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Writers sue NYC over policy on press passes

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NEW YORK (AP) — Three writers whose police department press passes weren't renewed filed a federal lawsuit Wednesday challenging the city's criteria for deciding who qualifies for the valuable ID cards.

The plaintiffs in the case are freelance or part-time journalists whose work predominantly appears on the Internet.

Only one of the three, the freelancer David Wallis, has substantial experience in traditional media. His feature stories have appeared in The New York Times, Slate and The New Yorker, among other publications, and he is the founder of the freelance site Featurewell.com.

Wallis' two partners in the suit are Rafael Martinez-Alequin, a blogger and City Hall gadfly who once published a small independent newspaper, and Ralph Smith, a public information officer for the Department of Correction who has a Web site devoted to news about jail guards and community groups.

Each of the men had, for many years, held press ID cards issued by the New York Police Department, but their applications for renewal were turned down in 2007.

In each case, police officials decided the men weren't entitled to passes because they didn't regularly cover breaking stories for professional news organizations.

Their attorney, Norman Siegel, said that since the three men lost their passes, they haven't been able to get access to invitation-only press conferences and have had a diminished ability to work as reporters.

"Why does the police department get to determine who is a journalist?" Siegel said.

The suit accuses the city of using arbitrary criteria to decide who gets the passes, and it asks the court to declare the application process unconstitutional.

A senior attorney for the city, Gabriel Taussig, said officials were "investigating the plaintiffs' concerns thoroughly." He generally defended the city's practice of issuing credentials to some people but not others.

"The issuance of NYPD press passes strikes an appropriate balance between First Amendment concerns and public safety," he said.

A police official, Lt. Eugene Whyte, issued a statement saying that unsuccessful applicants for press cards typically are rejected "because they failed to establish that they were full-time employees of news gathering organizations covering spot or breaking news events on a regular basis."

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