

May 3, 2023

VIA EMAIL TO:

Buncombe County District Attorney Todd Williams (todd.williams@nccourts.gov)

Asheville City Attorney Brad Branham (bbranham@ashevillenc.gov)

Asheville Deputy City Attorney John Maddux (jmaddux@ashevillenc.gov)

Asheville Chief of Police David Zack (dzack@ashevillenc.gov)

Asheville City Manager Debra Campbell (dcampbell@ashevillenc.gov)

Asheville City Council (ashevillencouncil@ashevillenc.gov)

Cc: Governor Roy Cooper, Policy Advisor Natalia Botella, Attorney General Josh Stein

Dear City of Asheville and Buncombe County officials:

We write on behalf of the undersigned press freedom and civil liberties organizations and media publishers to urge you to drop all charges against journalists [Matilda Bliss](#) and [Veronica Coit](#) arising from their December 25, 2021 arrests. Coit and Bliss were arrested while documenting a police sweep of a homeless encampment at Aston Park for the Asheville Blade. They were convicted of trespassing in a bench trial on April 19, 2023, and have appealed to a jury trial.

Their prosecution sends a harmful message to the press and public, and tarnishes any efforts by your offices to pursue tolerance and transparency. It's also a misuse of taxpayers' funds, especially given the cost of discovery, a jury trial, and potential civil litigation. There is no public benefit to prosecuting journalists who are not accused of causing any harm. Further, the prosecution puts Asheville and Buncombe County officials in direct opposition to President Biden's [reaffirmation](#) over the weekend that "journalism is not a crime."

Trials of journalists arrested while gathering news in the United States are exceedingly rare. Bliss and Coit's bench trial was only the fourth such trial in this country in the last five years, according to the non-partisan U.S. Press Freedom Tracker, which maintains data on press freedom violations across the country. Additionally, Coit was [sentenced](#) to probation and a suspended jail sentence. The Tracker has no record of a journalist being sentenced to jail or probation for mere trespassing since it began documenting journalist arrests in 2017.

In a rare 2021 trial of a journalist arrested while gathering news in Iowa, the journalist was acquitted after less than two hours of deliberation. The jury trial made [national headlines](#) and embarrassed local officials. Authorities in cities including [Atlanta](#), [Phoenix](#), [East Palestine, Ohio](#), [Los Angeles](#), and other jurisdictions have recently recognized that the prosecution of journalists arrested for harmless newsgathering did not serve the interests of justice.

The sole basis for Bliss and Coit's prosecution appears to be that the park closed at 10 p.m. A government interested in transparency should not want to set a precedent that journalists cannot cover newsworthy events, in plain sight and on public land, at night. The news does not keep regular business hours and citizens are entitled to know what police are doing at any hour.

The journalists should be commended – not tried — for spending Christmas away from their families to perform the public service of documenting important news. Bliss and Coit did not obstruct police or endanger anyone. Police witnesses [reportedly](#) admitted journalists could not have observed the sweep from outside the park — the nearest sidewalk was over 150 feet away and downhill. The journalists were merely doing their jobs in the only place they could.

Prosecuting the journalists is not only bad policy but violates the First Amendment. The prosecutions could expose the city and its officials to liability when they are already [defending litigation](#) over the unconstitutional bans of mutual aid workers from city parks. It's [long been established](#) that the First Amendment [prohibits](#) public officials from targeting First Amendment activity, even under [generally applicable](#) laws.

Even without discovery (to which the journalists are now entitled in advance of their jury trial), there is already ample evidence that the journalists were indeed targeted for exercising their Constitutional rights. Bodycam footage shows officers deciding to arrest Bliss and Coit prior to conducting the encampment sweep “because they’re videotaping,” notwithstanding the clear [constitutional right](#) to record police. Then officers questioned whether one journalist would “wise up” after the other’s arrest.

Other evidence of hostility by police and city officials, towards the press generally and the Asheville Blade specifically, has [already emerged](#). Further, Coit and Bliss recently learned that police purported to extrajudicially ban them from all Asheville parks for a year after their arrests, further underscoring authorities’ disproportionate and retaliatory response to routine journalism. And Bliss discovered this week that police executed an [illegal](#) search warrant on their [phone](#) to fish for evidence regarding alleged crimes by others. That had nothing to do with trespassing and everything to do with Constitutionally protected newsgathering.

However officials may feel about the Asheville Blade, the message this prosecution sends to the press and public extends beyond any one news outlet. In 2016, Buncombe County District Attorney Todd Williams [dropped](#) charges against a local journalist who was arrested while reporting because the journalist “was present solely to report on a newsworthy event of public interest.” In 2021, Coit and Bliss were arrested while reporting, yet they continue to face charges, which the same district attorney refuses to drop.

The continued prosecution of the two Asheville Blade reporters sends a message that authorities can cherry pick who qualifies as a journalist based on personal preference. This will ultimately create a chilling effect on the local press, leaving citizens less informed. It will irreparably harm the city and counties’ reputations, as people inside and outside Asheville question the decision to devote prosecutorial resources to criminalizing routine journalism while there is a [backlog](#) of murder prosecutions. The people of Asheville and Buncombe County do not stand to benefit in any way from the continued prosecution of Bliss and Coit.

We implore the city of Asheville and Buncombe County District Attorney to respect the First Amendment and drop the charges against Bliss and Coit immediately.

Sincerely,

Freedom of the Press Foundation
Committee to Protect Journalists
ACLU of North Carolina Legal Foundation
Advocacy for Principled Action in
Government
ARTICLE 19
Center for Media at Risk
Coalition For Women In Journalism (CFWIJ)
Courthouse News
Defending Rights & Dissent
Demand Progress Education Fund
Digital Democracy Project
Fight for the Future
First Amendment Coalition
First Amendment Foundation
Foundation for Individual Rights and
Expression (FIRE)
Free Press/Free Press Action Fund
Index on Censorship
Institute for Free Speech
Institute for Nonprofit News
Inter American Press Association (IAPA)
Media Freedom Foundation
Media Law Resource Center (MLRC)
Ms. magazine
National Association of Black Journalists

National Freedom of Information Coalition
National Press Club
National Press Club Journalism Institute
National Press Photographers Association
(NPPA)
News Leaders Association
News/Media Alliance
Online News Association
Penguin Random House LLC
Project Censored
Protect The 1st
Radio Television Digital News Association
Reporters Without Borders (RSF)
Society of Professional Journalists
TEGNA Inc.
The Authors Guild
The Center for Investigative Reporting
The Intercept Media, Inc.
The McClatchy Company, LLC
The NewsGuild-CWA
The Surveillance Technology Oversight
Project
WCNC-TV/Charlotte
WFMY-TV/Greensboro
X-Lab