



Via Hand Delivery

April 9, 2009

Mr. Phil Riggin
Acting Assistant Secretary for Undersecretary
for Public and Intergovernmental Affairs
Department of Veterans Affairs
810 Vermont Avenue, N.W.
Washington, D.C. 20420

Ms. Michelle Spivak
Director of Community Relations and Public Affairs
DC VA Medical Center
50 Irving Street, N.W.
Washington, D.C. 20422

Dear Mr. Riggin and Ms. Spivak:

The Department of Veterans Affairs owes WAMU and its journalist David Schultz the immediate return of our flash card recording device and an apology for the unconstitutional manner in which Mr. Schultz was treated while gathering news at a public meeting earlier this week.

During the evening of Tuesday April 7, Mr. Schultz attended a “town hall meeting” of the Department of Veterans Affairs Advisory Committee on Minority Veterans, which was held at the VA Medical Center. The meeting was open to the press and public. Mr. Schultz had identified himself from the onset as a reporter for WAMU, and he had notified the VA in advance that he would be in attendance.

When Mr. Schultz left the auditorium with a veteran, Veterans Affairs staff person Gloria Harrston interrupted their consensual interview in the hallway and insisted that Mr. Schultz had entered federal property “illegally.” She made this careless accusation even though Mr. Schultz had called the VA in advance, signed in at the door, introduced himself to Ms. Harrston while setting up his equipment, and had gathered news in an entirely open and obvious manner.

Ms. Harrston then summoned a number of uniformed officers who surrounded our reporter while she demanded that he surrender his audio equipment. When Mr. Schultz attempted to defuse the confrontation by attempting to put Ms. Harrston on the telephone with his supervisor at WAMU, Ms. Harrston refused to take the phone from his hand.

Understandably fearing that he was about to be arrested, Mr. Schultz surrendered all of his equipment to Ms. Harrston, explaining to her that the flash card contained the recording of the interview that she had disrupted. She proceeded to search through all of the equipment anyway, and she kept the flash card when returning the remainder of WAMU's property to Mr. Schultz.

The only explanation Ms. Harrston and another staffer ever gave to Mr. Schultz for this rough treatment is that the veteran had not signed a release form. The release form was necessary, Mr. Schultz was told, so that the VA could determine if a veteran had made a comment that required a response from the VA.

WAMU and its owner, American University, take this matter extremely seriously. Our reporter was subjected to an unlawful detention against his will, a search of our recording equipment without any probable cause, and the seizure of our sound recording medium. Mr. Schultz's newsgathering activities and the product of his work not only are protected by the First Amendment, but he was attending a public meeting at which the VA had encouraged public discussion on the treatment it gives to minority veterans. It is inconceivable that any interest of government, let alone the Department of Veterans Affairs' desire to plan its press strategy, would ever justify the clearly unconstitutional behavior of its staff and uniformed officers.

WAMU and Mr. Schultz do not want to see this issue escalate further. We demand that the Department immediately return the flash card it unlawfully seized from our reporter and apologize to WAMU and Mr. Schultz for this outrageous conduct.

Very truly yours,

Caryn G. Mathes
General Manager