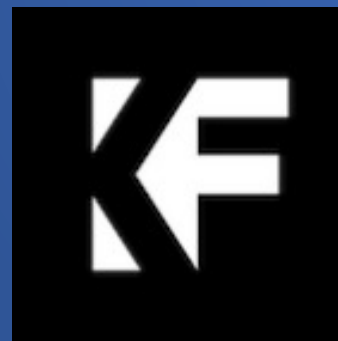


MILRC
INSTITUTE



**KNIGHT
FOUNDATION**

**POLICE:
ACCESS, CONFRONTATION &
COMPETITION**

Mickey H. Osterreicher

General Counsel

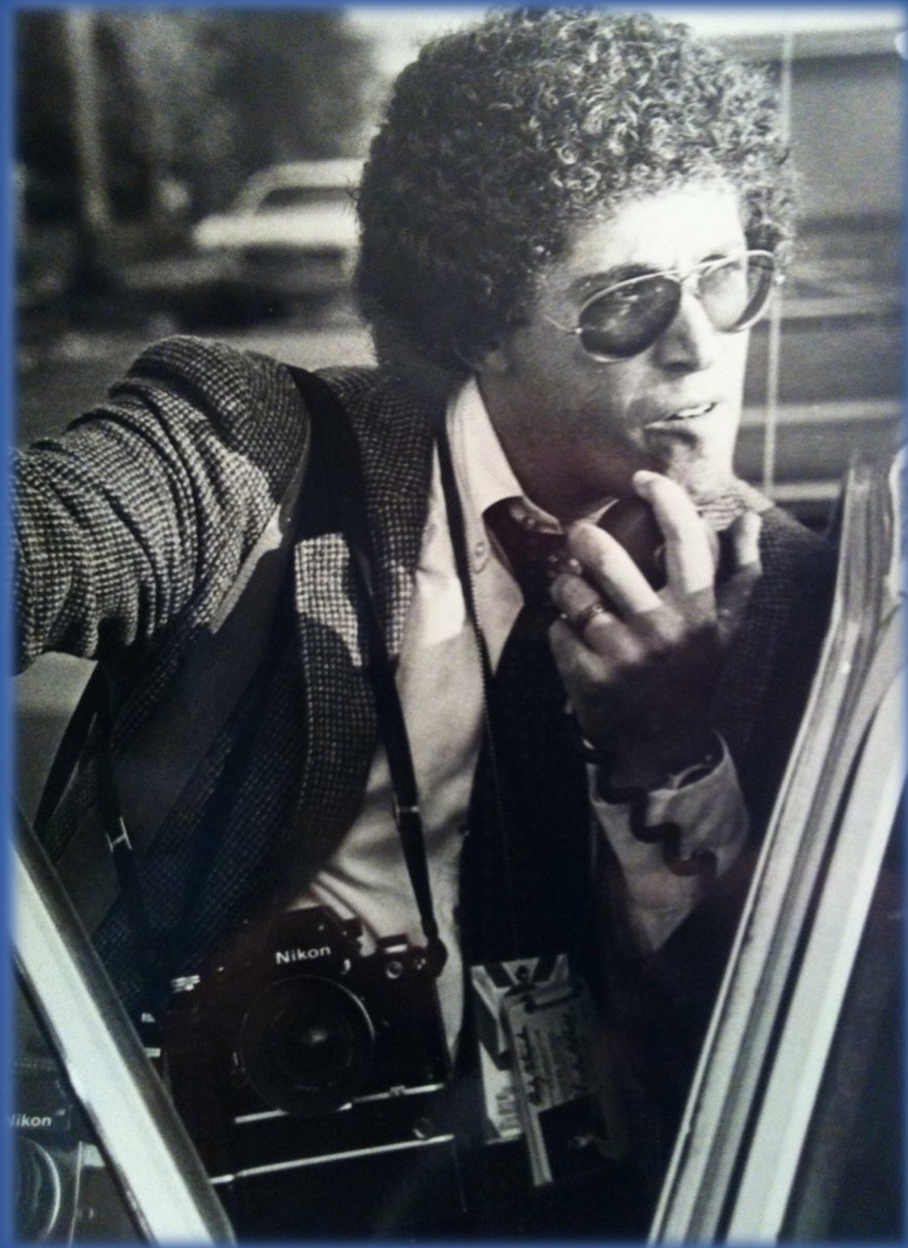
National Press Photographers Association (NPPA)

lawyer@nppa.org

@nppalawyer

**On behalf of the
MLRC INSTITUTE**









Bill of Rights

Congress OF THE United States,

begun and held at the City of New York, on
Wednesday, the fourth of March, one thousand seven hundred and eighty nine.

The Conventions of a number of the States having, at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the Government, will best insure the beneficent ends of its institution:

Resolved, by the SENATE and HOUSE of REPRESENTATIVES of the UNITED STATES of AMERICA in Congress assembled, two thirds of both Houses concurring. That the following Articles be proposed to the Legislatures of the several States, as Amendments to the Constitution of the United States; all, or any of which articles, when ratified by three fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution, viz.

Articles in addition to, and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth Article of the Original Constitution.

Article the first After the first enumeration required by the first Article of the Constitution, there shall be one Representative for every thirty thousand, until the number shall amount to one hundred, after which, the proportion shall be so regulated by Congress, that there shall be not less than one hundred Representatives, nor less than one Representative for every forty thousand persons, until the number of Representatives shall amount to two hundred, after which, the proportion shall be so regulated by Congress, that there shall not be less than two hundred Representatives, nor more than one Representative for every fifty thousand persons. [Not Ratified]

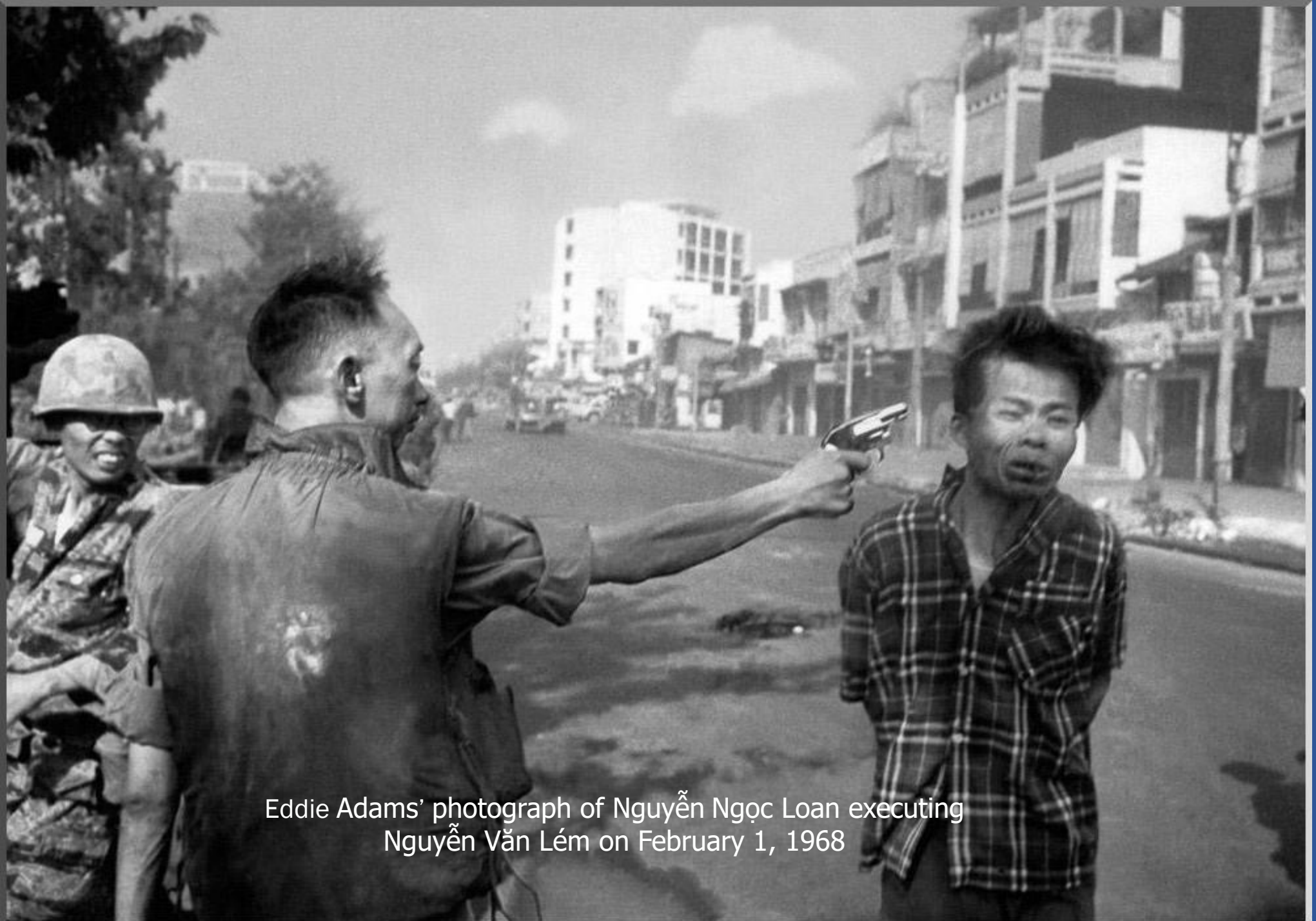
Article the second No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened. [Not Ratified]

Article the third 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.

Article the fourth A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

Article the fifth No Soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.





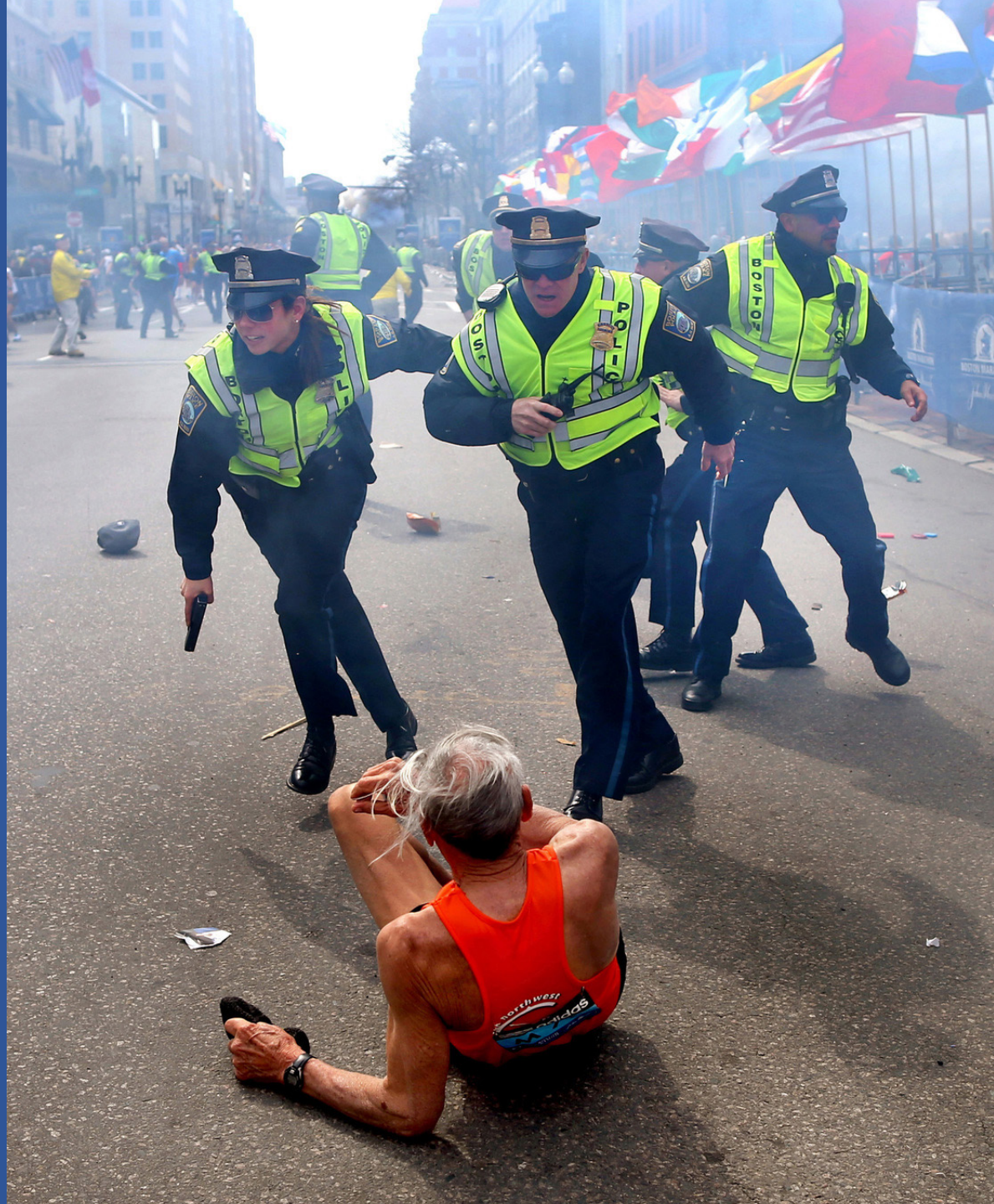
Eddie Adams' photograph of Nguyễn Ngọc Loan executing
Nguyễn Văn Lém on February 1, 1968





RockyMountainNews.com

The Record, Thomas E. Franklin © AP





2013 Terrorist Attack @ Westgate Mall, Nairobi, Kenya
Tyler Hicks, New York Times (Pulitzer Prize winner)





Safeguard
FAMILY SOAP



SHOP TO
FRESH

DOUBLE PROTECTION
against germs

PROTECTION
against germs

Johnson's
baby

The baby
skincare experts



Trusted by four
generations of mothers

Pampers
Premium Care

5.0

Photographers Are Violent People

Photographers Are Violent People

- First they frame you

Photographers Are Violent People

- First they frame you
- Then they shoot you

Photographers Are Violent People

- First they frame you
- Then they shoot you
- Then they hang you on a wall



Headlines at Home

“Louisiana Cops Arrest Man for Video Recording Them in Public”

“California Photojournalist Detained for Photographing Naval School From Public Street”

“Massachusetts Cops Pepper Spray and Arrest Man for Video Recording Them”

Headlines at Home

“Arkansas Cop Rips iPhone Out of Man’s Hand, Claiming He Couldn’t Tell it was a Smartphone”

“San Diego Police Attack and Arrest Man Video Recording Them, Claiming Phone Could be a Weapon”

“Miami-Dade Cops Caught on Camera in Overly Aggressive Arrest”

Headlines Abroad

“Ukrainian Photographer Killed While
Covering the War”

“Story of six Syrian activists who risk their lives to
capture the horrific daily realities of the conflict”

“American faces death penalty in North Korea for
photos he took of orphans begging for food”

\$\$\$\$\$\$\$\$\$\$

“Photographer Wins \$345K Settlement Over Unlawful Arrest While Taking Pictures”

“Cook County taxpayers will be billed \$645,000 for ACLU’s eavesdropping suit”

“Boston pays \$170k to settle cell phone recording lawsuit”

“County to pay \$280K to journalists tear-gassed in Ferguson”

Police & Visual Journalists Common Ground

Protect & Serve – Inform & Serve

Both rush toward a critical incident
while others run in the opposite direction

Neither Can “Work From Home”

Both Are often attacked/criticized
for doing their jobs

Bill of Rights

Congress OF THE United States,

begun and held at the City of New York, on
Wednesday, the fourth of March, one thousand seven hundred and eighty nine.

The Conventions of a number of the States having, at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the Government, will best insure the beneficent ends of its institution:

Resolved, by the SENATE and HOUSE of REPRESENTATIVES of the UNITED STATES of AMERICA in Congress assembled, two thirds of both Houses concurring. That the following Articles be proposed to the Legislatures of the several States, as Amendments to the Constitution of the United States; all, or any of which articles, when ratified by three fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution, viz.

Articles in addition to, and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth Article of the Original Constitution.

Article the first After the first enumeration required by the first Article of the Constitution, there shall be one Representative for every thirty thousand, until the number shall amount to one hundred, after which, the proportion shall be so regulated by Congress, that there shall be not less than one hundred Representatives, nor less than one Representative for every forty thousand persons, until the number of Representatives shall amount to two hundred, after which, the proportion shall be so regulated by Congress, that there shall not be less than two hundred Representatives, nor more than one Representative for every fifty thousand persons. [Not Ratified]

Article the second No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened. [Not Ratified]

Article the third 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.

Article the fourth A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

Article the fifth No Soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be pre-

1st Amendment

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.

1st Amendment

Not absolute

Subject to:

Reasonable

Time,

Place

&

Manner

Restrictions

1st Amendment

Time, Place & Manner Restrictions

Must be:

Content-Neutral

Narrowly Tailored

Serve a Significant Governmental Interest

Leave Reasonable Alternative

Avenues of Communication



4th Amendment

The right of the people to be secure
in their persons, houses, papers, and effects,
against unreasonable searches and seizures, shall
not be violated,
and no Warrants shall issue,
but upon probable cause,
supported by Oath or affirmation,
and particularly describing the place to be
searched, and the persons
or things to be seized.

4th Amendment

Use of Force

“Objective Reasonableness”

Connor v. Graham, 490 U.S. 386 (1989)

“Totality of the Circumstances

Tennessee v. Garner, 471 U.S. 1 (1985)

14th Amendment

. . . nor shall any State deprive
any person of
life, liberty, or property,
without due process of law;
nor deny to any person within its
jurisdiction the
equal protection of the laws.

14th Amendment

Due Process clause protects individuals from arbitrary state laws or actions that interfere with fundamental liberties.

Equal protection clause limits the ability of states to discriminate against people based on their race, gender, national origin, or other status

The Privacy Protection Act of 1980 42 U.S.C. § 2000aa et seq.

is legislation that protects journalists & newsrooms from search by government officials.

The act protects "work products" and "documentary materials."

A **subpoena** must be ordered by the court to gain access to the information.

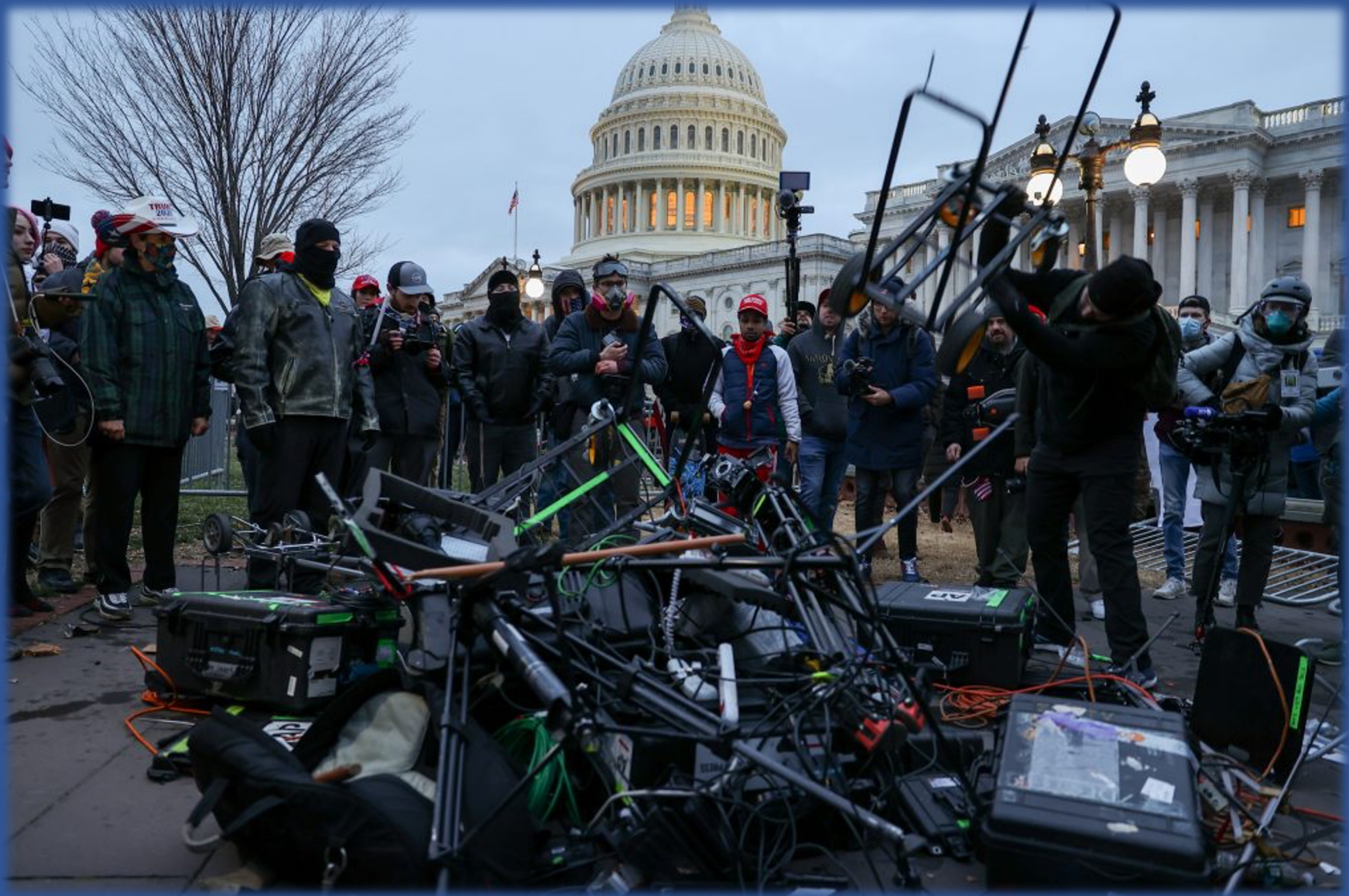
Zurcher v. Stanford Daily, 436 U.S. 547 (1978)

Reasonable Expectation of Privacy

“Conversations in the open
would not be protected against
being overheard,
for the expectation of privacy
under the circumstances
would be unreasonable.”

Katz v. United States, 389 U.S. 347, 351 (1967)





Photographers: Beware Violent Antifa Protestors

AUG 29, 2017

THOMAS HAWK

6295
Shares

6.1K



SHARE

177



TWEET

0



SHARE

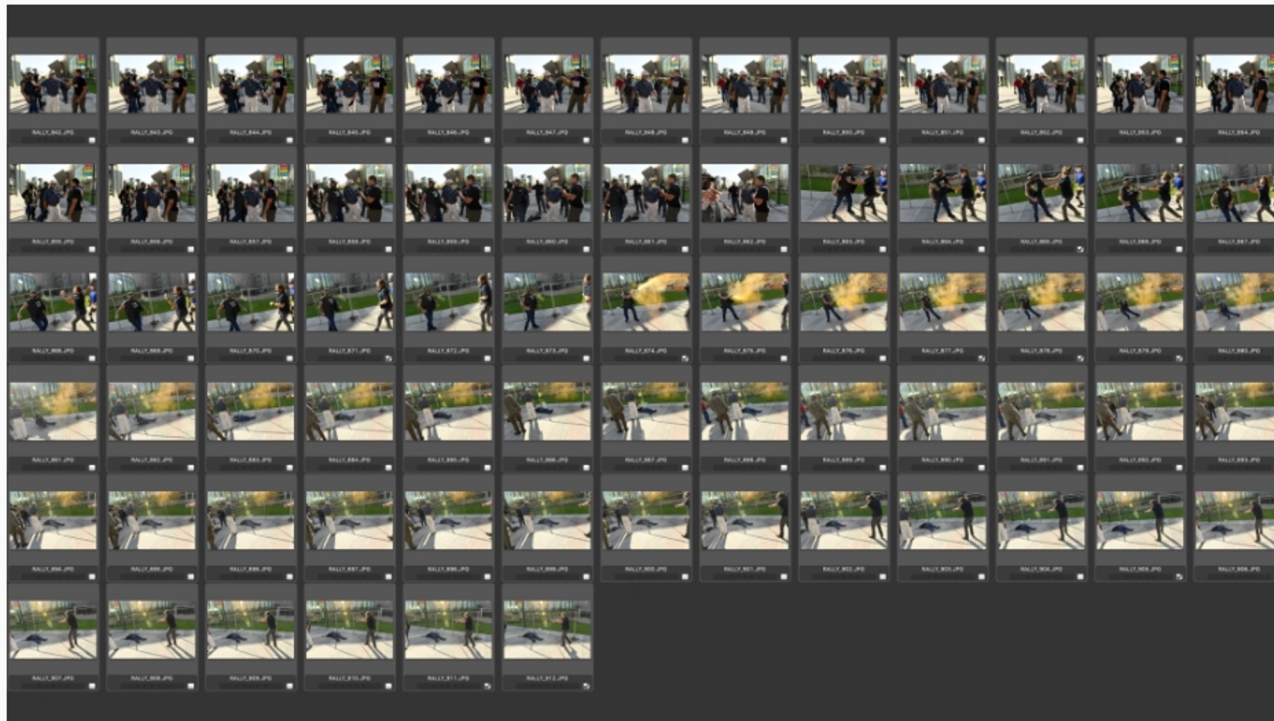
605 COMMENTS





PHOTOS

PHOTOS: A frame by frame account of the Denver protest shooting



The Denver Post

An uninterrupted, chronological sequence of 71 individual photographs documenting the fatal shooting at rallies that took place in Denver, Colorado on Oct. 10, 2020.



Filename: RALLY_865, Frame #: 2633, Capture time: 3:36:52 PM, Camera model: NIKON D5, Focal length (mm): 26, Aperture: 6.3, Shutter speed: 1/500, ISO: 400. Denver, Colorado. October 10, 2020.



Filename: RALLY_874, Frame #: 2642, Capture time: 3:36:54 PM, Camera model: NIKON D5, Focal length (mm): 26, Aperture: 6.3, Shutter speed: 1/500, ISO: 400. Denver, Colorado. October 10, 2020.



Filename: RALLY_875, Frame #: 2643, Capture time: 3:36:54 PM, Camera model: NIKON D5, Focal length (mm): 26, Aperture: 6.3, Shutter speed: 1/500, ISO: 400. Denver, Colorado. October 10, 2020.



Filename: RALLY_912, Frame #: 2680, Capture time: 3:36:58 PM, Camera model: NIKON D5, Focal length (mm): 26, Aperture: 6.3, Shutter speed: 1/500, ISO: 400. Denver, Colorado. October 10, 2020.

Retired officer protecting
San Francisco news crew
dies after being shot
in attempted robbery



Kevin Nishita

“Clearly Established”

Circuit Cases Sustaining a First Amendment Claim

Fordyce v. City of Seattle, 55 F.3d 436
(9th Cir. 1995)

Smith v. City of Cumming, 212 F.3d 1332
(11th Cir. 2000)

Glik v. Cunniffe, 655 F.3d 78
(1st Cir. 2011)

ACLU of Illinois v. Alvarez, 679 F.3d 583
(7th Cir. 2012)

Circuit Cases Sustaining a First Amendment Claim

Gericke v. Begin, 753 F.3d 1
(1st Cir. 2014)

Turner v. Driver, 848 F.3d 678
(5th Cir. 2017)

Fields v. City of Philadelphia, 862 F.3d 353
(3d Cir. 2017)



Irizarry v. Yehia (10th Cir. July 11, 2021)

First Amendment right to film the police performing their duties in public exists and was clearly established when the incident occurred.

Videorecording is unambiguously speech-creation, not mere conduct.

If the creation of speech did not warrant protection under the First Amendment, the government could bypass the Constitution by simply proceeding upstream and damming the source of speech.

Irizarry v. Yehia (10th Cir. July 11, 2021)

There is no "time, place, and manner" restriction issue because a "peaceful recording" of a traffic stop in a public space that does not interfere with the police officers' performance of their duties is not reasonably subject to limitation.

No. 21-1827

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

DIJON SHARPE,

Plaintiff–Appellant,

v.

WINTERVILLE POLICE DEPARTMENT, Officer WILLIAM BLAKE ELLIS, in
his official capacity only, and Officer MYERS PARKET HELMS IV, in his
individual and official capacity,

Defendants-Appellees.

On Appeal from the United States District Court
for the Eastern District of North Carolina
Case No. 4:19-cv-00157-D (Hon. James C. Dever III)

**BRIEF OF AMICI CURIAE NATIONAL PRESS PHOTOGRAPHERS
ASSOCIATION, THE UNIVERSITY OF VIRGINIA SCHOOL OF LAW
FIRST AMENDMENT CLINIC, AND THE DUKE UNIVERSITY SCHOOL
OF LAW FIRST AMENDMENT CLINIC IN SUPPORT OF PLAINTIFF-
APPELLANT**

ARGUMENT	6
I. The First Amendment protects the right to broadcast police activity in real time, as recording and broadcasting are inherently connected, and real-time broadcasting promotes government transparency and accountability.....	6
A. The right to record encompasses the right to broadcast recorded footage to others.....	6
B. Even if this Court considers the act of live broadcasting to be distinct from recording, First Amendment protection would similarly apply...8	
C. Live broadcasting has unique communicative value.	11
II. The hypothetical threat to officer safety identified by the district court is insufficient to categorically exclude livestreaming from First Amendment protection.....	13
III. This Court should follow the overwhelming weight of existing authority and recognize the right to record as clearly established.	17

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 13, chapter 37, Arizona Revised Statutes, is
3 amended by adding section 13-3732, to read:

4 13-3732. Unlawful video recording of law enforcement
5 activity; classification

6 A. IT IS UNLAWFUL FOR A PERSON TO KNOWINGLY MAKE A VIDEO RECORDING
7 OF LAW ENFORCEMENT ACTIVITY, INCLUDING THE HANDLING OF AN EMOTIONALLY
8 DISTURBED PERSON, IF THE PERSON MAKING THE VIDEO RECORDING DOES NOT HAVE
9 THE PERMISSION OF A LAW ENFORCEMENT OFFICER AND IS WITHIN FIFTEEN FEET OF
10 WHERE THE LAW ENFORCEMENT ACTIVITY IS OCCURRING. IF THE LAW ENFORCEMENT
11 ACTIVITY IS OCCURRING IN AN ENCLOSED STRUCTURE THAT IS ON PRIVATE
12 PROPERTY, A PERSON WHO IS AUTHORIZED TO BE ON THE PRIVATE PROPERTY MAY
13 MAKE A VIDEO RECORDING OF THE ACTIVITY FROM AN ADJACENT ROOM OR AREA THAT
14 IS LESS THAN FIFTEEN FEET AWAY FROM WHERE THE ACTIVITY IS OCCURRING,
15 UNLESS A LAW ENFORCEMENT OFFICER DETERMINES THAT THE PERSON IS INTERFERING
16 IN THE LAW ENFORCEMENT ACTIVITY OR THAT IT IS NOT SAFE TO BE IN THE AREA
17 AND ORDERS THE PERSON TO STOP RECORDING OR TO LEAVE THE AREA.

18 B. THIS SECTION DOES NOT ESTABLISH A RIGHT OR AUTHORIZE ANY PERSON
19 TO MAKE A VIDEO RECORDING OF LAW ENFORCEMENT ACTIVITY.

20 C. A VIOLATION OF THIS SECTION IS A PETTY OFFENSE, EXCEPT THAT IF
21 THE PERSON FAILS TO COMPLY WITH A VERBAL WARNING OF A VIOLATION OF THIS
22 SECTION OR HAS PREVIOUSLY BEEN CONVICTED OF A VIOLATION OF THIS SECTION,
23 IT IS A CLASS 3 MISDEMEANOR.

AZ HB 2319

Crime to record police officers within 20'
of LEO w/o permission of officer

Changed distance to 8'

Effective Date 9/24/22

AZ AG, Maricopa County Attorney & Sheriff
declined to challenge

Judge John Tuchi ruled content based, strict scrutiny,
irreparable harm, public interest, success on merits

PI Granted 9/9/22

Briefing date set for Intervenor 9/16/22 based on highly
publicized case and notice by AG



National Press Photographers Association

120 Hooper Street • Athens, GA 30602
Phone: 716.983.7800 • Fax: 716.608.1509
Email: lawyer@nppa.org

VIA EMAIL

June 30, 2022

Hon. Douglas A. Ducey
Arizona State Governor
1700 W Washington St
Phoenix, AZ 85007
engage@az.gov

Re: Veto HB 2319, Law enforcement activity; recording prohibition

Dear Gov. Ducey:

On behalf of the National Press Photographers Association (NPPA) along with the Radio and Television Digital News Association (RTDNA), the Reporters Committee for Freedom of the Press (RCFP), the Press Freedom Defense Fund (PFDF) and the twenty-three (23) organizations listed below, we write to request you **veto** HB 2319, An Act Amending Title 13, Chapter 37, Arizona Revised Statutes, By Adding Section 13-3732; “Unlawful video recording of law enforcement activity.”

This bill would make it “unlawful for a person to knowingly make a video recording of law enforcement activity if the person making the video recording does not have the *permission* of a law enforcement officer and is within *eight feet* of where the law enforcement activity is occurring” (emphasis added). Additional language regarding law enforcement activity occurring in an enclosed structure on private property permits a person who is authorized to be on the private property to “make a video recording of the activity from an adjacent room or area that is less than *eight feet* away from where the activity is occurring, unless a law enforcement officer determines that the person is *interfering* in the law enforcement activity or that it is not safe to be in the area and *orders the person to stop recording or to leave the area*” (emphasis added).

1 Arizona Broadcasters Association, an
2 Arizona nonprofit corporation; American
3 Civil Liberties Union of Arizona, an Arizona
4 nonprofit corporation; Arizona Newspapers
5 Association, an Arizona nonprofit
6 corporation; Fox Television Stations, LLC, a
7 Delaware limited liability company; Gray
8 Media Group, Inc., a Delaware corporation,
9 d/b/a KTVK-KPHO and d/b/a KOLD;
10 KPNX-TV, a division of Multimedia
Holdings Corp., a South Carolina
corporation; NBCUniversal Media, LLC, a
Delaware limited liability company;
National Press Photographers Association, a
New York nonprofit corporation; Phoenix
Newspapers, Inc., an Arizona corporation;
Scripps Media, Inc., an Ohio corporation,
d/b/a/ KGUN-TV and d/b/a KNXV-TV; and
States Newsroom/Arizona Mirror, a District
of Columbia nonprofit corporation;

Case No.:

**COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF**

STATE OF NEW YORK

3253--A

2019-2020 Regular Sessions

IN SENATE

February 5, 2019

Introduced by Sens. PARKER, SEPULVEDA -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- recommitted to the Committee on Codes in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the civil rights law, in relation to recording certain law enforcement activities

NY Civil Rights Law § 79-P

(S.3253-A/A.1360)

“New Yorker’s Right to Monitor Act”

NY Civil Rights Law
is amended by adding
a new Section 79-p

CALIFORNIA SB 98

CA Penal Code § 409.7 is added to the Penal Code, to read:

(a) If peace officers, close the immediate area surrounding a
any emergency field command post
or any other command post,
or establish a police line, or rolling closure
at a demonstration, march, protest, or rally
where individuals are engaged in activity that is protected
pursuant to the First Amendment to
the United States Constitution
or Article I of the California Constitution,
the following requirements shall apply:

CALIFORNIA SB 98

- (1) A duly authorized representative of any news service, online news service, newspaper, or radio or television station or network may enter the closed areas described in this section.
- (2) A peace officer or other law enforcement officer shall not intentionally assault, interfere with, or obstruct the duly authorized representative of any news service, online news service, newspaper, or radio or television station or network who is gathering, receiving, or processing information for communication to the public.

CALIFORNIA SB 98

(3) A duly authorized representative of any news service, online news service, newspaper, or radio or television station or network that is in a closed area described in this section shall not be cited for the failure to disperse,
a violation of a curfew,
or a violation of paragraph (1) of subdivision (a) of Section 148, for gathering, receiving, or processing information.

CALIFORNIA SB 98

If the duly authorized representative is detained by a peace officer or other LEO, that representative shall be permitted to contact a supervisory officer immediately for the purpose of challenging the detention, unless circumstances make it impossible to do so.

(b) This section does not prevent a law enforcement officer from enforcing other applicable laws if the person is engaged in activity that is unlawful.

(c) This section does not impose, and shall not be used as the basis for, criminal liability.

Minneapolis
5:09 AM CT

BREAKING NEWS

THIRD NIGHT OF VIOLENT PROTESTS, FIRES IN MINNEAPOLIS

LIVE



3:09 AM PT

TODAY

DALLAS

88°

LOS ANGELES

74°


PHOENIX

112°

NEW DAY

Minnesota governor apologizes for arrest of CNN crew

By DAVID BAUDER May 29, 2020



JUDGE ISSUES ORDER HALTING POLICE ATTACKS ON JOURNALISTS

CASE 0:20-cv-01302-WMW-DTS Doc. 105 Filed 04/16/21 Page 1 of 22

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Jared Goyette et al.,

Case No. 20-cv-1302 (WMW/DTS)

Plaintiffs,

**ORDER GRANTING PLAINTIFFS'
MOTION FOR A TEMPORARY
RESTRAINING ORDER**

v.

City of Minneapolis et al.,

Defendants.

George Floyd in Minneapolis in May – June 2020
Journalists sought TRO in 2020 – Denied

Daunte Wright in Brooklyn Center in April 2021.
Court issued a Preliminary Injunction on 10/28/2021

Six Year Monitored Injunction; Court Action 1/10/2022

The Preliminary Injunction of 10/28/2021 shall be converted to **a monitored permanent injunction** and **remain in effect for six (6) years** from the Effective Date of this Agreement. The Court shall oversee compliance with the Monitored Injunction and **take appropriate action in the event it is violated.**

Goyette v. City of Minneapolis

Defendants are **hereby enjoined** from:

arresting, threatening to arrest, or using physical force
including through use of flash bang grenades,
non-lethal projectiles, riot batons,
or any other means

directed against any person whom they **know**
or reasonably should know is a Journalist
(as defined Paragraph 4 below),
unless the State Defendants have
probable cause to believe
that such individual has **committed a crime.**

Goyette v. City of Minneapolis

For purposes of this Order, those individuals identifiable as a Journalist as defined in Paragraph 4

shall not be required to disperse following the issuance of an order to disperse, and such persons shall not be subject to arrest for not dispersing following the issuance of an order to disperse.

Such persons shall, however, remain bound by all other laws

Goyette v. City of Minneapolis

Defendants are **hereby enjoined** from:

Using chemical agents directed against any person
whom they know or

reasonably should know is a Journalist,
including but not limited to mace/OC spray
or mist/pepper spray/pepper gas, tear gas, skunk,
inert smoke, pepper pellets, xylyl bromide,
and similar substances,

**unless such Journalist presents an imminent threat
of violence or bodily harm to persons
or damage to property**

Goyette v. City of Minneapolis

Defendants are **hereby enjoined** from:

Seizing any photographic equipment, audio
or video recording equipment,
or press passes

from any person whom the State Defendants know
or reasonably should know is a Journalist,

or **ordering such person to stop photographing, recording,
or observing a protest,**

unless the State Defendants are **lawfully seizing**
that person consistent with this Order.

Goyette v. City of Minneapolis

The following shall be considered **indicia** of being a Journalist:

Visible identification as a member of the press,
such as by carrying a professional
or authorized press pass
or wearing a professional or authorized
press badge
or other official press credentials
or distinctive clothing
that identifies the wearer
as a member of the press.

Goyette v. City of Minneapolis

These indicia are not exclusive, and a person need not exhibit every indicium to be considered a Journalist under this Order.

State Defendants shall not be liable for unintentional violations of this Order in the case of an individual who does not carry or wear a press pass, badge, or other official press credential or distinctive clothing that identifies the wearer as a member of the press.

Who is a
Journalist?

**BEFORE THE
MINNESOTA SUPREME COURT ADVISORY COMMITTEE
ON RULES OF CRIMINAL PROCEDURE**

ST. PAUL, MN

**PROPOSED AMENDMENTS TO THE MINNESOTA
RULES 4.01, 4.02(D)–(E) OF THE GENERAL RULES OF PRACTICE FOR THE DISTRICT COURTS
REGARDING AUDIO VISUAL COVERAGE OF CRIMINAL PROCEEDINGS**

**COMMENTS OF THE
NATIONAL PRESS PHOTOGRAPHERS ASSOCIATION (NPPA)**

**MICKEY H. OSTERREICHER, GENERAL COUNSEL
NATIONAL PRESS PHOTOGRAPHERS ASSOCIATION**



Nat'l Press Photographers Ass'n v. McCraw
504 F. Supp. 3d 568 (W.D. Tex. 2020)

IT IS ORDERED that Plaintiffs' **motion for summary judgment is GRANTED.**

IT IS FURTHER ORDERED that Tex. Gov't Code §§ 423.002, 423.003, 423.004, 31 423.0045, 423.0046, and 423.006 **violate the First and Fourteenth Amendments and are therefore unconstitutional.**

IT IS FURTHER ORDERED that Defendants, as well as their officers, agents, employees, attorneys, and all persons in active concert or participation with them, **are enjoined from enforcing** Tex. Gov't Code §§ 423.002, 423.003, 423.004, 423.0045, 423.0046, and 423.006.

IT IS FURTHER ORDERED that Defendant's motion for summary judgment is **DENIED.**

Nat'l Press Photographers Ass'n v. McCraw
504 F. Supp. 3d 568 (W.D. Tex. 2020)

IT IS FURTHER ORDERED that East Texas Ranch, L.P.'s motion to intervene is
DENIED.

IT IS FINALLY ORDERED that Texas Association of Broadcasters and
Reporters Committee for Freedom of the Press' motion for leave to file amicus
brief is GRANTED.

All other relief is denied.

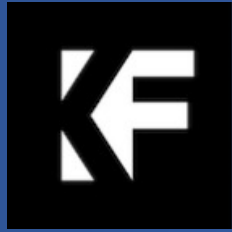












**KNIGHT
FOUNDATION**



With Funding from
The John S. and James L. Knight Foundation
and
The MLRC Institute

**POLICE:
ACCESS, CONFRONTATION &
COMPETITION**

Mickey H. Osterreicher

General Counsel

National Press Photographers Association (NPPA)

lawyer@nppa.org

@nppalawyer

**On behalf of the
MLRC INSTITUTE**





















Photographer who shot Proud Boys photos files suit to block House Jan. 6 committee subpoena



By [Paul Farhi](#)

December 15, 2021 at 9:36 p.m. EST



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMY HARRIS
100 Industrial Drive
P.O. Box #180
Lawrenceburg, IN 47025

Plaintiff,

v.

U.S. HOUSE SELECT COMMITTEE
TO INVESTIGATE THE JANUARY 6TH
ATTACK ON THE UNITED STATES
CAPITOL, and

BENNIE G. THOMPSON, in his official
capacity as Chairman of the U.S. House
Select Committee to Investigate the
January 6th Attack on the United States
Capitol,

Defendants.

Civil Action No.

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT NEW YORK

----- X
ADAM GRAY, JASON DONNELLY, DIANA :
ZEYNEB ALHINDAWI, JEMELL D. COLE, :
and AMR ALFIKY, :
: 21 Civ. _____

Plaintiffs, :
: **COMPLAINT**

- against - :
: **JURY TRIAL DEMANDED**

CITY OF NEW YORK, SERGEANT :
WILLIAM E. BALUNAS, OFFICER SEAN P. :
ROBINSON, LIEUTENANT RICHARD :
MACK, OFFICER BRIANNA CARLO, JOHN :
DOES 1-7, and JANE DOE 1, :
: :

Defendants. :
----- X



About

Filming Permits

Press Card

Industries

Nightlife

NY
media

Search



Press Credentials Office

[About the Press
Credentials Office](#)

[Press Card Renewal
Information](#)

NYC Press Credentials