staging areas that the press could utilize to be close enough to the incident as possible, with their safety in mind. However we never stated that they were required to stay in that place, only made it available should they want to use it.”¹¹²

On the afternoon of **August 18**, Scott Olson, a Getty photographer responsible for some of the most widely circulated images of the Ferguson protests, was arrested within sight of the designated media area.¹¹³ Video shows Olson with his camera around his neck, being led to a police van while stating, “I’m being arrested because they said the media is required to be in a certain area.”¹¹⁴ A fellow journalist commented that Olson was arrested for “not getting out of the way fast enough.”¹¹⁵ Upon his release from jail a few hours later, Olson stated, “I want to be able to do my job as a member of the media and not be arrested for just doing my job.”¹¹⁶

While offering an area for press to use at their discretion during coverage of a major public event is permissible, designating one area that press are allowed to be in, with the implicit or explicit statement that they are not free to move into other areas, is generally a violation of press freedoms. The press have the same rights as the general public to access public spaces. Law enforcement’s decision to set up a designated media area is further called into question by the observations of several journalists that the media area was intended to prevent them from being able to see what was happening between police and protestors. One interviewee noted, “In the evenings, they were constantly pressing



PHOTO: PEOPLES WORLD

us back, wanting us to stay in the pens... They were saying it was for safety, but it felt really wrong to push us away from watching the action, watching what took place between the protestors and police. It seemed less about safety and more about control. There’s always a suspicion that they’re asking you to move to the pens to prevent you from covering the real action. Especially in a situation like this, where law enforcement is being highly analyzed and covered.”¹¹⁷

According to interviewees, at least one of the locations chosen for the designated media area was too far away from the site of the protests to allow them to continue reporting. As one journalist commented about a media area that had been set up near a local convenience store, “If you stayed in there, you were half a mile, three-quarters of a mile away from the protests, so you could see it in the distance, smoke and gas, could hear pops, but you couldn’t see anything.” On a later date, the press pen was moved to an area closer to the location of the protests.¹¹⁸ Another interviewee recalled, “If you were in the media zone on the more heated evenings, you couldn’t see what was happening. I forget what night this was, but some reporters who weren’t in the media zone got tear gassed, and the reporters in the media zone were told there was no tear gas, it was only smoke. Those of us getting tear gassed knew that wasn’t true, but if you were in the zone you wouldn’t be able to see it.”¹¹⁹

Curfews

When a curfew is in place restricting public access to an area, the press generally have no special right to access the area.¹²⁰ However, the curfew order must conform to constitutional requirements to be valid. On August 17 and 18, Missouri Governor Jay Nixon

declared a state of emergency in Ferguson and instituted a curfew from 12:00 A.M. to 5:00 A.M.¹²¹ It is beyond this report's scope to evaluate the legality of this curfew declaration. However, the ACLU, the Lawyers' Committee for Civil Rights Under Law, and the NAACP Legal Defense Fund issued a joint statement strongly criticizing the curfew order and arguing that the order's lack of clarity regarding where and when it would be enforced rendered it unconstitutional. The civil rights groups particularly condemned the fact "that the media were kept away from the Saturday night's [early morning on August 17] interactions between law enforcement and protestors. As a result, there are divergent stories about the seven arrests and one shooting that occurred, despite a mass of media two blocks away that could have created an objective record. The actions of law enforcement are viewed with great skepticism nationally and internationally. It is, therefore, imperative that the media have access to the events on the ground."¹²²

OBSTRUCTING ACCESS TO INFORMATION

Many reporters interviewed stressed the difficulty they had obtaining information from the police. Several journalists noted that they saw police officers who were either not wearing their identification badges, or had covered them so their identifying information was not visible—one journalist said, "It's little things like that that make everyone more paranoid about how the police are acting."¹²³ As the Department of Justice noted in two letters sent to the Ferguson Police Department, "The practice of not wearing, or obscuring, name plates violates your own department's policies."¹²⁴ St. Louis County Police Department spokesman Officer Brian Schellman commented, "As far as removing name badges, the policy is now in place that officers will always wear name tags and badges. Many officers have had death threats directed at them or their families and this was viewed as a safety concern, coupled with the fact that each of the tags worn on a police uniform has pins that could injure an officer or a civilian if placed in a riot situation. Again, policy has been put in place however, that officers will always wear these items regardless."¹²⁵

Particularly in the early days of the protests, journalists had difficulty establishing the police chain of command and points of contact for their inquiries. As one explained, "It was really hard to establish who was in charge at any given point—if you were trying

to find a commander so you could ask him a question, you'd just get pushed back, you couldn't even get close to them, they'd just turn you away."¹²⁶ Several journalists also noted that they had difficulty getting anyone from the various police departments to return their calls or emails: "The public information officers were cagey, we weren't getting responses to calls or emails. This sort of stuff undergirds strong reporting and they weren't really good at that."¹²⁷

The apparent lack of police willingness to provide information to the public may also have fueled the protests. Writing for *The New Yorker*, Jelani Cobb noted that for six days after Michael Brown's death, the Ferguson Police Department refused to release the name of the officer who killed him. Cobb wrote:

"During the past few days, when I've asked people in the city what steps they wanted the police department to take, most shared an answer: release the name of the officer... what is happening in Ferguson has been an object lesson about the importance of accountability and transparency... Information might have dispersed more crowds than armored vehicles did. The arrests and tear-gassing of journalists on Wednesday night only highlighted a theme that's been on display in every aspect of this case since it began: a feeble sense of public accountability on the part of local law enforcement."¹²⁸

Over two months after the start of the protests, Ferguson officials continue to obstruct access to information by charging journalists astronomical fees to process their records requests, including asking VICE News for a \$2,000 deposit to begin processing a request for documents related to Michael Brown's death.¹²⁹ The difficulties that reporters and the public have encountered in obtaining information are particularly concerning in light of the steady stream of information that has been leaked to the press regarding the grand jury's investigation into Michael Brown's death.¹³⁰

Conclusion and Recommendations

RESPECT FOR FREEDOM OF THE PRESS is inextricably linked to respect for all other constitutional and human rights. The press plays an essential role in documenting human rights abuses, disseminating information about those abuses to the public, and generating evidence that can be used to press for accountability and reform measures. Interference with press freedoms in Ferguson is troubling both because it suggests a lack of respect on the part of the police for the role of the media, and because it restricts the flow of information about police conduct in Ferguson to the general public, hindering democratic debate about the range of policy and social issues at stake in the Ferguson demonstrations. In addition, journalists' right to report on public protests has been infringed on numerous occasions in recent years, indicating that press freedoms at public protests is a recurring issue in need of broader investigation and steps toward reform.

Furthermore, the underlying cause of most of the violations of press freedom documented in this report was the decision by local and state authorities to deploy a heavily militarized police response in Ferguson. This apparently created a mentality among some police officers that they were patrolling a war zone, rather than a predominantly peaceful protest attended by citizens exercising their First Amendment rights, and members of the press who also possess those rights. Lines of communication between police and those present at the protests were strained at best, and often nonexistent, which eliminated the possibility of de-escalating any conflicts that did arise through dialogue and negotiation.¹³¹ One of the chief lessons demonstrated by the allegations contained in this report is that militarized policing is not an appropriate or useful response to a public demonstration. Indeed, the events that transpired in Ferguson strongly suggest that the militarization of U.S. domestic police forces runs an unacceptable risk of violations of individuals' constitutional and international human rights.¹³²

Furthermore, the number of alleged incidents recorded in this report indicates that St. Louis-area police were not adequately trained on how to respect media freedoms during public protests. Some of the police conduct observed suggests a lack of training on a far more basic level. As Gregg Leslie of the Reporters' Committee for Freedom of the Press noted, "It's embarrassing to have to recommend to a police department that you need to tell your officers not to point a gun at someone in the casual way we were hearing about."¹³³ Leslie also recommended that in addition to new training, "We find it's more helpful that we have a dialogue with [the police]... every time we talk to the police they have plenty of things they want to say to the media," including police concerns over the increasing difficulty of determining who is a member of the media.¹³⁴ According to St. Louis County Police Department spokesman Officer Brian Schellman, that department has already taken steps to improve officer training, to their credit: "Our officers have recently undergone training that included an extensive review of the 1st, 4th, and 14th Amendments. Each officer will have a laminated card on them at all times with rights of the press."¹³⁵

PEN makes the following recommendations:

To the Department of Justice:

- Include a full inquiry into alleged violations of freedom of the press in your ongoing investigations into civil rights violations in Ferguson;
- Open an investigation into reported incidents of infringements on press freedoms during public protests in Ferguson and in the many other U.S. cities where such reports have emerged;
- Issue new guidelines for U.S. police departments on respect for media freedoms during public demonstrations, including the rights accorded to citizen journalists.

To Ferguson, St. Louis County, and other municipal police departments involved in the response to the Ferguson protests, and the Missouri State Highway Patrol:

- Immediately and thoroughly investigate all alleged incidents of violations of press freedoms, and implement appropriate disciplinary measures against any officer found to be responsible for violations;
- Establish a clear policy for the policing of public protests that emphasizes respect for the rights to assembly and freedom of the press, in consultation with local journalists and press outlets and media rights organizations;
- Train officers on that policy, and clearly communicate the disciplinary consequences of failing to comply with the policy.

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26 International Covenant on Civil and Political Rights art. 19, Dec. 19, 1966 [hereinafter Art. 19]; see also Construction and Application of International Covenant on Civil and Political Rights, 11 A.L.R. Fed. 2d 751 (detailing ICCPR's limited implementation in the United States).

27 ICCPR Art. 19 (2).

28 U.N. Human Rights Comm., *General Comment No. 34, Article 19: Freedoms of Opinion and Expression* ¶ 44, U.N. Doc. CCPR/C/GC/34 (Sept. 12, 2011) [hereinafter *General Comment No. 34*], available at <http://www2.ohchr.org/english/bodies/hrc/docs/GC34.pdf> (noting, in addition, that any accreditation schemes to enable privileged access must be applied in a non-discriminatory manner, based on objective criteria, and "taking into account that journalism is a function shared by a wide range of actors."); see also SPECIAL RAPporteurUR on THE SITUATION OF HUMAN RIGHTS DEFENDERS, FOURTH REP. ON THE SITUATION OF HUMAN RIGHTS DEFENDERS ¶ 122, U.N. Doc. A/HRC/19/55 (December 21, 2011), available at http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session19/A-HRC-19-55_en.pdf (stating that the "protection of journalists and media workers active on human rights issues should not be limited to those formally recognized

as such, but should include other relevant actors, such as community media workers, bloggers and those monitoring demonstrations.”).

29 *Branzburg v. Hayes*, 408 U.S. 665 (1972), 681.

30 *Id.* at 707. The Supreme Court reaffirmed this right in *Richmond Newspapers v. Virginia*, 448 U.S. 555 (1980), 576-78 (“It is not crucial whether we describe this right to attend criminal trials to hear, see, and communicate observations concerning them as a ‘right of access,’ or a ‘right to gather information,’...The explicit, guaranteed rights to speak and to publish concerning what takes place at a trial would lose much meaning if access to observe the trial could, as it was here, be foreclosed arbitrarily.”).

31 See *General Comment No. 34* at ¶¶ 11-14.

32 *Id.* at 728.

33 *Ward v. Rock Against Racism*, 491 U.S. 781 (1989).

34 Lee Levine, Robert C. Lind, Seth D. Berlin & C. Thomas Dienes, *Newsgathering and the Law*, §9.03 (4th Ed. Matthew Bender & Company 2011).

35 Alaska Stat. § 26.23.200(1)(2004); Cal. Penal Code § 409.5(a),(d)(2004); Ohio Rev. Code Ann. § 2917.13(B)(2004); Va. Code Ann. § 15.2-1714 (2014).

36 Julie Bosman, *Judge Blocks Rule for Ferguson Protestors*, N.Y. TIMES, Oct. 6, 2014; *Abdullah v. County of St. Louis*, 2014 U.S. Dist. LEXIS 141744 at 2 (E.D. Mo. Oct. 6, 2014).

37 See, e.g., *Lawsuit Claims Police Brutality at Ferguson Protests*, THE ASSOCIATED PRESS, Aug. 28, 2014, available at http://www.huffingtonpost.com/2014/08/28/police-brutality-lawsuit-ferguson_n_5732760.html; Patrick Clark, *ACLU Lawsuit Wants “Freedom of the Press” Defined After Ferguson Demonstrations*, FOX 2 NEWS, <http://fox2now.com/2014/08/14/aclu-lawsuit-wants-freedom-of-the-press-defined-after-ferguson-demonstrations/> (detailing two lawsuits filed by the ACLU).

38 *General Comment No. 34* at ¶ 45.

39 *Id.* at ¶ 23.

40 ICCPR art. 19 at ¶ 3 (restrictions on freedom of expression are limited to situations which implicate the rights of others or for the protection of national security, public order, public health, or morals).

41 *General Comment No. 34* at ¶¶ 27-35. See also SUPPRESSING PROTEST at p. 56, note 361.

42 STEVEN A. LAUTT, SUNLIGHT IS STILL THE BEST DISINFECTANT: THE CASE FOR A FIRST AMENDMENT RIGHT TO RECORD THE POLICE, 51 Washburn L.J. 349, 372 (2012) (“[T]hose who record police activity perform much the same service as the pamphleteers who brought to light abuses of power during the years preceding the founding of the United States”).

43 *Fordyce v. City of Seattle*, 55 F.3d 436 (9th Cir. 1995); *Smith v. City of Cumming*, 212 F.3d 1332 (11th Cir. 2000); *Gericke v. Begin*, 753 F.3d 1 (1st Cir. 2014); *ACLU v. Alvarez*, 679 F.3d 583, 595-96 (7th Cir. 2012) (“Restricting the use of an audio or audiovisual recording device suppresses speech just as effectively as restricting the dissemination of the resulting recording”).

44 *Glik v. Cunniffe*, 655 F.3d 78, 85 (1st Cir. 2011).

45 Statement of Interest of the United States, *Garcia v. Montgomery County*, U.S. Dist. LEXIS 120659 (2013) No. 8:12-cv-03592-JFM, available at http://www.rcfp.org/sites/default/files/docs/20130307_135451_garcia.pdf, see also Statement of Interest of the United States, *Sharp v. City of Baltimore*, No. 1:11-cv-02888-CCB (D. Md.).

46 Journalist Interview 13 with Katy Glenn Bass, Deputy Director of Free Expression Programs, PEN American Center (Sept. 9, 2014).

47 Journalist Interview 5 with Katy Glenn Bass, Deputy Director of Free Expression Programs, PEN American Center (Aug. 29, 2014).

48 Journalist Interview 12 with Katy Glenn Bass, Deputy Director of Free Expression Programs, PEN American Center (Sept. 8, 2014).

- 49 Mickey Osterreicher, General Counsel, National Press Photographers Association, Telephone Interview with Katy Glenn Bass, Deputy Director of Free Expression Programs, PEN American Center (Sept. 26, 2014).
- 50 E-mail from Officer Brian Schellman, spokesman, St. Louis Co. Police Dept., to author (Oct. 23, 2014, 12:53 PM EST)(on file with author).
- 51 See *infra*, Section IV (f), Obstructing Access to Information.
- 52 Ryan J. Reilly, Post to Facebook (Aug. 14, 2014), <https://m.facebook.com/photo.php?fbid=973486019263&id=21202821&set=a.503493942153.2017867.21202821>.
- 53 Journalist Interview 13.
- 54 See Appendix for a full list of arrests.
- 55 Sherry Ricchiardi, *Ferguson Police Bullied the Media*, NEW PHOTOGRAPHER MAGAZINE, National Press Photographers Association 58 (September 2014).
- 56 Table entry 1.
- 57 Wesley Lowery, *In Ferguson, Washington Post Reporter Wesley Lowery Gives Account of His Arrest*, WASH. POST, August 14, 2014, http://www.washingtonpost.com/politics/in-ferguson-washington-post-reporter-wesley-lowery-gives-account-of-his-arrest/2014/08/13/0fe25c0e-2359-11e4-86ca-6f03cbd15c1a_story.html; *Post's Lowery Detained in Ferguson*, WASH. POST – POST TV (Aug. 13, 2014) http://www.washingtonpost.com/posttv/national/post-reporter-detained-in-ferguson/2014/08/13/b0fc5720-2354-11e4-8b10-7db129976abb_video.html.
- 58 Lowery, *In Ferguson*.
- 59 *Id.*
- 60 Ryan J. Reilly, Post to Facebook (Aug. 14, 2014), <https://m.facebook.com/photo.php?fbid=973486019263&id=21202821&set=a.503493942153.2017867.21202821>.
- 61 See Lowery, *In Ferguson*.
- 62 *Id.*
- 63 Matt Pearce, *Two Reporters Briefly Detained Near Protest in Ferguson, Mo.*, L.A. TIMES, Aug. 13, 2014, <http://www.latimes.com/nation/nationnow/la-na-nn-ferguson-reporter-arrests-20140813-story.html>.
- 64 Table entry 14.
- 65 AA *Muhabiri Bilgin Şaşmaz'ın Gözaltına [Proof of the Detained Journalist]*, ANADOLU AGENCY, Aug. 21, 2014, <http://www.msn.com/tr-tr/video/izle/aa-muhabiri-bilgin-sasmazin-gozaltina-alinma-anı/vi-4ae19f59-7372-0b32-0302-ed4f3c3d0bb8> (Turk.).
- 66 AA *Journalist's Life Threatened by Police in Ferguson*, ANADOLU AGENCY, Aug. 21, 2014, <http://www.aa.com.tr/en/headline/376388--us-aa-journalists-life-threatened-by-police-in-ferguson>; *Ferguson Police 'Detain, Beat, Threaten' Anadolu Agency Correspondent*, HURRIYET DAILY NEWS, Aug. 20, 2014, <http://www.hurriyetdailynews.com/ferguson-police-detain-beat-threaten-anadolu-agency-correspondent.aspx?PageID=238&NID=70696&NewsCatID=358>. The Anadolu and Hurriyet articles differ slightly in their quotes of what the officer who threatened Şaşmaz said to him, possibly because of variations in translation from Turkish to English.
- 67 *Ferguson Arrest Record for Journalist Bilgin Sasmaz*, MUCKROCK, <https://www.muckrock.com/foi/st-louis-county-8838/ferguson-arrest-record-for-journalist-bilgin-sasmaz-13085/-1291012-14-45038>.
- 68 Table entry 13.
- 69 Ryan Devereaux, *A Night in Ferguson: Rubber Bullets, Tear Gas, and a Jail Cell*, THE INTERCEPT, Aug. 19, 2014, <https://firstlook.org/>

[theintercept/2014/08/19/ferguson/](http://theintercept.com/2014/08/19/ferguson/).

70 Ryan Devereaux, Telephone Interview with Katy Glenn Bass, Deputy Director of Free Expression Programs, PEN American Center (Sept. 5, 2014).

71 *Id.*

72 Ryan Devereaux, *A Night in Ferguson*.

73 Ryan Devereaux interview.

74 *Id.*; *Polizei Nimmt BILD-Reporter in Ferguson Fest [Police Arrest BILD Reporter in Ferguson]*, DER BILD, Aug. 19, 2014, <http://www.bild.de/news/ausland/journalist/ferguson-bild-reporter-festgenommen-37306698.bild.html>.

75 Ryan Devereaux interview.

76 Table entry 19. Chris King, Twitter (Aug. 14, 2014, 12:14 AM EST), <https://twitter.com/chriskingstl/status/499770939022667776>.

77 Table entry 21. Alice Spери, Twitter (Aug. 13, 2014, 11:33 PM EST), <https://twitter.com/alicesperi/status/499760650726289408>.

78 Table entry 23; *All In: Police Tell Chris Hayes, Media They Could Get Muced*, NBC NEWS, Aug. 18, 2014, <http://www.nbcnews.com/video/all-in-55890620-55890620>.

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DEADLINE, Aug. 14, 2014, <http://deadline.com/2014/08/al-jazeera-america-demands-investigation-after-crew-shot-at-tear-gassed-while-recording-violence-in-ferguson-mo-819394/>; Molloy, *Police: Tear Gas Not Fired*.

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- 114 Matt Wilstein, *Police Arrest Getty Photographer in Ferguson for Taking Pictures of Protest*, MEDIAITE, Aug. 18, 2014, <http://www.mediaite.com/online/police-arrest-getty-photographer-in-ferguson-for-taking-pictures-of-protest/>.
- 115 Melanie Eversley, *Getty Photographer Arrested in Ferguson, Mo., Unrest*, USA TODAY, Aug. 19, 2014. <http://www.usatoday.com/story/news/nation/2014/08/18/getty-photographer-arrested-scott-olson/14265155/>.
- 116 Pancho Bernasconi, Twitter (Aug. 18, 2014, 9:50 PM EST), <https://twitter.com/DailyLuca/status/501546816727695360>.
- 117 Journalist Interview 3. Other journalists who voiced suspicion that media areas were set up to prevent journalists from seeing protest activity: Interview 2, Interview 5, Interview 8, Interview 9.
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- 119 Journalist Interview 8.
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- 121 Press Release, Missouri State Highway Patrol, Ferguson Curfew / Media Staging Area (Aug. 16, 2014), available at <http://notes.mshp.dps.mo.gov/si01/si01p001.nsf/9300de8f24f618a68625729800536892/03f825de7174f2a086257d38004ba5ae?OpenDocument>; Press Release, Missouri State Highway Patrol, Ferguson Curfew / Media Staging Area (Aug. 17, 2014), available at <http://notes.mshp.dps.mo.gov/si01/si01p001.nsf/9300de8f24f618a68625729800536892/38134ad4972e856b86257d38004bf94b?OpenDocument>.
- 122 Press Release, ACLU et al., Joint Statement on Ferguson Curfew (Aug. 17, 2014) (on file with author).
- 123 Journalist Interview 2. Police with name badges covered were also described in Interview 5 and Interview 13.
- 124 Ben Mathis-Lilley, *Ferguson Officers Still Not All Wearing Identification After Two Justice Department Orders*, SLATE, Sept. 29, 2014, http://www.slate.com/blogs/the_slatest/2014/09/29/ferguson_nametags_department_of_justice_mandate_not_completely_effective.html.
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- 127 Journalist Interview 9.
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[autopsy-supports-police-account-of-shooting.](#)

131 See SUPPRESSING PROTEST at 27-29.

132 See, e.g., ACLU, WAR COMES HOME: THE EXCESSIVE MILITARIZATION OF AMERICAN POLICING (2014), <https://www.aclu.org/war-comes-home-excessive-militarization-american-policing>.

133 Gregg Leslie, Telephone Interview with Katy Glenn Bass, Deputy Director of Free Expression Programs, PEN American Center (Oct. 9, 2014).

134 *Id.*

135 E-mail from Officer Brian Schellman, spokesman, St. Louis Co. Police Dept., to author (Oct. 23, 2014, 12:53 PM EST)(on file with author).

Appendix: Table of Alleged Violations of Press Freedoms by Police

This table is a compilation of alleged violations of press freedoms by St. Louis-area police, compiled by PEN researchers. The allegations are drawn from interviews and reviews of news reports, photographs and video recordings posted online, and the social media accounts of journalists and protest participants.

This is not an exhaustive list of allegations. These allegations are presented to demonstrate the need for a more thorough investigation into police treatment of the media in Ferguson, and for better police training on respect for press freedoms. Some of the incidents included here involved violations of the rights of multiple journalists; for example, a police officer pointing a gun at a group of several journalists is counted as one incident.

Incident	Date	Journalists involved	Affiliation	Details	Source type	Source(s)
Arrests of journalists						
1	8/13/2014	Wesley Lowery; Ryan Reilly	Washington Post; Huffington Post	Armed officers came into McDonald's where Lowery and Reilly were working and told them to leave. Lowery began taking video, and as he was gathering his belongings he was arrested. He was thrown against a soda dispenser machine and cuffed with plastic ties. He was told he was arrested for "trespassing in a McDonald's." Reilly repeatedly asked his arresting officer to identify himself, which he refused to do. On the way out the officer, "purposefully banged [Reilly's] head against the window on the way out and sarcastically apologized."	News report	Post's Lowery Detained in Ferguson, Wash. Post – Post TV (Aug. 13, 2014) http://www.washingtonpost.com/posttv/national/post-reporter-detained-in-ferguson/2014/08/13/b0fc5720-2354-11e4-8b10-7db129976abb_video.html . Wesley Lowery, In Ferguson, Washington Post Reporter Wesley Lowery Gives Account of His Arrest, Wash. Post, August 14, 2014, http://www.washingtonpost.com/politics/in-ferguson-washington-post-reporter-wesley-lowery-gives-account-of-his-arrest/2014/08/13/0fe25c0e-2359-11e4-86ca-6f03cbd15c1a_story.html . Ryan J. Reilly, Post to Facebook (Aug. 14, 2014), https://m.facebook.com/photo.php?fbid=973486019265&id=21202821&set=a.503493942153.2017867.21202821 . Amanda Terkel, St. Louis Politician Arrested Amid Ferguson Protests, The Huffington Post, Aug. 13, 2014, http://www.huffingtonpost.com/2014/08/14/antonio-french_n_5677157.html Antonio French Speaks Following Jail Release, KSDK, http://www.ksdk.com/videos/news/local/2014/08/14/14048253/ .
2	8/13/2014	Antonio French	Citizen journalist, St. Louis alderman	Went to car to avoid what he thought was tear gas. Ordered out of his car, then dragged out by police. Charged with unlawful assembly and held overnight.	News report	Amanda Terkel, St. Louis Politician Arrested Amid Ferguson Protests, The Huffington Post, Aug. 13, 2014, http://www.huffingtonpost.com/2014/08/14/antonio-french_n_5677157.html Antonio French Speaks Following Jail Release, KSDK, http://www.ksdk.com/videos/news/local/2014/08/14/14048253/ .
3	8/14/2014 (early morning hours)	Umar Lee	St. Louis Evening Whirl	Lee, a columnist for the St. Louis Evening Whirl, was arrested outside the police department. "We weren't doing anything wrong. We weren't even part of the protest. We were just taking pictures, filming. The protest was over, and we were walking toward our guys. You have guys pointing automatic weapons at us, tactical teams surrounding us and putting the cuffs on us. It's a really scary experience." Lee was detained and later released on \$300 bail, with an Oct. 9 court date.	News report	Ryan J. Reilly & Amanda Terkel, Ferguson Protesters Deal With Fallout After Arrests, The Huffington Post, Aug. 13, 2014, http://www.huffingtonpost.com/2014/09/09/ferguson-arrests_n_5791136.html .

Incident	Date	Journalists involved	Affiliation	Details	Source type	Source(s)
4 Arrest; pointed weapon; ordered to leave area	8/13/2014	Ryan Frank	Freelance filmmaker	"Frank says he was documenting a group of about 100 people who were protesting outside the Ferguson Police Department Wednesday night. He called the protesters 'spirited,' but not unruly. According to Frank, the SWAT team rolled up during the protest and placed barricades in the streets. 'They pointed guns at us,' said Frank. He says the officers outnumbered the protesters, and they yelled at everyone to leave. He says most people did leave, but he felt it was his right to observe the events because he wasn't breaking the law. Frank says he sat down on the sidewalk to observe the scene, saying he felt it was his right to do so because he wasn't breaking any laws. He says he was getting up to leave when officers took him into custody."	News report; video	Brandie Piper, Filmmaker Arrested: My Rights Were Violated, KSDK, Aug. 14, 2014, http://www.ksdk.com/story/news/local/2014/08/14/ryan-frank-filmmaker-arrested-rights-violated/14046441/ .
5 Arrest; pointed weapon	8/17/2014	Matthew Giles	NYU journalism student	"Just got out of jail after arrest as media in #Ferguson. Camera and phone taken from me at gunpoint."	Tweet; arrest record	Matthew Giles, Twitter (Aug. 18, 2014, 7:02 AM EST), https://twitter.com/MalcontentMatty/status/501323360820027392 .
6 Arrests (2)	8/17/2014	Robert Klemko; Neil Munshi	Sports Illustrated; Financial Times	Captain Johnson cuffed and held them for 2 minutes as they attempted to go back to the "command center."	Video and news report	Ferguson Arrest Record for Journalism Student Matthew Giles, MuckRock, Aug. 19, 2014, https://www.muckrock.com/foi/st-louis-county-8838/ferguson-arrest-record-for-journalism-student-matthew-giles-13082/ . Neil Munshi, Vine (Aug. 17, 2014), https://vine.co/v/M36JY9b5hgU . Kristen Hare, More Journalists Arrested, Maced in Ferguson, Poynter, Aug. 17, 2014, http://www.poynter.org/latest-news/mediawire/263931/more-journalists-arrested-in-ferguson/ .
7 Arrest; Pointed weapon	8/17/2014 (early morning hours)	Pearl Gabel	NY Daily News	Walking toward the police on Florissant Ave with hands in the air, when an officer pointed a rifle at her face. Cuffed for curfew violation. Police took her equipment and cell phone, released her after inspecting her press credentials, saying, "Welcome to St. Louis."	News report	Gabrielle Bluestone, Cops in Ferguson Threaten to Shoot Reporter, Mace Chris Hayes, Gawker, Aug. 17, 2014, http://gawker.com/ferguson-police-threaten-to-shoot-reporter-and-mace-christen-1623125660?utm_campaign=socialflow_gawker_twitter&utm_source=gawker_twitter&utm_medium=socialflow . Abby Phillip, Police in Ferguson Arrest and Threaten More Journalists, Wash. Post, Aug. 18, 2014, http://www.washingtonpost.com/news/post-nation/wp/2014/08/18/police-in-ferguson-arrest-and-threaten-more-journalists/ . Pearl Gabel, Daily News Journalist Handcuffed by Police While Covering Protests in Ferguson, Mo., NY Daily News, Aug. 17, 2014, http://www.nydailynews.com/news/national/daily-news-photographer-detained-ferguson-mo-article-1.1906335?cid=bitly .

Incident	Date	Journalists involved	Affiliation	Details	Source type	Source(s)
8 Arrest: Pointed weapon	8/17/2014	Rob Crilly	The Telegraph	Officers pointed gun at him. Captain Johnson, described as "very jumpy," cuffed him and walked him away from area. Released shortly thereafter. [This is connected to Klemko & Munshi incident, but distinguished by the gun.]	News report and tweet	Abby Phillip, Police in Ferguson Arrest and Threaten More Journalists, Wash. Post, Aug. 18, 2014, http://www.washingtonpost.com/news/post-nation/wp/2014/08/18/police-in-ferguson-arrest-and-threaten-more-journalists/ . Kristen Hare, More Journalists Arrested, Maced in Ferguson, Poynter, Aug. 17, 2014, http://www.poynter.org/latest-news/mediawire/263931/more-journalists-arrested-in-ferguson/ . Rob Crilly, Twitter (Aug. 17, 2014, 10:49 PM EST), https://twitter.com/robcrilly/status/501199226005512192
9 Arrest	8/18/2014	Scott Olson	Getty Images	Police arrested Olson, reportedly, for being outside the designated media area. Reporter Rob Crilly commented that Olson was arrested for "not getting out of the way fast enough."	Video, news report, and photographs	Matt Wilstein, Police Arrest Getty Photographer in Ferguson for Taking Pictures of Protest, Mediaite, Aug. 18, 2014, http://www.mediaite.com/online/police-arrest-getty-photographer-in-ferguson-for-taking-pictures-of-protest/ . Melanie Eversley, Getty Photographer Arrested in Ferguson, Mo., Unrest, USA Today, Aug. 19, 2014, http://www.usatoday.com/story/news/nation/2014/08/18/getty-photographer-arrested-scott-olson/14265155/ . Statement from Pancho Bernasconi, Vice President for News, on the Arrest of Getty Images' Scott Olson in Ferguson (Aug. 18, 2014), http://press.gettyimages.com/statement-from-pancho-bernasconi-vice-president-on-the-arrest-of-getty-images-staff-photographer-scott-olson-in-ferguson/ . Ryan J. Reilly, Twitter (Aug. 18, 2014, 7:45 PM EST), https://twitter.com/ryanjreilly/status/5015140349853697/photo/1 . Amy Nelson, Instagram (Aug. 18, 2014), http://instagram.com/p/r20Wfwsps8/?utm_source=partner&utm_medium=embed&utm_campaign=video&modal=true .
10 Arrest	8/18/2014	Kerry Pickett	Breitbart	Told to walk to media area through a detour that did not exist for pedestrians. She attempted to walk to the media area, and was cuffed and told to get on her knees. Arrested by a Missouri State Trooper and released several hours later with an apology and police explanation that the incident was a result of miscommunication among officers.	News report	Jonathan Strong, Breitbart Reporter Arrested in Ferguson, Breitbart News, Aug. 19, 2014, http://www.breitbart.com/Big-Government/2014/08/19/Breitbart-News-Reporter-Arrested-In-Ferguson .

Incident	Date	Journalists involved	Affiliation	Details	Source type	Source(s)
11 Arrests (2)	8/18/2014	Frank Herrmann; Ansgar Graw	Der Standard; Die Welt	The pair allegedly failed to follow police instructions to vacate an empty street. They insist that they followed all police orders.	News report	Frank Herrmann, Frank Herrmann über Seine Festnahme: "Hände auf den Rücken, das Plastikband Festgezurt" [Frank Herrmann on His Arrest: "Hands Behind My Back, Cuffed in Plastic Bands"]; Der Standard, Aug. 19, 2014, http://derstandard.at/2000004503090/Frank-Herrmann-ueber-seine-Festnahme-Haende-auf-den-Ruecken-das (Austria). D.C.-Based Journalist Among Latest Arrests in Ferguson, Mo., Associated Press, Aug. 19, 2014, http://www.wjla.com/articles/2014/08/d-c-based-journalist-among-latest-arrests-in-ferguson-mo--106253.html .
12 Arrest	8/19/2014	Tom Walters	CTV News	Walters and other media were ordered away from protestors. Walters approached Capt. Ron Johnson of the Missouri Highway Patrol to ask why he had ordered the media to leave, when he was promptly arrested. Walters's arrest was captured on video camera by CTV News cameraman Liam Hyland. Held for several hours.	News report	CTV's Tom Walters Among Journalists Arrested in Ferguson, CTV News, Aug. 21, 2014, http://www.ctvnews.ca/world/ctv-s-tom-walters-among-journalists-arrested-in-ferguson-1.1968102?hootPostID=698f2be7ec02feb2c856cb54631c80 .
13 Arrests (2); Shot with rubber bullets; Pointed weapon	8/19/2014 (early morning hours)	Ryan Devereaux; Lukas Hermsmeier	The Intercept; Die Bild	After being stranded away from their car, the pair walked with hands up yelling "Press! Journalists! We're media!" while officers trained rifles on them. Devereaux and Hermsmeier were both shot with rubber bullets and arrested while attempting to return to their car after a night of reporting. When they were shot at, they had their hands raised in the air and were shouting, "Press! Press! Press!" Held overnight for failure to disperse.	News report; PEN interview	John Cook, Intercept Reporter Detained Covering Ferguson Protests, The Intercept, Aug. 19, 2014, https://firstlook.org/theintercept/2014/08/19/intercept-reporter-detained-covering-ferguson-protests/ . Polizei Nimmt BILD-Reporter in Ferguson Fest [Police Arrest BILD Reporter in Ferguson], Der Bild, Aug. 19, 2014, http://www.bild.de/news/ausland/journalist/ferguson-bild-reporter-festgenom-men-37306698.bild.html . Ryan Devereaux, A Night in Ferguson: Rubber Bullets, Tear Gas, and a Jail Cell, The Intercept, Aug. 19, 2014, https://firstlook.org/theintercept/2014/08/19/ferguson/ .

Incident	Date	Journalists involved	Affiliation	Details	Source type	Source(s)
14 Arrest: Threat to kill	8/19/2014	Bilgin Sasmaz	Anadolu Agency	Sasmaz was arrested and forced to the ground while trying to record an incident between police and protesters on West Florissant Ave. "I was threatened by the police officer. "The policeman told me: 'If you direct your flash toward me once again, I will kill you,'" according to Sasmaz. Detained by the police for five hours.	Video and news report	AA Muhabir Bilgin Şaşmaz in Gözaltına [Proof of the Detained Journalist]. Anadolu Agency, Aug. 21, 2014, http://www.msn.com/tr-tr/video/izle/aa-muhabir-bilgin-%C5%9Fa%C5%9Fmaz%C4%B1n-g%C3%B6zalt%C4%B1na-alc4%B1na-an%C4%B1-vi-4ae19f59-7372-0b52-0502-ed4f5c3d0bb8 (Turk.). AA Journalist's Life Threatened by Police in Ferguson, Anadolu Agency, Aug. 21, 2014, http://www.aa.com.tr/en/headline/376388--us-aa-journalists-tife-threatened-by-police-in-ferguson . Ferguson Police 'Detain, Beat, Threaten' Anadolu Agency Correspondent, Hurriyet Daily News, Aug. 20, 2014, http://www.hurriyet-dailynews.com/ferguson-police-detain-beat-threaten-anadolu-agency-correspondent.aspx?PageID=238&NID=70696&NewsCatID=358 . Ferguson Arrest Record for Journalist Bilgin Sasmaz, Muckrock, https://www.muckrock.com/foi/st-louis-county-8838/ferguson-arrest-record-for-journalist-bilgin-sasmaz-13085/#1291012-14-45038 . Cincinnati Herald, Twitter (Aug. 20, 2014, 10:34 P.M. EST), https://twitter.com/CincHerald/status/502101398730076160 . Jesse Folk, University of Cincinnati Student Photojournalist Returns Home After Arrest in Ferguson, News Net 5 Cleveland, Aug. 21, 2014, http://www.newsnet5.com/news/state/university-of-cincinnati-student-photojournalist-arrested-in-ferguson . Robert Samuels, Ferguson Police Arrest Protesters, Freelance Journalist, Wash. Post, Oct. 3, 2014, http://www.washingtonpost.com/politics/ferguson-police-arrest-protesters-freelance-journalist/2014/10/03/d77f589e-4aba-11e4-b72e-d60a9229cc10_story.html .
15 Arrest: Pushed by officer	8/20/2014 (early morning hours)	Coulter Loeb	Freelance, Cincinnati Herald	"Standing at a police line when an officer started shoving him and he was loaded into a police van." Arrested Wednesday at 12:30 a.m. CST and released at 6 a.m. without charge.	News report and tweet	Cincinnati Herald, Twitter (Aug. 20, 2014, 10:34 P.M. EST), https://twitter.com/CincHerald/status/502101398730076160 . Jesse Folk, University of Cincinnati Student Photojournalist Returns Home After Arrest in Ferguson, News Net 5 Cleveland, Aug. 21, 2014, http://www.newsnet5.com/news/state/university-of-cincinnati-student-photojournalist-arrested-in-ferguson . Robert Samuels, Ferguson Police Arrest Protesters, Freelance Journalist, Wash. Post, Oct. 3, 2014, http://www.washingtonpost.com/politics/ferguson-police-arrest-protesters-freelance-journalist/2014/10/03/d77f589e-4aba-11e4-b72e-d60a9229cc10_story.html .
16 Arrest	10/2/2014	Mary Moore	Freelance	"Get them,' an officer in a brown uniform told others. They arrested the group quickly, pulling apart those who linked arms, yelling charges to them such as 'inciting violence' and 'failure to obey.'" In the mix was Moore, the journalist, who was recording the action. "What a remarkable display of making your own rules as you go," said Patricia Bynes, a Democratic committeewoman of Ferguson Township. "They took the journalist who was doing her job and wasn't involved."	News report	Robert Samuels, Ferguson Police Arrest Protesters, Freelance Journalist, Wash. Post, Oct. 3, 2014, http://www.washingtonpost.com/politics/ferguson-police-arrest-protesters-freelance-journalist/2014/10/03/d77f589e-4aba-11e4-b72e-d60a9229cc10_story.html .
17 Arrest	10/13/2014	Unknown journalist	St. Louis Post Dispatch	"St. Louis County Police held a Post-Dispatch reporter in plastic handcuffs as she covered a Ferguson demonstration Monday evening." "Police held the reporter in handcuffs for 90 minutes before releasing her without charges." The handcuffs were allegedly so tight that they caused injury to the journalist, who still could not form a firm grip three days after the incident.	Tweet; independently corroborated by PEN	E-mail from Michael Sorkin, journalist, St. Louis Post-Dispatch, to author (Oct. 22, 2014, 4:01 PM EST)(on file with author); Michael Sorkin, Twitter (Oct. 14, 2014, 8:01PM EST), https://twitter.com/ByMichaelSorkin/status/522175556300566528 . Michael Sorkin, Twitter (Oct. 14, 2014, 8:03PM EST), https://twitter.com/ByMichaelSorkin/status/522175799651090432 .

Incident	Date	Journalists involved	Affiliation	Details	Source type	Source(s)
21 arrests as of October 13						
Threatened by guns or other weapons/threat of bodily harm						
18	8/13/2014	Elon James White	VALID Magazine; TWIB Nation	"I'm not even sure we can get back in to #Ferguson. I asked a cop about road access and had a Sniper rifle pointed at my chest..."	Tweet	Elon James White, Twitter (Aug. 13, 9:45 PM EST), https://twitter.com/elonjames/status/499778700330561537 .
19	8/13/2014	Kenya Vaughn	St. Louis American	"All our web editor [identified on website as Kenya Vaughn] did was say "Excuse me?" to a cop. He pointed a rifle at her. Now known as Saying Excuse Me While Black."	Tweet; independently corroborated by PEN	Elon James White, Twitter (Aug. 13, 7:13 PM EST), https://twitter.com/elonjames/status/499740581128454146 . Chris King, Twitter (Aug. 14, 2014, 12:14 AM EST), https://twitter.com/chriskingstl/status/499770939022667776 .
20	8/13/2014	Rember Browne	Grantland	"I'd never had an assault rifle pointed at me before. I'd never locked eyes with a man holding an assault rifle atop a tank. But this was reality in Ferguson."	News report	Rember Browne, The Front Lines of Ferguson, Grantland, Aug. 15, 2014, http://grantland.com/features/ferguson-missouri-protest-michael-brown-murder-police/
21	8/13/2014	Alice Speri	VICE	"Officer literally just asked me if I want to get shot (for taking a photo of all things...) No thanks for asking, I'll pass."	Tweet; independently corroborated by PEN	Alice Speri, Twitter (Aug. 13, 2014, 11:33 PM EST), https://twitter.com/alicesperi/status/499760650726289408 .
22	8/17/2014	Marc Lamont Hill	BET News; HuffPost Live	"Cop pulled gun on @marclamonthill until he screamed medial"	Tweet	Roland Martin, Twitter (Aug. 18, 2014, 12:14 AM EST), https://twitter.com/rolandmartin/status/501220519627485185 .
23	8/17/2014	Chris Hayes	MSNBC	Filming when police told him, "Media do not pass us, you're getting maced next time you pass us."	Video and news report	All In: Police Tell Chris Hayes, Media They Could Get Maced, NBC News, Aug. 18, 2014, http://www.nbcnews.com/video/all-in-/55890620#55890620 .
24	8/17/2014	Mustafa Hussein	Argus Radio	"Get the fuck out of here and get that light off or you're getting shelled with this."	Video and news report	Ezra Klein, Why MSNBC's Chris Hayes Almost Got Maced in Ferguson, Vox, August 18, 2014, http://www.vox.com/michael-brown-shooting-ferguson-mo/2014/8/18/6032891/chris-hayes-ferguson-interview . Gabrielle Bluestone, Cops in Ferguson Threaten to Shoot Reporter, Mace Chris Hayes, Gawker, Aug. 17, 2014, http://gawker.com/ferguson-police-threaten-to-shoot-reporter-and-mace-chris-hayes-1623125660?utm_campaign=socialflow_gawker_twitter&utm_source=gawker_twitter&utm_medium=socialflow . Andrea Peterson, Officer Appears to Threaten Cameraman Covering Chaos in Ferguson, Wash. Post, Aug. 18, 2014, http://www.washingtonpost.com/blogs/the-switch/wp/2014/08/18/officer-appears-to-threaten-cameraman-covering-chaos-ferguson/ .

Incident	Date	Journalists involved	Affiliation	Details	Source type	Source(s)
25	8/17/2014	Joel Anderson	Buzzfeed	While moving away from the scene of protests after officers began deploying tear gas and rubber bullets three hours before the start of the declared curfew, "The officers who were stationed at a nearby convenience store were yelling at us. "Stop running or we will shoot you!" They pointed their guns. I slowed down and raised my arms. 'I'm with the media!' I yelled. 'What do you want us to do?'"	News report	Joel Anderson, What It Was Like in The Streets on Ferguson's Worst Night, BuzzFeed, Aug. 18, 2014, http://www.buzzfeed.com/joelander/what-it-was-like-in-the-streets-on-ferguson-s-worst-night#2n-hp4ur .
26	8/14/2014	Aaron Ernst (producer), Jung Park, Joie Chen, Umar Lee	Al Jazeera America	Officers from the city of Kinloch (close to Ferguson) followed the Al Jazeera crew's taxi and stopped them when the crew got out to film a shot of a road sign, ordering them to leave town. "We were on a public street. It was not blocked off, and other cars occasionally passed. No curfew was in effect... The officer grabbed my wrist. 'Don't resist. I'll bust your ass. I'll bust your head right here.'"	News report	Aaron Ernst, Police to Al Jazeera Journalist Near Ferguson: 'I'll Bust Your Head', Al Jazeera Am., Aug. 19, 2014, http://america.aljazeera.com/watch/shows/america-tonight/articles/2014/8/18/police-to-al-jazeerajournalistinfergusonillbustyourass.html . Umar Lee, Twitter (Aug. 15, 2014, 12:21 AM EST), https://twitter.com/STLAbuBadu/status/500135247510380544 .
27	8/19/2014	Caleb-Michael Files; multiple journalists	Freelance/livestreamer; Channel 4 News; The Youngist	Officer points gun at person holding camera and other journalists present, says, "I will fucking kill you." When the officer is asked to provide his name, he responds, "Go fuck yourself."	Multiple video recordings	Joe Coscarelli, Officer 'Go F*ck Yourself' Out of a Job After Pointing Gun at Ferguson Protesters, N.Y. Magazine, Aug. 29, 2014, http://nymag.com/daily/intelligencer/2014/08/2-cops-fired-over-ferguson-protests.html . Caleb-Michael Files, Twitter (Aug. 20, 2014, 2:40 AM EST), https://twitter.com/cmichaelfiles/status/501982045656361920 . LeakSourceinfo, #OfficerGoFuckYourself Threatens to Kill Ferguson Livestreamers, Youtube, Aug. 20, 2014, https://www.youtube.com/watch?v=8zbR824FKpU . Dylan Scott, ACLU Demands Removal of Officer Who Told Protester: 'I Will Kill You', Talking Points Memo, Aug. 20, 2014, http://talkingpointsmemo.com/livewire/ferguson-police-officer-i-will-kill-you-video . Ahiza Garcia, Officer Who Told Protesters 'I Will Fucking Kill You' Forced to Resign, Talking Points Memo, Aug. 29, 2014, http://talkingpointsmemo.com/livewire/ferguson-michael-brown-police-resignation .
28	8/19/2014	Raffe Lazarian	Freelance	"Cop pulled a gun on me tonight for asking a question."	Tweet; independently corroborated by PEN	Raffe Lazarian, Twitter (Aug. 20, 2014, 1:56 AM EST), https://twitter.com/raffephoto/status/501971056828358656 .

Incident	Date	Journalists involved	Affiliation	Details	Source type	Source(s)
29	8/20/2014 (early morning hours)	Wesley Lowery; Eli Rosenberg; multiple journalists	Washington Post; KMBC 9 News	"With weapons pointed at media, officers storm INTO media area to arrest a teen who was walking through it."	News report; tweets	Wesley Lowery, Twitter (Aug. 20, 2014, 1:19 AM EST), https://twitter.com/WesleyLowery/status/501961637801525248 . Eli Rosenberg, Twitter (Aug. 20, 2014, 1:22 AM EST), https://twitter.com/EliKMBC/status/501962437038735360 . Lindsay Bever, Peaceful Protests in Ferguson Turn into Midnight Scuffle with Police, Wash. Post, Aug. 20, 2014, http://www.washingtonpost.com/news/morning-mix/wp/2014/08/20/peaceful-protests-in-ferguson-turn-into-midnight-scuffle-with-police/
30	Week of August 13	J.B. Forbes	St. Louis Post Dispatch	"Forbes spotted a police sniper on top of a truck with a high-powered rifle aimed directly at him...He took a couple steps to the right. The rifle barrel clearly followed him." Forbes posits that the officer might have been trying to read his press pass through the rifle's scope, but also described the police presence as "extremely intimidating. I was far more worried about them than the protesters."	News report	Sherry Ricchiardi, Ferguson: How the St. Louis Post-Dispatch Photo Staff Responded to an Explosive Story, New Photographer Magazine, National Press Photographers Association 46, 49 (September 2014).
13 incidents of threats against journalists						
Physical incidents: Hit by tear gas, rubber bullets, bean bag rounds, pushed by police						
31	8/11/2014	Whitney Curtis	Freelance photographer	"When I was hit by the projectile (it could have been a rubber bullet or something similar to a bean bag or pepper ball round) I don't believe there were any protesters within 25' of me. The closest person to me was my husband, Jeff Roberson, an Associated Press staff photographer. My cameras were clearly visible and I was wearing a press badge. I don't want to say that I was targeted because there is no way of verifying that."	Photograph, tweets, firsthand account	E-mail from Whitney Curtis, photojournalist, to author (Oct. 24, 2014, 5:14 PM EST) (on file with author). David Gonzalez, Photographing on Ferguson's Streets, New York Times Lens Blog, Aug. 14, 2014, http://lens.blogs.nytimes.com/2014/08/14/photographing-on-fergusons-streets/ . David Carson, Twitter (Aug. 12, 2014, 7:22 PM EST), https://twitter.com/PDPJ/status/49933503929832432 . David Carson, Twitter (Aug. 12, 2014, 7:31 PM EST), https://twitter.com/PDPJ/status/499337383146700800 .

Incident	Date	Journalists involved	Affiliation	Details	Source type	Source(s)
32 Tear gas; Obstructing media	8/13/2014	Al Jazeera America news crew	Al Jazeera America	Tear gas fired at Al Jazeera crew; no one else visible in area; police disassembled their gear after they ran away from the gas.	Video, news report, and tweets	Al Jazeera America, Twitter (Aug. 13, 2014, 11:22 PM EST), https://twitter.com/ajam/status/49939038238081025 Tim Molloy, Police: Tear Gas Not Fired at Al Jazeera News Crew Intentionally, The Wrap, Aug. 14, 2014, http://www.thewrap.com/police-tear-gas-not-fired-at-al-jazeera-news-crew-intentionally-video/ . Lisa de Moraes, Update: President Obama Warns Police in Ferguson, MO Not To Bully or Arrest Journalists Covering Protests There, Deadline, Aug. 14, 2014, http://deadline.com/2014/08/al-jazeera-america-demands-investigation-after-crew-shot-at-tear-gassed-while-recording-violence-in-ferguson-mo-819394/ Max Fisher, Al Jazeera Journalists Teargassed by Security Forces — in Ferguson, Missouri, USA, Vox, Aug. 13, 2014, http://www.vox.com/2014/8/13/6001193/al-jazeera-journalists-teargassed-by-security-forces-in-ferguson . Cassidy Moody, Twitter (Aug. 14, 2014, 2:10 AM EST), https://twitter.com/CassFM/status/499800133174063104/photo/1 .
33 Beanbag rounds; pointed weapon	8/13/2014	KSDK-TV crew	KSDK-TV	Shortly after filming the Al Jazeera news crew being tear gassed, the KSDK crew says police [a SWAT team] approached them with "guns drawn." "Matthews says she and one photojournalist were in the SUV with their hands up and the third member of their crew got down on his knees in front of the SUV and raised his hands — telling police he was with the press." A photojournalist with the crew also reported that a beanbag round (a form of less-lethal ammunition used by police) was fired at his camera equipment shortly before the tear gas incident, and the precise moment was caught on camera by another photographer.	News report, photo, tweet	Casey Nolen, TV crews hit by bean bags, tear gas, KSDK, Aug. 14, 2014, http://www.ksdk.com/story/news/local/2014/08/14/crews-hit-with-bean-bags-tear-gas/14042747/ Tim Molloy, Police: Tear Gas Not Fired at Al Jazeera News Crew Intentionally, The Wrap, Aug. 14, 2014, http://www.thewrap.com/police-tear-gas-not-fired-at-al-jazeera-news-crew-intentionally-video/ . Cassidy Moody, Twitter (Aug. 14, 2014, 1:44 AM EST), https://twitter.com/CassFM/status/499793568547213313 .
34 Pushed by police officer; Obstructing media	8/18/2014	Don Lemon	CNN	Incident on live broadcast: Pushed back from position on sidewalk; no resistance. Alleged attempt to block live CNN broadcast.	Video and news report	Ferguson Solidarity, Twitter (Aug. 18, 2014, 6:29 PM EST), https://twitter.com/FergusonUnity/status/501496028705472512 . Matt Wilstein, Cops Physically Push CNN's Don Lemon During Tense Ferguson Protest, Mediaite, Aug. 18, 2014, http://www.mediaite.com/tv/watch-cops-physically-push-cnns-don-lemon-during-tense-ferguson-protest/ .
35 Pushed by police officer; Obstructing media	8/18/2014	Trey Yingst	News2share	Pushed and blocked from filming arrests of protestors.	Video	News2Share, Peaceful Protestors Arrested, News2Share Journalist Pushed Back by Police in Ferguson, Youtube, Aug. 18, 2014, https://www.youtube.com/watch?v=ju6AJkzpdro . Peaceful Protestors Arrested, News2Share Journalist Pushed Back By Police in Ferguson, Liveleak, Aug. 18, 2014, http://www.liveleak.com/view?i=265_1408391586 .

Incident	Date	Journalists involved	Affiliation	Details	Source type	Source(s)
36	8/19/2014 (early morning hours)	Jacqueline Lee; others	Belleville News-Democrat	"Police just shot at least three tear gas canisters at me. One hit my leg, one my backpack. #Ferguson" "They're saying "Go home" I literally have nowhere to go. I'm hiding. A @bellevillenewsd photog. other journo with me. #Ferguson" "We held up media credentials. They drove into parking lot of private apartment complex and shot tear gas in circle, 10ft from us. #Ferguson"	Tweets	Jacqueline Lee, Twitter (Aug. 19, 2014, 2:07 AM EST), https://twitter.com/BNDJLee/status/501611423420923904 ; Jacqueline Lee, Twitter (Aug. 19, 2014, 2:10 AM EST), https://twitter.com/BNDJLee/status/501612049127194624 ; Jacqueline Lee, Twitter (Aug. 19, 2014, 2:12 AM EST), https://twitter.com/BNDJLee/status/501612533347004416 ;
37	8/20/2014 (early morning hours)	Unknown reporter	Unknown	As reported by Wesley Lowery, an officer shoved an unknown reporter saying "Get that camera out of my face." Reporter asks for his name; "Go fuck yourself," officer responds.	Tweet	Wesley Lowery, Twitter (Aug. 20, 2014, 1:22 AM EST), https://twitter.com/WesleyLowery/status/501962449994940416
7 incidents of journalists being tear gassed, hit with rubber bullets/other weapons, pushed by police						
Obstruction of media						
38	8/13/2014	Trymaine Lee	MSNBC	"Police in Ferguson currently no allowing our reporter @trymainelee to go to the camera position for our report."	Tweet	Christopher Hayes, Twitter (Aug. 13, 2014, 7:56 PM EST), https://twitter.com/chrisihayes/status/499706103719276545 .
39	8/14/2014 (early morning hours)	Bridjes O'Neil; other journalists	St. Louis American	O'Neil was covering protests outside the Ferguson Police Department after Antonio French's arrest; police tank drove towards protestors and sniper on top of tank pointed gun at crowd, including O'Neil and other journalists present. O'Neil tweeted, "We were told to leave or we would be arrested. #Ferguson #MikeBrown I have never had a gun pointed at me. Let alone from a police officer."	Tweet; independently corroborated by PEN	Nicole Flatow, The Most Outrageous Police Tactics In Ferguson, ThinkProgress, Aug. 14, 2014, http://thinkprogress.org/justice/2014/08/14/3471088/the-most-outrageous-police-tactics-in-ferguson/ . Bridjes O'Neil, Twitter (Aug. 14, 2014 3:44 AM EST), https://twitter.com/BridjesO'Neil/status/499823797932154880 .

Incident	Date	Journalists involved	Affiliation	Details	Source type	Source(s)
40 Hit by rubber bullet; ordering media to designated area; obstruction of media	8/18/2014	Tim Pool; VICE team	VICE	<p>From livestream feeds: "11 p.m. CDT, Vice: Police begin deploying smoke, tear gas, and flash bang grenades. Vice reporter Tim Pool, who is filming the feed, says he was hit in the leg by a rubber bullet.</p> <p>11:52 p.m. CDT, Argus: Police officers appear to arrest several protesters. One officer tells the Argus reporter that all media needs to go up 2.5 miles back to the press area near the Target store, apologizing for the inconvenience. "We don't get told much," the officer says.</p> <p>11:53 p.m. CDT, Vice: Vice's Tim Pool trying to get into press area but can't find his credential. Officer: "Credentials." Pool: "I lost it when I was getting shot at." Officer: "Well you're not getting through." (Officer rips off "PRESS" decal on Pool's vest) "This doesn't mean shit."</p>	Video and news report	<p>AJ Vicens, Tasneem Raja, & Jaeah Lee, Here's What We Saw on the Ferguson Livestreams Last Night, Mother Jones, Aug. 18, 2014, http://www.mothejones.com/politics/2014/08/watch-livestream-ferguson.</p>
41 Ordering media to leave area	8/11/2014	Casey Nolen, David Carson	KDSK, St. Louis Post-Dispatch	<p>"Being ordered to leave scene threatened with arrest #Ferguson"</p> <p>"Police telling News Crews to leave saying we are putting their officers in jeopardy. We are backing up now."</p> <p>St. Louis County Police later said that media were not ordered to leave, only to move back.</p>	Tweets; news report	<p>David Carson, Twitter (Aug. 11, 2014, 10:39 PM EST), https://twitter.com/PDPJ/status/499022406485544961.</p> <p>Casey Nolen, Twitter (Aug. 11, 2014, 10:12 PM EST), https://twitter.com/CaseyNolen/status/499015586123620353.</p> <p>Kristen Hare, RTDNA to Ferguson's chief of police: Journalists need "full and fair access," Poynter, Aug. 13, 2014, http://www.poynter.org/latest-news/mediawire/263179/rtdna-to-fergusons-chief-of-police-journalists-need-full-and-fair-access/.</p>
42 Ordering media to leave area	8/18/2014 (into early hours of 8/19/2014)	Mustafa Hussein	Argus Radio	"12:15 a.m. CDT, Argus: "Something is happening in the neighborhood and they're keeping media completely away from it," Hussein says. "Every time we get to the street that officers told us to go to, we're being told to go to another area."	Video; news report	<p>AJ Vicens, Tasneem Raja, & Jaeah Lee, Here's What We Saw on the Ferguson Livestreams Last Night, Mother Jones, Aug. 18, 2014, http://www.mothejones.com/politics/2014/08/watch-livestream-ferguson.</p> <p>Mustafa Hussein, More Threats Against Media in Ferguson, Argus Radio Livestream, Aug. 18, 2014, http://new.livestream.com/accounts/9035483/events/3271930/videos/59711752.</p>

Incident	Date	Journalists involved	Affiliation	Details	Source type	Source(s)
43	8/18/2014 (into early hours of 8/19/2014)	Yamiche Alcindor	USA Today	"Police just asked reporters to "separate" themselves from protesters." "Protesters are being arrested and police are telling media to leave and go more than a mile away to command post"	Tweets, photo, and video.	Yamiche Alcindor, Twitter (Aug. 18, 2014, 11:44 PM EST), https://twitter.com/Yamiche/status/501575454751719427 . Yamiche Alcindor, Twitter (Aug. 19, 2014, 12:51 AM EST), https://twitter.com/Yamiche/status/501592156826771456 . Yamiche Alcindor, Vine (Aug. 19, 2014), https://vine.co/v/M3FA10lrUnL .
44	8/13/2014	Alexia Fernandez Campbell; Reena Flores	National Journal	Threatened with arrest for attempting to walk down street. Access to protest area repeatedly blocked by officers.	News report	Alexia Fernandez-Campbell & Reena Flores, How Police Are Keeping Journalists from Doing Their Jobs in Ferguson, Nat'l J., Aug. 14, 2014, http://www.nationaljournal.com/domesticpolicy/how-police-are-keeping-journalists-from-doing-their-jobs-in-ferguson-20140814 .
45	8/18/2014	Ryan Devereaux	The Intercept	"Some police officers here are pointing their guns at people in order to direct their flashlights at their cameras/camera phones."	Tweet; PEN interview	Ryan Devereaux, Twitter (Aug. 18, 2014, 11:20PM EST), https://twitter.com/rdevro/status/501569443194224640
46	8/18-19/2014 (late night / early morning hours)	Jelani Cobb	The New Yorker	"Just arrived. Being blocked from #Ferguson by national guard. Every entrance here is sewn shut." "Was turned back again. Impossible to get into #Ferguson right now. Seeing lots of police cars and ambulances."	Tweets	Jelani Cobb, Twitter (Aug. 18, 2014, 11:55 PM EST), https://twitter.com/jelani9/status/501578292210958336 . Jelani Cobb, Twitter (Aug. 19, 2014, 12:32 AM EST), https://twitter.com/jelani9/status/50158742467460704 .
47	8/20/2014 (early morning hours)	Wesley Lowery; other journalists	Washington Post	"All credentialed media need to get back to the designated media area immediately. Do it now." Journalists pushed back to credentialed media area.	Tweet	Lindsay Bever, Peaceful Protests in Ferguson Turn into Midnight Scuffle with Police, Wash. Post, Aug. 20, 2014, http://www.washingtonpost.com/news/morning-mix/wp/2014/08/20/peaceful-protests-in-ferguson-turn-into-midnight-scuffle-with-police/ . Wesley Lowery, Twitter (Aug. 20, 2014, 12:59AM EST), https://twitter.com/WesleyLowery/status/501956764586086400 .
48	8/20/2014 (early morning hours)	Matt Pearce	LA Times	"Police line starts strobing me as I take this picture."	Tweet	Matt Pearce, Twitter (Aug. 20, 2014, 1:13 AM EST), https://twitter.com/matt Pearce/status/501960282696974336 .
11 incidents of obstruction of media						
52 total alleged incidents of violations of media freedom						