

HOUSE RESOLUTION NO.292

Rep. Manoogian 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

13 Whereas, For all of American history, the free press has acted



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

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

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

24 Whereas, While covering protests for the benefit of the
25 public interest, members of the free press have been physically
26 threatened, assaulted, intimidated, and arrested by police and
27 auxiliary forces, including states' national guards, in cities
28 across the nation. In the days between May 26, 2020, and June 3,
29 2020, the non-partisan U.S. Press Freedom Tracker counted 279



1 separate violations of the free press in these protests across the
2 United States, including against freelance photographer Linda
3 Tirado, who was shot in the left eye by members of the Minneapolis
4 Police Department using so-called "less than lethal" bullets while
5 covering the recent protests, leaving her permanently blind in one
6 eye; and

7 Whereas, The institution of the free press and its members are
8 under systematic attack in Michigan. On the evening of June 1,
9 2020, a team of credentialed, working journalists covering the
10 anti-racist protests in Detroit were chased down, pepper-sprayed,
11 tear-gassed, and physically assaulted by members of the Detroit
12 Police Department in an unacceptable attack on their rights as
13 individuals and as members of the free press. Such violent episodes
14 both diminish the esteem of the greater police force and work to
15 erode the critical watchdog function of the free press in our
16 society; and

17 Whereas, The continued erosion of the public trust in the free
18 press presents clear dangers to the safety of the members of the
19 press. While police have attacked members of the press to stop them
20 from reporting on their illegal and excessive actions during
21 protests, members of the public have also chosen to chase and
22 attack members of the press and their institutions. On May 30,
23 2020, a Fox News crew was taunted by protesters in Lafayette Square
24 in Washington, D.C., while protesters in Atlanta physically
25 attacked the headquarters of CNN on May 29, 2020; and

26 Whereas, The American ideal and constitutional protection of
27 freedom of the press serves as an example for the adoption and
28 continued proliferation of democratic practices worldwide. In times
29 of discord, both domestic and foreign, the global community looks



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

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

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

