

Governor Kay Ivey
Alabama State Capitol
600 Dexter Avenue
Montgomery, AL 35130

Commissioner John Hamm
Alabama Department of Corrections
301 S. Ripley Street
Montgomery, AL 36130-1501

Governor Ivey and Commissioner Hamm:

We are journalists who work in Alabama and nationwide. We write to object to a growing practice in your administration of blocking information from journalists who report critically about you. Journalists whose reporting you dislike have repeatedly been frozen out of the official flow of information, to the detriment of the citizens of Alabama. We urge you to reverse course.

The free flow of information to journalists, and through them to the voters, is critical for democracy to function. As Supreme Court Justice and Alabama native Hugo Black noted, the press exists “to serve the governed, not the governors.” The government may not pick and choose which reporters to supply with information about the activities of state agencies. The First Amendment demands that you restore equal access to official information to all journalists covering the state government—including those who may write critically about you or your policies.

One journalist who has been frozen out for her critical reporting is Beth Shelburne, whose reporting has provided Alabama citizens with coverage of the criminal justice system and mass incarceration. Over the years, Ms. Shelburne’s coverage of the Alabama Department of Corrections (ADOC) has proved essential to informing Alabamians about departmental practices of great public interest and concern. Her coverage has exposed excessive spending by the Department and excessive force by officers. She has kept readers informed about ADOC spending plans, COVID-19 responses and, tragically, prisoner deaths in custody. Her work has garnered significant recognition in the field, including two Edward R. Murrow Awards for Excellence in Journalism. In 2018, she was awarded the prestigious Writing for Justice Fellowship with PEN America, based on her writing about Alabama’s prison system.

Despite Ms. Shelburne’s long history of valuable reporting, your offices have been systematically blocking her from accessing information necessary to do her job. In May 2020, she was abruptly removed from the Governor’s Office Press Distribution list. She has been unable to get answers about the office’s justification for excluding her from the same information it routinely sends to other reporters. Around the same time, ADOC began refusing to respond to Ms. Shelburne’s requests for information—requests that are critical to her reporting and that are routinely answered when posed by other reporters. In several instances, Ms. Shelburne sent questions to ADOC and received no responses, but when she provided those same questions to other reporters, they quickly got answers from ADOC. Ms. Shelburne has been left without any

explanation or indication that her equal access to this information will be reinstated. This disparate treatment not only infringes Ms. Shelburne's First Amendment rights, but has prevented Alabama citizens from being fully informed on important stories.

Unfortunately, Ms. Shelburne is not the only Alabama reporter who has faced such improper treatment from the Alabama Department of Corrections; rather, hers is just one example of a much larger problem.

In-depth reporting on the actions of government agencies is how voters stay informed about issues relevant to their lives and their community. To restrict Ms. Shelburne's access to information not only prevents Ms. Shelburne from doing her job, but it prevents Alabama citizens from gaining access to news about the operations of their government. Alabama citizens are entitled to this information, and your offices have no authority to restrict it. ADOC's unconstitutional retaliation against the critical reporting of Ms. Shelburne and others must be addressed promptly and full access to information held by the state of Alabama restored.

As Supreme Court Justice William Brennan wrote 40 years ago, "the First Amendment embodies more than a commitment to free expression and communicative interchange for their own sakes; it has a structural role to play in securing and fostering our republican system of self-government." It is imperative that we protect our First Amendment rights when they are infringed. To ensure that the freedom of the press is not further violated, Ms. Shelburne's full access to information—from both the Governor's press distribution list and ADOC's press office—must be reinstated, and there must be no future discrimination against journalists whose reporting you dislike. These journalists perform a vital service to Alabama. They and their readers deserve transparency from their government.

Sincerely,

Shannon Isbell, News Director, WBRC, Birmingham
Jack Royer, News Anchor, WIAT, Birmingham
Eddie Burkhalter, Reporter, Alabama Political Reporter
Rob Holbert, Co-Publisher, Lagniappe Weekly
Mike Nikitas, Journalist & Professor, University of New Hampshire and Brandeis University
Meredith Cummings, Journalist & Senior Instructor, University of Alabama
Marcella Lee, News Anchor and Reporter, KFMB, San Diego
RD Sahl, Journalist, Boston
Brian Lyman, State Government Reporter, Montgomery Advertiser
Dan Kennedy, Journalism Professor, Northeastern University
Emily Rooney, Journalist and Host, WGBH, Boston
Melissa Brown, State Government Reporter, Tennessean
Kathryn Webb, Journalist and Editor, Alabama
Fred D'ambrosi, Former News Director, Washington DC
Caitis Meissner, PEN America, Director of Prison and Justice Writing
Chip Brantley, Journalist, Author and Creator of "White Lies" NPR podcast
Kerry Madden-Lunsford, Writer, Author and Associate Professor, UAB
Steven Cooper, Writer and Attorney, California

Rebecca Renner, Journalist and Writer, Florida
Steve Crocker, News Anchor and Reporter, WBRC, Birmingham
Carlo Cecchetto, News Anchor and Reporter, KFMB San Diego
Stacey Woelfel, Professor, Missouri School of Journalism
Dan Carsen, Teacher and Journalist
Josh Moon, columnist, Alabama Political Reporter
David Person, editorial writer and columnist, Alabama Political Reporter
Ryan Phillips, Founder/Field Editor of Tuscaloosa Patch
Michael Seale, Alabama Editor of Patch Media
Bruce Brown, Executive Director of the Reporters Committee for Freedom of the Press