

## House Resolution No. 6032

By Representatives Poskin, Highberger, Alcalá, Amyx, Ballard, Buehler, Butler, Carlin, Carmichael, Carr, Clifford, Collins, Curtis, Dodson, Droge, Fairchild, Featherston, Goddard, Haskins, Haswood, Hougland, Howe, Hoye, Martinez, McDonald, Melton, Meyer, D. Miller, S. Miller, V. Miller, Neighbor, Ohaebosim, Oropeza, Osman, Ousley, Probst, S. Ruiz, Sawyer Clayton, Schlingensiepen, Stogdill, Waggoner, Weigel, Winn, Woodard and Xu

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1 A RESOLUTION affirming the Kansas house of representatives'  
2 unwavering support for free press in the state of Kansas and directing  
3 the attorney general to make a report to the body concerning the  
4 Colorado bureau of investigation's inquiry regarding the extent to  
5 which the civil rights of any Kansan were violated when certain search  
6 warrants were executed in Marion, Kansas, on August 11, 2023.

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8 WHEREAS, Journalism is a pillar of democracy, and free press is  
9 protected by the First Amendment to the Constitution of the United  
10 States; and

11 WHEREAS, Section 11 of the Kansas Bill of Rights, enshrined in the  
12 Kansas Constitution, declares, "The liberty of the press shall be  
13 inviolate"; and

14 WHEREAS, As defined by K.S.A. 2023 Supp. 60-480(a), a journalist  
15 is a publisher, editor, reporter or other person employed by a newspaper,  
16 magazine, news wire service, television station or radio station who  
17 gathers, receives or process information for communication to the public.  
18 The same statute also states that a journalist can be defined as an online  
19 journal in the regular business of newsgathering and disseminating news  
20 or information to the public; and

21 WHEREAS, Journalists are important participants in democracy and,  
22 increasingly, a vital source of local news and educational information  
23 within their communities; and

24 WHEREAS, Journalists create historical records and provide an  
25 important service to the community; and

26 WHEREAS, Journalists in Kansas, including those at the Marion  
27 County Record in Marion, Kansas, have faced retaliation for exercising  
28 their constitutional rights in the course of publishing facts about  
29 important matters and those of public concern; and

30 WHEREAS, On August 11, 2023, law enforcement agencies, led by  
31 the Marion Police Department, executed search warrants on the Marion  
32 County Record, the home of its publisher, Eric Meyer, where he lived

1 with his 98-year-old mother, Joan Meyer, and the home of then-city  
2 commission member Ruth Herbel; and

3 WHEREAS, On August 12, 2023, Joan Meyer, who was present when  
4 authorities executed the search warrant the previous day, died by cardiac  
5 arrest after being, according to an article published by the Marion County  
6 Record, "stressed beyond her limits and overwhelmed by hours of shock  
7 and grief" in the aftermath of the intrusion into her residence; and

8 WHEREAS, On August 16, 2023, the Marion County Attorney  
9 withdrew the search warrants and authorized the return of seized items  
10 because, according to a news release made by Marion County Attorney  
11 Joel Ensey, "insufficient evidence exists to establish a legally sufficient  
12 nexus between this alleged crime and the places searched and the items  
13 seized"; and

14 WHEREAS, None of the people whose homes or businesses were  
15 searched on August 11, 2023, have been charged with any criminal  
16 offense; and

17 WHEREAS, The Colorado Bureau of Investigation, at the request of  
18 the State of Kansas, has opened an investigation on the circumstances  
19 surrounding the August 11 searches; and

20 WHEREAS, The Congress of the United States has enacted the  
21 Privacy Protection Act of 1980 (PPA), codified at 42 U.S.C. § 2000aa et  
22 seq., which generally requires the government to issue subpoenas to  
23 journalists before subjecting them to search warrants; and

24 WHEREAS, The PPA provides that, absent certain narrow and  
25 enumerated exceptions, it shall be unlawful for a government officer or  
26 employee, in connection with the investigation or prosecution of a  
27 criminal offense, to search for or seize any work product materials or  
28 documentary materials, as defined by the PPA, that are in the possession  
29 of a journalist; and

30 WHEREAS, Searching for or seizing any journalistic work product or  
31 documentary materials, as defined by the PPA, without first issuing  
32 subpoenas contravenes the tenets of the First Amendment and the basis of  
33 a free and informed society, for it undermines the role of journalism in  
34 encouraging engaged, civic-minded, critical thinkers: Now, therefore,

35 *Be it resolved by the House of Representatives of the State of Kansas:*  
36 That we hereby affirm our unwavering support for the free press in the  
37 state of Kansas; and

38 *Be it further resolved:* The we direct the attorney general to make a  
39 report to the body concerning the Colorado Bureau of Investigation's  
40 inquiry regarding the extent to which the civil rights of any Kansan were  
41 violated when certain search warrants were executed in Marion, Kansas,  
42 on August 11, 2023; and

43 *Be it further resolved:* That the Chief Clerk of the House of

- 1 Representatives shall send an enrolled copy of this resolution to
- 2 Executive Director of the Kansas Association of Broadcasters, Allison
- 3 Mazzei, Executive Director of the Kansas Press Association, Emily
- 4 Bradbury, Editor and Publisher of the Marion County Record, Eric Meyer
- 5 and Representatives Poskin and Highberger.