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OF THE  
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for purposes of identification.*

April 10, 2009

The Honorable Erik K. Shinseki  
Secretary of Veterans Affairs  
U.S. Department of Veterans Affairs  
810 Vermont Avenue N.W.  
Washington, DC 20420

Mr. Fernando O. Rivera  
Director  
VA Medical Center  
50 Irving Street N.W.  
Washington, DC 20422

Dear Secretary Shinseki and Director Rivera:

I am writing to object to the Department of Veterans Affairs' illegal seizure of WAMU-radio reporter David Schultz's reporting equipment on Tuesday, April 7.

Mr. Schultz learned of a public forum involving veterans at the Washington VA Hospital through a press release, and logically assumed the VA was welcoming public attendance. After hearing a certain patient speak at the event, Mr. Schultz approached him for an interview. Their talk was interrupted by a VA employee, who asked Mr. Schultz to hand over the sound card containing the interviews. Mr. Schultz correctly responded that the patient had a right to speak with the media.

I am trying in vain to come up with what sort of patient privacy interest the VA was trying to protect in requiring speakers to sign a waiver prior to media interviews. Presumably, the VA was not passing out the patient's medical records at the public forum. Presumably, other citizens attended the forum and were not required to obtain some sort of "consent" form before talking to panelists. Presumably, the patient was appearing at the public forum of his own free will. Presumably, the VA wisely chose speakers who could handle speaking publicly.

If the patient was concerned about some of the questions asked by Mr. Schultz, he could have refused to answer them. In fact, when the VA officials interrupted the interview, the patient gave Mr. Schultz his contact information so that they could continue their conversation later, without his VA "minders."

Trying banning the interview, while senseless and unnecessary, was perhaps not illegal. However, confiscation of Mr. Schultz's reporting equipment is a clear violation of the Privacy Protection Act of 1980. This is the same law federal marshals ran afoul of in 2004 when they seized digital recorders used by two reporters covering a Mississippi speech by U.S. Supreme Court Justice Antonin Scalia, who later apologized profusely for his security details' behavior.

The law requires the VA to immediately return Mr. Schultz's sound card. The Reporters Committee for Freedom of the Press asks that VA employees be instructed that seizure of reporting equipment and materials is illegal. We also suggest that the VA owes apologies for its use of force and arbitrary policies to Mr. Schultz and the patient he interviewed.

Sincerely,

Lucy A. Dalglish  
Executive Director