

The logo for Media Alliance, featuring the word "Media" in white on a black background and "Alliance" in black on a white background.A banner with the text "Action & Resources for a more just, accountable and diverse media system" set against a background of various media-related icons like a camera, computer, and microphone.

February 14, 2014

State Senator Mark Leno
455 Golden Gate Avenue #14800
San Francisco CA 94102

Re: SB 178 – CAL-ECPA – California Electronic Communications Privacy Act

Dear Senator Leno,

Media Alliance is writing today to offer our organizational endorsement of SB 178, the California Electronic Communications Privacy Act.

As a 37-year old democratic communications advocate, we count among our membership many independent journalists, investigative reporters, bloggers and community activists whose whistle-blowing activities may bring them to the attention of the authorities.

We believe SB 178 is conservative legislation that extends the basic civil protections afforded by the Fourth Amendment to “persons and papers” to include the many new kinds of electronic data that have come into existence since 1789.

The limitations on the custody of persons and the seizure of personal property until a warrant is secured should also be applicable to metadata, locational information from GPS functions, and data stored electronically in the cloud.

As we have seen in so many cases, overzealous actions from prosecutors, often under enormous pressure to solve and/or prevent criminal activities, can and often does result in botched trials and in the worst scenarios, miscarriages of justice that cost time and money to unravel and suffering to those wrongly implicated. The time taken to obtain a warrant, is in most cases, time well spent to ensure that checks and balances in the criminal justice system work as intended to promote fairness and due process.

California should follow in the footsteps of Maine, Utah and Texas and extend basic civil protections to all forms of electronic data. The robust support of much of the California tech industry for Cal-ECPA demonstrates understanding that their economic future depend on the ability of individuals not charged with a crime to maintain their electronic data just as they maintain the rest of their personal property.

We urge the support and passage of the bill in the Senate and Assembly and the approval of Governor Jerry Brown.

Sincerely,

Tracy Rosenberg
Executive Director, Media Alliance

1904 Franklin Street # 818 Oakland CA 94612 (510) 832-9000 www.media-alliance.org