

1 [Resisting the Federal Government's Intervention in a San Francisco Investigation]

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3 **Resolution resisting the federal government's intervention in the City and County of**
4 **San Francisco's investigation of the July 8th, 2005 G-8 protest; and expressing support**
5 **for the California Shield Law; and urging Congress to pass Senate Bill 2831, the Free**
6 **Flow of Information Act.**

7
8 WHEREAS, The City and County of San Francisco and its residents are governed
9 under the California State Constitution and other state laws; and

10 WHEREAS, The California Constitution under the California Evidence Code 1070
11 establishes protections for news-gatherers under the California Shield Law; and

12 WHEREAS, The California Court of Appeals recently ruled that the California Shield
13 Law "is intended to protect the gathering and dissemination of news," and that the law
14 protects Internet "bloggers" and other new forms of journalism just as it does traditional
15 journalists; and,

16 WHEREAS, A federal grand jury is investigating the events that occurred at a July 8th,
17 2005 protest of the G-8 Summit in Scotland, and the stated subject of the investigation is the
18 alleged vandalism of a San Francisco Police Department patrol vehicle; and

19 WHEREAS, During the July 8th, 2005 protest, a police officer suffered a fractured skull
20 performing his duties; and

21 WHEREAS, The United States Government asserts that this case is under federal
22 jurisdiction because the patrol vehicle is paid for out of San Francisco's general fund, and the
23 City and County receive money from the federal government; and

24 WHEREAS, This attempt to circumvent the local judicial system stands to damage the
25 efficacy of the California Shield Law and the California State Constitution; and

1 WHEREAS, There is an ongoing local investigation in the matters of the July 8th
2 demonstration; and

3 WHEREAS, Josh Wolf, an independent journalist in the City and County of San
4 Francisco, and therein protected by the California Shield Law, has been subpoenaed to
5 testify before the Federal Grand Jury and to furnish his unedited footage for the jury; and

6 WHEREAS, Josh Wolf was reporting on protected First Amendment activities on the
7 night of July 8th, 2005; and

8 WHEREAS, The US Government has a recent and extensive history of overstepping
9 its limitations in its efforts to investigate political protest; now, therefore, be it

10 RESOLVED, That the Board of Supervisors of the City and County of San Francisco
11 oppose these attempts by the federal government and the federal grand jury to intervene in
12 this matter that is within the jurisdiction of the City and County of San Francisco; and, be it

13 FURTHER RESOLVED, The Board of Supervisors urges the federal government and
14 the federal grand jury to respect the protection of journalists afforded under the California
15 Shield Law; and, be it

16 FURTHER RESOLVED, The City and County of San Francisco reinforces the need for
17 a free press as stipulated in the First Amendment of the US Constitution and is deeply
18 concerned that this attempt to erode the protections afforded to journalists under state law
19 can not only have a chilling effect, but stands to potentially erode the trust relationship
20 between journalists and their contacts and is essential to journalistic practices; and, be it

21 FURTHER RESOLVED, That the Board of Supervisors urges the Congress to pass
22 Senate Bill 2831, the Free Flow of Information Act, as introduced by Senator Lugar of
23 Indiana.



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Resolution

File Number: 061086

Date Passed:

Resolution resisting the federal government's intervention in the City and County of San Francisco's investigation of the July 8th, 2005 G-8 protest and expressing support for the California Shield Law.

July 25, 2006 Board of Supervisors — CONTINUED

Ayes: 9 - Ammiano, Daly, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi,
Peskin, Sandoval

Absent: 2 - Alioto-Pier, Dufty

August 1, 2006 Board of Supervisors — REFERRED: Rules Committee

August 15, 2006 Board of Supervisors — ADOPTED

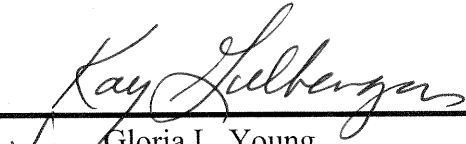
Ayes: 9 - Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin,
Sandoval

Noes: 1 - Elsbernd

Excused: 1 - Alioto-Pier

File No. 061086

I hereby certify that the foregoing Resolution was ADOPTED on August 15, 2006 by the Board of Supervisors of the City and County of San Francisco.



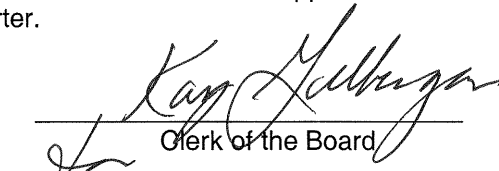
Gloria L. Young
Clerk of the Board

Date Approved

Mayor Gavin Newsom

Date: August 25, 2006

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, became effective without his approval in accordance with the provision of said Section 3.103 of the Charter.



Clerk of the Board

File No.
061086