



Legislation Details (With Text)

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

Sponsors: Teresa Mosqueda, Alex Pedersen

Indexes:

Attachments: 1. Summary and Fiscal Note, 2. Proposed Substitute (added; 8/11/20), 3. Signed Resolution 31961, 4. Affidavit of Publication

Date	Ver.	Action By	Action	Result
8/10/2020	2	City Clerk	attested by City Clerk	
8/10/2020	1	City Council	adopted as amended	Pass
8/3/2020	1	City Council	referred	
7/31/2020	1	Council President's Office	sent for review	
7/31/2020	1	City Clerk	sent for review	

CITY OF SEATTLE

RESOLUTION _____

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

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

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

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

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

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

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Department (SPD) issued, and the King County Superior Court enforced, a subpoena to local media outlets to turn over unpublished video footage and photos from a May 30 protest; and

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

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

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

WHEREAS, in response to threats of arrest, arrests, and use of force on clearly identified journalists and legal observers, a federal judge in Oregon ruled that Portland police may not arrest, threaten to arrest, or use physical force against anyone who they know or reasonably should know is a journalist or legal observer and ruled that some journalists and legal observers are exempt from orders to disperse after an unlawful assembly or riot is declared; and

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

WHEREAS, Seattle recognizes the protections due to journalists covering the protests, legal observers present to document adherence to the law, and the import of medical personnel rendering medical aid to individuals exercising their constitutional rights; and

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

chemical irritants or projectiles individuals acting in the capacity of and clearly showing that they are journalists or legal observers; and

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

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

WHEREAS, targeting the press, legal observers, and those rendering medical aid is not compatible with American democracy; and

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

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

Section 1. The Council condemns any intentional targeting of press, legal observers, or medical personnel, who are otherwise engaging in lawful conduct.

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

Section 3. The Council requests that any person should be held accountable for intentionally targeting members of the press, legal observers, or medical personnel, where those members of the press, legal observers, or medical personnel are not otherwise engaging in unlawful conduct.

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

Section 5. The Council supports the stipulated injunction in *City of Seattle v. Black Lives Matter Seattle-*

King County in its protection of journalists, legal observers, and medics.

Adopted by the City Council the _____ day of _____, 2020, and signed by
me in open session in authentication of its adoption this _____ day of _____, 2020.

President _____ of the City Council

Filed by me this _____ day of _____, 2020.

Monica Martinez Simmons, City Clerk

(Seal)