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OAKLAND CITY COUNCIL

RESOLUTION No. 80159 C.M.S.

INTRODUCED BY COUNCILMEMBERS BRUNNER and KERNIGHAN



A RESOLUTION ENCOURAGING THE ADOPTION OF A FEDERAL "SHIELD LAW" TO PROTECT THOSE WHO REVEAL INFORMATION THAT IS IN THE PUBLIC INTEREST AND SUPPORTING JOURNALISTS IN THEIR EFFORT TO PRESERVE THEIR CONFIDENTIAL SOURCES

Whereas, the First Amendment to the United States Constitution states that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances;" and

Whereas, the First Amendment to the Constitution has historically been used as the foundation of the right of journalists to protect their sources from disclosure; and

Whereas, the protection of confidential sources is an inextricable part of the American tradition of a free and independent press, and has throughout American history given shelter to individuals whose conscience calls them to risk their livelihoods to reveal confidential information they find to be in the public interest; and

Whereas, in recognition of this important protection, 31 states, including the State of California, have "shield laws" on the books to protect confidential sources and the journalists who rely on them to bring news to the public. However, the Federal government has no such shield law; and

Whereas, more than 30 reporters have been recently served subpoenas or questioned in at least four different Federal jurisdictions about their confidential sources. Perhaps most notably, are *San Francisco Chronicle* reporters Lance Williams and Mark Fainaru-Wada, who are risking prison sentences of up to 18 months to assert their journalistic duty to protect their confidential sources in their reporting of the Bay Area Laboratory Cooperative (BALCO) controversy; and

Whereas, as elected representatives, we realize and respect the importance of a free and independent press, with its protection of confidential sources, as an essential tool for American democracy. We support a fully-informed, educated citizenry and the public accountability journalism brings to the public square; and

Whereas, as Americans, we challenge the Federal Government's right to compel journalists to reveal confidential sources, fearing not only the violation of journalists' Constitutional rights, but also the dramatic chilling effect such actions will have on whistleblowers and other knowledgeable individuals who put their careers on the line to reveal information that is in the public interest; now therefore, be it

Resolved, that the Council of the City of Oakland calls on its Federal delegation to support legislation, such as the Free Flow of Information Act of 2006, to create a Federal shield law to ensure that all journalists can assure their sources of their protection and confidentiality when reporting the news we all rely upon to be educated and engaged citizens of a democratic republic; and be it

Further resolved, that the Council of the City of Oakland supports individual journalists, such as Lance Williams and Mark Fainaru-Wada, in their efforts to preserve their confidential sources, both for their own sake and for their courageous defense of the institution of source confidentiality and the very function of the media in a free society.

IN COUNCIL, OAKLAND, CALIFORNIA, OCTOBER 3 , 2006

PASSED BY THE FOLLOWING VOTE:


AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, AND
~~PRESIDENT DE LA FUENTE~~ - 7

NOES- 0

ABSENT- 0

ABSTENTION- 0

Excused- De La Fuente- 1

ATTEST: 
LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California