

Katie Thisdell's Statement
Breeze Editor-in-Chief
Tuesday, June 1, 2010

We are pleased that the Commonwealth's Attorney has expressed regret over the fear and concern caused by the April 16th seizure from The Breeze for our photographs related to the Springfest riot. Because we believe that the seizure of the photographs was illegal under the federal Privacy Protection Act, we are pleased that, after the seizure, the Commonwealth's Attorney agreed not to look at or copy the seized photographs, and promptly returned them to our faculty advisor. We are also pleased that she and local law enforcement officials have pledged that in the future, when they request photographs or documents from a news organization in connection with an investigation, they will use the subpoena process, absent the imminent threat of injury or death. This will allow the subpoenaed news organization the chance to assert various constitutional protections designed to maintain an independent press and, if necessary, to have a judge decide the issue. Or, as we did here with the Commonwealth's Attorney, it will allow the parties to negotiate over the scope of the request.

Here, after the Commonwealth's Attorney narrowed the request to eight specific incidents, we determined, after talking with our counsel, that if those categories of photos were in fact subpoenaed, a judge might agree that the Commonwealth was entitled to the small number of photographs we had of those incidents – a total of 20 photographs. We therefore are providing them to the Commonwealth's Attorney, and have added them to the many images that were already public on our Web site. The still-sealed discs of the 962 photos originally seized on April 16th have been returned to The Breeze.

While the Privacy Protection Act would have allowed us to sue various officials involved in the April 16th seizure, we have strongly preferred to resolve this matter informally through discussions with the Commonwealth's Attorney. We are pleased that we were able to do so, and to put this matter behind us.