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PRESS RELEASE

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LIBERTY UNIVERSITY TRESPASS CASES

On March 23, 2020, Liberty University (LU), a private institution in Lynchburg, VA, placed 20 temporary "no trespassing" signs sized 18" x 24" at the main entrances of its campus. On March 24, 2020, LU placed copies of these same signs at off campus locations in the City of Lynchburg. The signs read "Liberty University Campus, Open ONLY to Students, Employees, & Those Conducting University Business, Until Further Notice, NO TRESPASSING." As part of their efforts to keep students safe, the university placed these signs in order to enforce the closure of campus and to limit the presence of unnecessary parties on campus during the state of emergency due to COVID-19.

On March 25, 2020, Stefan "Alec" MacGillis, a politics and government reporter for ProPublica, came onto LU's campus. He took photographs and interviewed students. On March 26, 2020 MacGillis' observations of the university and photographs were published by ProPublica. One of the photographs credited to MacGillis depicted a seat found inside a campus building with a sign that read "Stop, Closed for Social Distancing."

On March 27, 2020, a LU student met Julia Rendleman, a freelance photojournalist, on campus. The student guided Rendleman around campus and posed for a picture in front of a university building. The student reported he was unaware of the posted no trespassing signs. On March 29, 2020, photos credited to Rendleman were published in a New York Times article. The photographs clearly depict areas of LU's campus including a seating area inside of a university building that was taped off to prevent congregations of students or other persons.

On April 6, 2020, Detective Sergeant Alan Wilkins with the Liberty University Police Department sought and obtained warrants for Rendleman and MacGillis for 1 count of trespassing each in violation of Virginia Code § 18.2-119. The code provides in relevant part:

[i]f any person without authority of law goes upon or remains upon the lands, buildings or premises of another, or any portion or area thereof, after having been forbidden to do so, either orally or in writing, by the owner, lessee, custodian, or the agent of any such person, or other person lawfully in charge thereof, or after having been forbidden to do so by a sign or signs posted by or at the direction of such persons or the agent of any such person or by

the holder of any easement or other right-of-way authorized by the instrument creating such interest to post such signs on such lands, structures, premises or portion or area thereof at a place or places where it or they may be reasonably seen...he shall be guilty of a Class 1 misdemeanor.

Given these facts and the law, Bethany Harrison, the Commonwealth's Attorney for the City of Lynchburg, has concluded that Rendleman and MacGillis' actions meet the statutory requirements of proof to support a charge of criminal trespass. However, after consultation and agreement with Liberty University President Jerry Falwell, Jr., she elects not to pursue criminal prosecution and penalties against these journalists.

Rendleman and MacGillis issued statements to Mrs. Harrison through their legal counsel. Rendleman stated:

Ms. Rendleman had been to Liberty University's campus before to photograph Jerry Falwell, Jr. and was not aware that the University had changed any policies regarding campus access. It was later brought to Ms. Rendleman's attention that Liberty University had posted signs restricting access to campus staff, students, and those conducting business with the university. Ms. Rendleman apologizes for the misunderstanding and for any concern caused by her presence on campus. Had she been aware of the new policies before arriving on campus that day, she would have requested to meet with the student at an off-campus location.

MacGillis' statement read:

On March 25, 2020, journalist Alec MacGillis went to Liberty University's campus to report on a newsworthy story related to the health of the public and of university students, which involved assessing the situation on campus and seeking comment from university officials. Mr. MacGillis believed he had the right to report there based on a prior conversation with the university president inviting him to campus and because such reporting constituted business with the university. Mr. MacGillis now understands that Liberty believes he should not have been on campus in light of newly posted signs restricting certain access, and that it is the university's position that for the duration of the public health emergency and while these signs remain posted, all news media are restricted from entry on campus without express invitation. Mr. MacGillis further understands that the university police have said that Mr. MacGillis is restricted from university property, events, and activities. Mr. MacGillis has enjoyed his time in Lynchburg over the years, and hopes to return to the city soon.

Julia Rendleman is represented by Lynchburg attorney Chuck Felmlee. Alec MacGillis is represented by Edward Ungvarsky of Alexandria, Virginia. The Commonwealth's Attorney will move to *nolle prosequi*, or dismiss without prejudice, the charge against Rendleman. MacGillis had not yet been served with a warrant; therefore, the Commonwealth's Attorney will recall his warrant.

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