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October 17, 2016

Ladd R. Erickson, Esq.  
North Dakota State Attorney  
McLean County  
712 5<sup>th</sup> Avenue  
Washburn, ND 58577

Via email: [lrerickson@nd.gov](mailto:lrerickson@nd.gov)

RE: Prosecution of Amy Goodman

Dear Mr. Erickson,

The purpose of this letter is to register the deep concern of American Humanist Association's Appignani Humanist Legal Center regarding actions taken in North Dakota to silence freedom of the press. We refer specifically to the prosecution by your office of journalist Amy Goodman on charges relating to her professional coverage of a protest of a proposed pipeline in your state. An objective assessment of what has unfolded can only conclude that this prosecution, if allowed to go forward, would be a hostile, content-based attack on fundamental First Amendment journalistic freedom.

Although our office does not represent Ms. Goodman, in the interest of justice we strongly urge you to dismiss the charges against her. Based on the available facts, there is no question that a newsworthy event—a protest by Native Americans of construction of a proposed pipeline—was occurring at the time relevant to the charges against Ms. Goodman. This was an event that Ms. Goodman, in her professional judgment as an experienced and award-winning journalist, chose to cover and had a right to cover. Not only was the original charge of trespassing unsupported by the record (and thus, to our understanding, dropped) but the subsequent decision by your office to amend the criminal complaint to rioting is also unjustified.

As Ms. Goodman was acting at all times in her professional capacity as a journalist—filming the event and interviewing protesters—the only conclusion to be reached here is that she is being prosecuted not because she committed any crime, but because she was providing visibility to those opposing the pipeline, allowing their voices to be heard on a national platform that reached millions. To prosecute Ms. Goodman on this basis would be a gross injustice, a strong-arm tactic akin to those used by authoritarian regimes that are intolerant of opponents. Surely such a prosecution would undoubtedly be interpreted widely as a direct attack on

journalistic freedom, bearing no relationship to your duty to uphold the law, thus tarnishing both your office and your state.

To be clear, the decision to prosecute Ms. Goodman should not be based in any way on whether you, other officeholders, or various corporate interests and political supporters happen to disagree with the protesters whom Ms. Goodman was covering. Nor should it be based on whether you or others approve of Ms. Goodman's coverage of the event. We mention this because [one report](#) notes that you justified the new criminal charges by arguing that Ms. Goodman's coverage seemed sympathetic to the protest, which would seem to suggest, rather shockingly, that this is *a content-based prosecution of a journalist*. Indeed, if such factors are the basis for prosecution, the record would be clear for posterity that North Dakota, and more specifically its public officials, has played host to a direct assault on fundamental freedoms. Surely you would agree that few governmental actions could be more unseemly than the use of a public trust to silence dissent and political opposition.

The American Humanist Association, founded in 1941, is a Washington-based nonprofit organization with over 600,000 supporters and members across the country, including North Dakota. The mission of AHA's legal center is to protect one of the most fundamental principles of our democracy: the First Amendment rights to free speech, free press, free assembly, and religious liberty. The AHA's Appignani Humanist Legal Center includes a network of cooperating attorneys from around the country, and has litigated constitutional cases in state and federal courts from coast to coast.

We sincerely hope that, as events continue to unfold, we and others who are watching closely see that your office is acting in the interest of *liberty and justice for all*. Should you wish to discuss any of the above, feel free to contact us.

Very truly yours,

David A. Niose