



May 7, 2024

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Office of the President
Dartmouth College
14 North Main Street
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Mariana C. Pastore
Prosecutor, Town of Hanover
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Hanover Police Department
Hanover, New Hampshire 03755

Sent via U.S. Mail and Electronic Mail (Sian.L.Beilock@dartmouth.edu, uvpa@hanovernh.org)

Dear President Beilock and Prosecutor Pastore:

We, the undersigned 15 national organizations that advocate for journalists and their First Amendment rights, urge you to seek the dismissal of charges against two Dartmouth College student journalists who were arrested last week while covering a protest on campus. We are deeply concerned that arresting journalists engaged in legitimate newsgathering sets a dangerous precedent, harms the public's right to know, and defies Dartmouth's commitments to students' expressive and press rights. These arrests silence student journalists at a time when the world relies on their coverage to capture the realities of campus events. We urge you both to take every step available to ensure all criminal trespassing charges against the journalists are dropped, if not already dismissed, and forgo further pursuit of institutional or criminal punishment, and work with law enforcement to ensure press rights are respected moving forward.

On the evening of May 1, Dartmouth students began a planned anti-war encampment protest in solidarity with other such demonstrations at college campuses nationwide.¹ A group of student journalists from the editorially independent newspaper *The Dartmouth* attended the

¹ The recitation here reflects our understanding of the pertinent facts based on public information. We appreciate that you may have additional information and invite you to share it with us.

protest to provide live coverage of the event.² *The Dartmouth* journalists documented the scene as a crowd of at least 300 people formed, protesters erected five tents, and the presence of law enforcement escalated, including officers from Dartmouth's Department of Safety and Security, the Hanover Police Department, and the New Hampshire State Police.³

At 7:35 PM, law enforcement began warning protesters of arrest unless they dispersed and declared at 8:46 that all remaining students would be arrested.⁴ At 9:47 PM, after an hour of detaining protesters, officers arrested *The Dartmouth* journalists Alesandra Gonzales and Charlotte Hampton, pulling them from a group of other members of the press.⁵ Gonzales and Hampton received permission to cover the event from a representative from Dartmouth's Office of Communications, who was also present at the time of the arrest.⁶ Both wore press identification, and Hampton carried a reporter's notebook while Gonzales photographed the scene, making it all the more evident the two attended as members of the press.⁷ Law enforcement charged Hampton and Gonzales with criminal trespass and held them at Lebanon Police Station until they were released on bail by 11:32 PM⁸

As a private institution that explicitly guarantees students and faculty the right to freedom of expression, Dartmouth may not chill student journalism by allowing law enforcement to arrest student journalists for gathering news on its campus. Dartmouth claims it "prizes and defends the right of free speech and the freedom of the individual to make his or her own disclosures."⁹ Such commitments represent not only a moral obligation, but a contractual one,¹⁰ understood by students to afford the full spectrum of expressive rights commensurate with those the First Amendment guarantees—including freedom of the press—yet Dartmouth has clearly ignored these promises.

Under the First Amendment, the right of the press to gather information has been long-established.¹¹ The press, including the student press, serves as an important conduit for the

² The Dartmouth Senior Staff, *Campus encampments live updates: Protests yield mass arrests*, DARTMOUTH (May 6, 2024, 1:32 AM), [thedartmouth.com/article/2024/05/campus-encampments-live-updates-police-start-taking-students-away](https://www.thedartmouth.com/article/2024/05/campus-encampments-live-updates-police-start-taking-students-away).

³ *Id.*

⁴ *Id.*

⁵ *Id.*; The Dartmouth Editorial Board, *VERBUM ULTIMUM: DROP THE CHARGES AGAINST CHARLOTTE HAMPTON '26 AND ALESANDRA GONZALES '27*, DARTMOUTH (May 2, 2024), <https://www.thedartmouth.com/article/2024/05/verbum-ultimum-drop-the-charges-against-charlotte-hampton-26-and-alesandra-gonzales-27>.

⁶ Julia Furukawa & Mary McIntyre, *Dartmouth declines to drop charges against student journalists arrested while reporting on protests*, N. H. PUBLIC RADIO (May 3, 2024, 5:27 PM), <https://www.nhpr.org/nh-news/2024-05-03/dartmouth-declines-to-drop-charges-against-student-journalists-arrested-while-reporting-on-protests>.

⁷ The Dartmouth Editorial Board, *supra* note 5.

⁸ To our understanding, these charges remain active. *Id.*

⁹ *Freedom of Expression and Dissent*, DARTMOUTH COLL. (May 19, 2023), <https://policies.dartmouth.edu/policy/freedom-expression-and-dissent> [<https://perma.cc/CD66-5UMN>].

¹⁰ See *Gill v. Franklin Pierce Law Ctr.*, 899 F. Supp. 850 (D.N.H. 1995) (a university's Academic Rules and Regulations governing students constituted a contract); *Gamble v. Univ. Sys. of N.H.*, 610 A.2d 357 (N.H. 1992) (analyzing contractual relationship between students and university system).

¹¹ See *Branzburg v. Hayes*, 408 U.S. 665, 681 (1972).

public’s right to know about what happens on America’s college campuses—which, as of late, has garnered significant public interest. Courts have recognized that the news media, whether on or off campus, act as “surrogates for the public” in keeping a watchful eye on their communities, and especially on the actions of government agents, such as police.¹²

As a close corollary to the right to gather information, especially information about the actions of government officials, courts have widely recognized the right to document police engaging in official activity in public places.¹³ The Court of Appeals for the First Circuit, whose jurisdiction extends to New Hampshire, has held that “the videotaping of public officials is an exercise of First Amendment liberties.”¹⁴ Accordingly, Dartmouth cannot enable law enforcement to infringe upon the student journalists’ expressive right to document law enforcement, inherent in the school’s First Amendment-like promises, because their conduct did not constitute a substantial disruption.¹⁵ Furthermore, courts have held the right to record police can extend to private property, subject to reasonable time, place and manner restrictions.¹⁶ Detaining and arresting the student journalists—whose presence served to document an event of public interest and did not appear to violate any college policy or particularized directive from law enforcement—for alleged criminal trespass cannot be construed as such a reasonable restriction.¹⁷ Instead, circumstances suggest law enforcement may have been targeting those exercising this right to record, as the journalists, photography student Dylan Griffith, and Professor Annelise Orleck were arrested in close proximity and time after recording police activity.¹⁸

Gonzales and Hampton attended the protest to gather and disseminate news and information regarding an event of national interest as it unfolded in their community. Nothing suggests either journalist impeded the duties of law enforcement or campus security. Instead, arresting

¹² *Richmond Newspapers v. Virginia*, 448 U.S. 555, 573 (1980).

¹³ *Fields v. City of Phila.*, 862 F.3d 353, 355 (3d Cir. 2017) (“Every Circuit Court of Appeals to address this issue ... has held that there is a First Amendment right to record police activity in public.”).

¹⁴ *Glik v. Cunniffe*, 655 F.3d 78, 83 (1st Cir. 2011).

¹⁵ *Pollack v. Reg’l. Sch. Unit 75*, 2017 WL 1592264, at *17 (D. Me. Apr. 28, 2017), *aff’d*, 886 F.3d 75 (1st Cir. 2018).

¹⁶ *See, e.g., Mills v. PPE Casino Resorts Md., LLC*, 2017 WL 1862474, at *6 (D. Md. May 8, 2017) (right to record law enforcement recognized in a private casino); *Freeman v. Spoljaric*, 667 F. Supp. 3d 636 (S.D. Ohio 2023) (right to record law enforcement recognized on plaintiff’s private property).

¹⁷ In a report detailing its investigation of the City of Minneapolis and its police department, the United States Department of Justice stated, “The First Amendment requires that any restrictions on when, where, and how reporters gather information ‘leave open ample alternative channels’ for gathering the news. **Blanket enforcement of dispersal orders and curfews against press violates this principle because they foreclose the press from reporting about what happens after the dispersal or curfew is issued, including how police enforce those orders.**” *Investigation of the City of Minneapolis and the Minneapolis Police Department*, Findings, C. MPD Violates People’s First Amendment Rights, 2. MPD Retaliates Against Journalists and Unlawfully Restricts Their Access During Protests, U.S. DEP’T OF JUST. C.R. DIV. AND U.S. ATT’YS OFF. DIST. OF MINN. CIV. DIV., 51 (June 16, 2023), https://www.justice.gov/d9/press-releases/attachments/2023/06/16/minneapolis_findings_report_2023.06.15_0.pdf [<https://perma.cc/H6F5-87FF>] (emphasis added).

¹⁸ Branden Song, *Individuals arrested at the May 1 protest share their experiences*, DARTMOUTH (May 6, 2024), <https://www.thedartmouth.com/article/2024/05/individuals-arrested-at-the-may-1-protest-share-their-experiences>; Vimal Patel, *Police Treatment of a Dartmouth Professor Stirs Anger and Debate*, N.Y. TIMES (May 3, 2024), <https://www.nytimes.com/2024/05/03/us/dartmouth-professor-police-protests.html>.

Gonzales and Hampton substantially burdened their and other *The Dartmouth* journalists' ability to gather news and inform their readers about the protests taking place in the community, as well as the police response to those protests. Further, charging the journalists with trespass—on their own campus—when Dartmouth had knowledge of and approved their presence defies logic.

Censoring the student press has implications far beyond the newsroom and the campus, depriving the entire campus community and members of the public crucial campus-related information and, ultimately, weakening transparency and trust in institutions of higher education and law enforcement. As major events continue to unfold on campuses across the country and, indeed, the world, the student press must remain free to gather and disseminate the news. When this freedom is threatened, Dartmouth and its community must stand up and defend its student press.

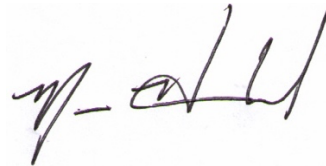
To correct course, the Prosecutor's Office—along with the relevant law enforcement agencies—must show its commitment to a free press by immediately dropping the charges against Gonzales and Hampton, if they have not already been dismissed. Dartmouth must urgently work with those agencies to insist all criminal charges are dropped, and it must cease any pursuit of disciplinary sanctions against the journalists. Dartmouth must also take a stand in support of its student media by working with local and state law enforcement, along with its institutional security officers, to ensure student journalists will not be subject to arrest or other adverse actions while covering community events in the future.

Given the urgent nature of this matter, we request a substantive response to this letter no later than close of business Friday, May 10.

Sincerely,



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On behalf of the following co-signatories:

College Media Association
Committee to Protect Journalists
Defending Rights & Dissent
Freedom of the Press Foundation
National Press Club
National Press Club Journalism Institute
National Press Photographers Association
PEN America
Radio Television Digital News Association

Reporters Without Borders (RSF)
Society of Environmental Journalists
Society of Professional Journalists
Women Press Freedom

CC: Charlie B. Dennis, Hanover Police Chief
Phillip Roberts, Lebanon Police Chief
Mark B. Hall, State Police Director
Keiselim Alfredo Montás, Dartmouth Department of Safety and Security Director
Jomysha Delgado Stephen, Dartmouth EVP for Strategy and Special Counsel to the
President