



Legislation Text

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**File #:** Res 1891-2013, **Version:** \*

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Res. No. 1891

Resolution calling upon the United States Congress to pass, and the President to sign into law S.987, also known as “the Free Flow of Information Act of 2013”, which would strengthen press freedom by protecting journalists from improper intrusion and persecution by the federal government.

By Council Members Brewer, Barron, Chin, Jackson, James, Koo, Koppell, Mendez, Palma and Rodriguez

Whereas, In May, 2013 the Associated Press reported that the United States Justice Department (“Justice Department”) had seized records for 20 of its phone lines operated as part of a national security leak investigation, including the mobile phone records of specific journalists and the Associated Press’ main phone line in the United States House of Representatives; and

Whereas, The Justice Department obtained these phone records in secret without notifying the Associated Press that it had issued a subpoena or that an investigation was under way until 90 days afterwards; and

Whereas, The Washington Post has reported Fox News reporter James Rosen had his email and phone records subpoenaed in a separate leak investigation, including records for over 30 phone lines; and

Whereas, The New York Times disclosed that in 2011, the Justice Department subpoenaed New York Times reporter James Risen to testify in a criminal case against Jeffrey Sterling for being a source for Mr. Risen; and

Whereas, These examples illustrate an excessive and abusive use of subpoenas against journalists that imposes an immense chilling effect on the press’ ability to work with sources and conduct investigative journalism; and

Whereas, According to the Huffington Post, United States President Barack Obama requested that

Senator Charles Schumer introduce S.987, also known as “the Free Flow of Information Act”, which would create additional protections for journalists so that similar excesses are not repeated; and

Whereas, The legislation would prohibit federal authorities from demanding source information unless a court determines that the public interest is better served by revealing such information, such as cases where disclosure would prevent a terrorist attack or other harms to national security; and

Whereas, These protections extend to information held by third parties such as requests for phone records from phone companies, and when such information is requested, the legislation requires that notice be provided to the journalists being investigated; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress to pass, and the President to sign into law S.987, also known as “the Free Flow of Information Act of 2013”, which would strengthen press freedom by protecting journalists from improper intrusion and persecution by the federal government.

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