



November 7, 2011

Mayor Kasim Reed
City of Atlanta
55 Trinity Avenue
Atlanta, GA 30303

Dear Mayor Reed,

I am writing on behalf of the Student Press Law Center, a nonprofit advocate for the rights of the student media, to express our deepest concern over the unjustified Nov. 5 arrest and jailing of student journalists covering the “Occupy Atlanta” demonstration near Woodruff Park.

During the police roundup of demonstrators on the evening of Nov. 5, at least two working college student journalists – Alisen Redmond of *The Sentinel* at Kennesaw State University and Judith Kim of *The Signal* at Georgia State University – were arrested, jailed, and issued citations for the offense of “obstruction of traffic.” Each of them spent approximately 14 unnecessary hours in jail, taking up a bed that could have been used for a truly dangerous person.

To be clear, these working journalists were in no way taking part in the “Occupy” protests. They were present on assignment to gather news for their publications, a fact that they pointed out to City of Atlanta police unmistakably.

We respect the difficult job that police officers do, and appreciate that controlling crowds can at times require spur-of-the-moment safety decisions. However, it appears clear from the video and witness accounts of Saturday night’s events that no public-safety justification existed to arrest pedestrians in a hasty and indiscriminate manner. The officers had ample time to make a distinction between a person causing a disturbance and a person peacefully recording police and protester activity as part of a *bona fide* news organization.

While having a press pass is of course not a license to violate the law, the “violation” for which these journalists were cited consisted entirely of “obstructing traffic” on a street that the police had themselves closed to traffic – a street on which television crews from the professional news media were standing untouched by police, permitted to do their jobs.

What is most worrisome about these arrests is that the officers quite clearly knew that they were arresting journalists – in at least one instance, the student showed police a valid employee ID from her newspaper – yet they told the journalists that they did not enjoy the same rights as professionals. This is a fundamental misunderstanding of the law – First Amendment rights do not correspond to the size of one’s paycheck – and if this is the perception of the City’s police officers, then it needs correcting at once.

As you probably are aware, the First Circuit U.S. Court of Appeals recently held in *Glik v. Cunniff*, ___ F.3d ___ (1st Cir. Aug. 26, 2011) that there is a “clearly established” constitutional right to record and videotape police in the conduct of their official duties. The court’s admonition in *Glik* bears repeating here:

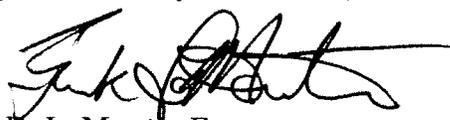
There is an undoubted right to gather news from any source by means within the law. ... The filming of government officials engaged in their duties in a public place, including police officers performing their responsibilities, fits comfortably within these principles. Gathering information about government officials in a form that can readily be disseminated to others serves a cardinal First Amendment interest in protecting and promoting the free discussion of governmental affairs.

Id. at *9 (internal quotes and citations omitted).

We ask that you immediately initiate an investigation into the circumstances of these student journalists’ arrests, and that you instruct the Police Department to withdraw all charges against the students and against any journalist whose “crime” consists of standing on public property non-disruptively gathering news. We further ask that you direct the City of Atlanta Police to re-educate officers in the proper procedures when dealing with members of the news media – including students – at the scene of a news event. We would be pleased to work with you and with the Police Department in coming up with policies to prevent a recurrence of these unfortunate events.

Thank you for giving this matter your attention during what we appreciate is a very busy time.

With gratitude for your service,



Frank D. LoMonte, Esq.
Executive Director
Student Press Law Center

cc: Atlanta Police Chief George Turner
City Attorney Cathy Hampton
Robin Rhodes, Georgia Press Association
Lauri Strauss, Atlanta Press Club
Members of the Atlanta news media