

## SENATE RESOLUTION NO.134

Senators Moss, McMorrow, Wojno, Geiss, Santana, Brinks, Polehanki and Chang offered the following resolution:

1 A resolution to reaffirm the right of the free press to  
2 investigate and report on police violence, the use of excessive  
3 force by the police, protests, or riots freely and without  
4 intimidation or violent obstruction by the government.

5 Whereas, The First Amendment to the *Constitution of the United*  
6 *States of America* rightfully states that "Congress shall make no  
7 law... abridging the freedom of speech, or of the press..."; and

8 Whereas, Article I, Section 5 of the *Constitution of the State*  
9 *of Michigan of 1963* clearly affirms the right to freely speak,  
10 write, express, and publish one's views on all subjects without the  
11 infringement of the law upon those liberties of speech or of the  
12 press; and

1       Whereas, For all of American history, the free press has acted  
2 as the so-called "Fourth Estate," working to maintain American  
3 democracy by exposing political and societal malfeasance and  
4 corruption. In doing so, the free press provides an essential  
5 service to each American citizen by informing them of, and  
6 including them in, the politics of the nation; and

7       Whereas, Six Justices of the Supreme Court of the United  
8 States ruled in favor of the freedom of the press in *New York Times*  
9 *Co. v. United States* (1971), with Justice Hugo Black stating, "The  
10 press was to serve the governed, not the governors. The  
11 Government's power to censor the press was abolished so that the  
12 press would remain forever free to censure the Government. The  
13 press was protected so that it could bare the secrets of government  
14 and inform the people. Only a free and unrestrained press can  
15 effectively expose deception in government. And paramount among the  
16 responsibilities of a free press is the duty to prevent any part of  
17 the government from deceiving the people..."; and

18       Whereas, Throughout the course of American history, the free  
19 press has been under assault by individuals at the highest levels  
20 of American government. Because of these attacks, the United States  
21 is now ranked 45 out of 180 countries listed in Reporters Without  
22 Borders' Press Freedom Index, putting the independence and  
23 effectiveness of the press as a tool for public accountability  
24 under threat; and

25       Whereas, While covering protests for the benefit of the  
26 public interest, members of the free press have been physically  
27 threatened, assaulted, intimidated, and arrested by police and  
28 auxiliary forces, including states' national guards, in cities  
29 across the nation. In the days between May 26, 2020, and June 3,

2020, the non-partisan U.S. Press Freedom Tracker counted 279 separate violations of the free press in these protests across the United States, including against freelance photographer Linda Tirado, who was shot in the left eye by members of the Minneapolis Police Department using so-called "less than lethal" bullets while covering the recent protests, leaving her permanently blind in one eye; and

Whereas, The institution of the free press and its members are under systematic attack in Michigan. On the evening of June 1, 2020, a team of credentialed, working journalists covering the anti-racist protests in Detroit were chased down, pepper-sprayed, tear-gassed, and physically assaulted by members of the Detroit Police Department in an unacceptable attack on their rights as individuals and as members of the free press. Such violent episodes both diminish the esteem of the greater police force and work to erode the critical watchdog function of the free press in our society; and

Whereas, The continued erosion of the public trust in the free press presents clear dangers to the safety of the members of the press. While police have attacked members of the press to stop them from reporting on their illegal and excessive actions during protests, members of the public have also chosen to chase and attack members of the press and their institutions. On May 30, 2020, a Fox News crew was taunted by protesters in Lafayette Square in Washington, D.C., while protesters in Atlanta physically attacked the headquarters of CNN on May 29, 2020; and

Whereas, The American ideal and constitutional protection of freedom of the press serves as an example for the adoption and continued proliferation of democratic practices worldwide. In times

1 of discord, both domestic and foreign, the global community looks  
2 to the United States of America for the strength of its  
3 institutions, including our free press. As was noted in a letter to  
4 U.S. governors, mayors, and police chiefs by the Committee to  
5 Protect Journalists - an independent, nonprofit organization that  
6 promotes press freedom worldwide by defending the right of  
7 journalists to report the news safely and without fear of reprisal  
8 - "Every time an American police officer mistreats a journalist or  
9 a protester, their actions empower the despots and autocrats who  
10 show no mercy in the relentless suppression of their own people and  
11 press"; and

12       Whereas, The Michigan Legislature will work to defend the  
13 right of the free press to report on protests, riots, government,  
14 policing work, or any other event or story whose reporting would  
15 serve to inform the citizens of the state of Michigan about their  
16 government or their society. The Michigan Legislature will ensure  
17 that legislation or enforcement action in violation of the  
18 constitutional rights of the citizens of the state of Michigan to  
19 free speech or to the free press by the federal government, the  
20 state, or any of its agents and would be viewed as violations of  
21 the First Amendment and of the *Constitution of the State of*  
22 *Michigan of 1963*; now, therefore, be it

23       Resolved by the Senate, That we reaffirm the right of the free  
24 press to investigate and report on police violence, the use of  
25 excessive force by the police, protests, or riots freely and  
26 without intimidation or violent obstruction by the government.

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