Res. No. 840

Resolution calling upon the United States Senate to pass, and for New York Senators Charles Schumer and Hillary Clinton to support, Rep. Peter King's "John Doe" amendment that would provide civil immunity to people who report suspicious behavior

By Council Members Nelson, Rivera, Recchia Jr., Oddo, Ignizio, Avella, Brewer, Felder, Fidler, Gentile, James, Koppell, Sanders Jr., Stewart and Weprin

Whereas, Among municipal legislatures across America, the Council of the City of New York maintains unparalleled interest in the pursuit of national security; and

Whereas, Such interest is borne of the tragic terrorist events of September 11, 2001, at which time New York City suffered the most deadly foreign attack on American soil since the country's founding; and

Whereas, The Council acknowledges that in order to encourage citizens' participation in pursuing their own security and foster Americans' belief in and reliance upon federal homeland security coordination, strong protections must exist to protect the people who come forward to report suspicious activity in hopes of thwarting wrongdoing; and

Whereas, In the interest of strengthening legal protections for those reporting suspicious activity, New York Congressmember Peter King introduced a "John Doe" amendment to the Rail and Public Transportation Security Act of 2007; and

Whereas, Congressmember King's "John Doe" amendment, according to the Act's bill summary, "Sets forth certain whistleblower protections for DHS, Department of Transportation (DOT), rail and public transportation, and over-the-road bus employees (including contractors and subcontractors) who have provided information or otherwise assisted in any investigation regarding conduct related to, or who have refused to violate or assist in, the violation of any regulation related to national or homeland security;" and

Whereas, These whistleblower protections are intended to protect federal employees and contractors as well as civilians against frivolous lawsuits and intimidation and to provide civil immunity for the reporting of suspected terrorist or terrorist-related activity; and

Whereas, Such protections are modeled after federal Good Samaritan provisions based in a fundamental belief that people have a right and obligation to pursue in good faith their own and their fellow Americans' welfare and safety; and

Whereas, Congressmember King's amendment was prompted by a Council of American-Islamic Relations' lawsuit filed against, among other defendants, various "John Doe" parties to protest six Muslim imams' removal from a U.S. Airways airplane because of alleged "suspicious" activities reported by the "John Does," including sitting in seats that, together, resembled a preplanned formation and requesting, but not using, seatbelt extenders; and

Whereas, The Rail and Public Transportation Security Act of 2007 overwhelmingly passed the United States House of Representatives by a vote of 304 in the affirmative to 121 in the negative; and

Whereas, Upon passage in the House, the Act was then sent to the United States Senate, where it was referred to the Committee on Commerce, Science, and Transportation; and

Whereas, The Council wholeheartedly supports the New York City Transit "If You See Something, Say Something" bus and subway campaign as well as the incomparable security efforts of the Department of Homeland Security, the New York City Police Department, the Port Authority of New York and New Jersey, and the many other individuals and City, State, and federal agencies working together to ensure our continued liberty; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Senate to pass, and for New York Senators Charles Schumer and Hillary Clinton to support, Rep. Peter King's "John Doe" amendment that would provide civil immunity to people who report suspicious behavior in the name of national security.

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