



SOCIETY OF
PROFESSIONAL
JOURNALISTS



March 25, 2003

Mr. Charles H. Ramsey
Chief
Metropolitan Police Department
300 Indiana Avenue N.W.
Washington, D.C. 20001

Re: *Student Journalists Arrested*

Dear Chief Ramsey:

Three weeks ago I wrote to you on behalf of the Society of Professional Journalists, the Student Press Law Center and the Reporters Committee for Freedom of the Press concerning six student journalists arrested during the IMF protests last fall, and I requested a meeting. To date I have received no response, and even more disturbing is that the only people arrested during the anti-war protest March 15th were six student photographers, two of whom wore Philadelphia Police press passes.

These six students were charged with unlawful entry to the World Bank and held for arraignment from Saturday evening until the cases were dismissed Monday afternoon. Your officers arrested them even though members of the Secret Service Intelligence Branch and your officers determined at the scene that they were engaged in activity protected by the First Amendment. Furthermore, your officers arrested and detained them without probable cause to believe they had committed any crime, and despite the Secret Service's clear decision to recommend to the U.S. Attorney that the cases be dismissed.

I received a call at about 5:30 p.m. March 15th from a George Washington University student who works for *The Hatchet*. He told me about the arrests and I went to the Second District to find out why the students had been arrested and would not be released. I talked to the photographer from the *Daily Pennsylvanian*, one of the student journalists arrested, and to a Secret Service agent. It became clear that MPD officers made the decision to take a hard line with these students despite the absence of evidence supporting the charges.

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The six student photographers had been following a group of Black Bloc protesters for much of the day, and when the protesters broke away from the line of march the students followed. Between 32 and 36 protesters went on a rampage through the lobby of the World Bank doing damage, and eventually left the building by breaking a glass door at the rear. The Secret Service detail conducting surveillance watched and counted them, but apparently made no effort to stop the protesters. The student photographers entered the lobby through an unlocked door and photographed the incident, and were trapped inside when security personnel hiding from the protesters activated an alarm that locked all doors to the building.

Neither the security guards nor the Metropolitan Police officers ordered the students to leave, and did not give them an opportunity to do so. As you are undoubtedly aware, there are two prerequisites to charging a person under D.C. Code § 22-3302 with unlawful entry to public property: that a person lawfully in charge of the premises ordered the party to leave; and the existence of a specific factor establishing that the party lacks authority to remain on the premises. *O'Brien v. United States*, 444 A.2d 946, 948 (D.C. 1982). In fact, an MPD officers told one or more of the students they could leave, but another officer stopped them as they tried to exit the building.

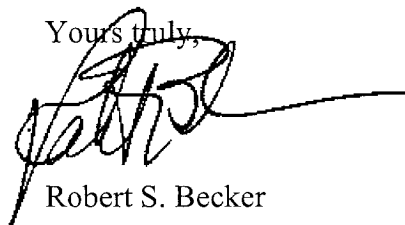
Your officers and a Secret Service agent questioned the students, without advising them of their constitutional rights under *Miranda v. Arizona*, 384 U.S. 436 (1966). Clearly, the investigators recognized that the students were witnesses to a crime, not perpetrators. The investigators were far more interested in obtaining information that would help identify those who damaged the Bank's property. In short, there was absolutely no basis for the arrests.

The two students with official press credentials work for student newspapers at the University of Pennsylvania and Indiana University, and the other four are studying documentary film making at other institutions. Although Sgt. Joe Gentile had told me in November that the MPD would recognize press credentials issued by other jurisdictions, the officers on the scene told the students they would not recognize the Philadelphia Police press passes because they were issued by a jurisdiction over 100 miles from Washington.

In my previous letter I requested that you issue a policy concerning treatment of student journalists because we anticipated problems like those encountered by the six students arrested March 15th. Professional journalists from across the country and other nations come to Washington frequently to cover events. They carry press credentials issued by the jurisdictions in which they normally work, and I doubt that your officers would take the position that those press passes are invalid here.

Again, I am asking that you meet with us very soon to establish a policy that protects the First Amendment rights of student journalists to cover events in Washington. As we have seen over the past week, the number of protests is increasing, as is the likelihood that more student journalist will come here to cover them.

Yours truly,

A handwritten signature in black ink, appearing to read "R. Becker", with a long horizontal line extending to the right.

Robert S. Becker

cc: Hon. Anthony A. Williams, Mayor, EOM Tracking No. 349247
Hon. Kathy Patterson, Chair, Judiciary Committee, D.C. City Council
Hon. Roscoe Howard, Esq., United States Attorney for the District of Columbia
Robert Leger, President, Society of Professional Journalists
Ann Aughterton, President D.C. Professional Chapter, Society of Professional Journalists
Mark Goodman, Executive Director, Student Press Law Center
Lucy Dalglish, Executive Director, Reporters Committee for Freedom of the Press