

CITY OF SEATTLE

RESOLUTION _____

..title

A RESOLUTION affirming the rights of members of the press, legal observers, and medical personnel covering the protests against police brutality.

..body

WHEREAS, freedom of the press is a hallmark of a healthy democracy and protected by the First Amendment of the U.S. Constitution; and

WHEREAS, a free press is a public benefit that provides critical information and acts as a safeguard against abuses of power by the government; and

WHEREAS, there have been serious allegations made that law enforcement officers have targeted clearly identified members of the press, legal observers, and medics in the protests against the death of George Floyd and police brutality; and

WHEREAS, there have been serious allegations made that tear gas, pepper spray, flash bangs, blast balls, rubber bullets, excessive force, calls to disperse, and arrest have been used with the intent of retaliating against the press for documenting the actions of officers and protesters; and

WHEREAS, these alleged tactics may serve to intimidate and discourage a free press from performing both their right and job responsibilities to observe these events and report them to the public; and

WHEREAS, regardless of the political ideology expressed at events, journalists must be free from intimidation or harassment from anyone when covering events to be able to do their jobs safely and report events to the public; and

1 WHEREAS, the reported ~~law enforcement~~ actions against journalists and other members of the
2 press across the country appear to have become increasingly authoritarian, and mirror
3 events in other countries that this country has historically denounced; and

4 WHEREAS, ~~The~~the Guardian reports that there were 148 known arrests or attacks on journalists
5 in the United States between May ~~26th~~26 and June ~~2nd~~2, 2020, and the true total is likely
6 higher; and

7 WHEREAS, on May 29, a CNN reporter covering protests in Minneapolis was hit by a projectile
8 and tear-gassed on live television; and

9 WHERE AS, on July 1, SPD arrested and allegedly assaulted an international reporter from the
10 Independent who was covering the clearing of the Capitol Hill Autonomous Zone
11 (CHAZ)/Capitol Hill Occupied Protest (CHOP) at Cal Anderson Park; and

12 WHEREAS, the Seattle Police Department (SPD) issued, and the King County Superior Court
13 enforced, a subpoena to local media outlets to turn over unpublished video footage and
14 photos from a May 30 protest; and

15 WHEREAS, such actions as have been occurring nationwide can have a chilling effect on
16 journalists covering these protests; and

17 WHEREAS, journalists must be free from intimidation when covering events to be able to do
18 their jobs, but subpoena may render journalists more susceptible to intimidation; and

19 WHEREAS, the Council strongly disagrees with the City's decision to pursue enforcement of the
20 subpoena; and

21 WHEREAS, in response to threats of arrest, arrests, and use of force on clearly identified
22 journalists and legal observers, a federal judge in Oregon ruled that Portland police may
23 not arrest, threaten to arrest, or use physical force against anyone who they know or

1 reasonably should know is a journalist or legal observer and ruled that some journalists
2 and legal observers are exempt from orders to disperse after an unlawful assembly or riot
3 is declared; and

4 WHEREAS, the federal judge in Oregon also stated that “Although the First Amendment does
5 not enumerate special rights for observing government activities, ‘[t]he Supreme Court
6 has recognized that newsgathering is an activity protected by the First
7 Amendment.’ . . . ‘[W]ithout some protection for seeking out the news, freedom of the
8 press could be eviscerated.’” *Index Newspapers, LLC v. City of Portland*, Case No. 3:20-
9 cv-1035-SI, Dkt. No. 84 (D. Or. July 23, 2020) (citing *Branzburg v. Hayes*, 408 U.S. 665,
10 681 (1972)). As further described by the Ninth Circuit, “[w]hen wrongdoing is
11 underway, officials have great incentive to blindfold the watchful eyes of the Fourth
12 Estate.’ . . . ‘[W]hen the government announces it is excluding the press for reasons such
13 as administrative convenience, preservation of evidence, or protection of reporters’ safety,
14 its real motive may be to prevent the gathering of information about government abuses
15 or incompetence.’” *Index Newspapers, LLC*, Case No. 3:20-cv-1035-SI, Dkt. No. 84
16 (citing *Leigh v. Salazar*, 677 F.3d 892, 900 (9th Cir. 2012)); and

17 WHEREAS, ~~SPD should not wait for a federal court ruling to respect~~ Seattle recognizes the
18 protections due to journalists covering the protests, legal observers ~~specifically~~ present to
19 document adherence to the law, and the import of medical personnel ~~trying rendering~~
20 medical aid to ~~assist~~ individuals exercising their constitutional rights; and

21 WHEREAS, a federal judge for the U.S. District Court in the Western District of Washington in
22 in *Black Lives Matter Seattle-King County et al. v. City of Seattle*, Case No. 2:20-cv-
23 00887-RAJ recently signed and entered a stipulated injunction between the City and the

1 Plaintiffs that enjoins SPD from targeting with chemical irritants or projectiles
2 individuals acting in the capacity of and clearly showing that they are journalists or legal
3 observers; and

4 WHEREAS, this order also protects medics, stating that “[a]t such time(s) as they are acting
5 lawfully and in a capacity such that the City knows or reasonably should know of their
6 status, individuals with medical training who are actively providing medical assistance
7 will be classified as ‘Medics’ and will generally fall under the protections available under
8 this Order to peaceful protesters.”; and

9 WHEREAS, this ruling defines how journalists, legal observers, and medics could be identified;
10 and

11 WHEREAS, targeting the press, legal observers, and those ~~trying to provide~~rendering medical
12 aid is not compatible with American democracy; and

13 WHEREAS, Seattle supports democracy and opposes authoritarianism; NOW, THEREFORE,

14 **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE THAT:**

15 Section 1. The Council condemns any intentional targeting of press, legal observers, or
16 medical personnel, who are otherwise engaging in lawful conduct, ~~and have the right to~~
17 ~~document police conduct during protests.~~

18 Section 2. The Council requests that the Mayor and Chief Best make it official Seattle
19 Police Department (SPD) policy that officers should not arrest or use physical force against
20 journalists covering the protests, legal observers documenting whether law enforcement officers
21 adhere to the law, and medical personnel ~~trying~~rendering medical aid to ~~assist~~ individuals
22 exercising their constitutional rights if those journalists, legal observers, and medical personnel
23 are not otherwise engaging in unlawful conduct.

1 Section 3. The Council ~~asks~~requests that any person should be held accountable for
2 intentionally targeting members of the ~~Seattle Police Department who intentionally target a~~
3 ~~member~~press, legal observers, or medical personnel, where those members of the press, legal
4 observers, or medical personnel ~~who~~ are not otherwise engaging in unlawful conduct ~~should be~~
5 subject to discipline.

6 Section 4. The Council requests the City Attorney’s Office to withdraw its support for
7 enforcement of SPD’s subpoena so that the City can strongly protect freedom of the press.

8 Section 5. The Council supports the stipulated injunction in *City of Seattle v. Black Lives*
9 *Matter Seattle-King County* in its protection of journalists, legal observers, and medics.

