

# NATIONAL COALITION AGAINST CENSORSHIP

August 13, 2019

Douglas Harrison, Chief Patrol Agent  
U.S. Customs and Border Protection  
Detroit Sector Michigan  
26000 South Street, Building 1516  
Selfridge ANGB, MI 48045  
(586) 239-2161

Dear Mr. Harrison,

As organizations dedicated to promoting free speech, including freedom of the press and artistic expression, we are deeply alarmed by the seizure of equipment from a professional photographer in Detroit by DHS officers (Case # 2019380700131101). The iPhone, camera and laptop of Tim Stegmaier of Cincinnati, Ohio, were confiscated under Title 18 U.S. Code § 2254 (civil forfeiture: property used or intended to be used to commit or promote the commission of an offense involving any visual depiction of sexual exploitation of children). Since we believe the seizure of this equipment was made in error, we urge DHS to expedite its investigation while taking into account Stegmaier's profession as a documentary photographer, and to release his property with its full contents intact as soon as possible.

Stegmaier is a professional photographer whose published work falls within the conventions of documentary photography. He has traveled to China, the Philippines, Vietnam, Cambodia, Guinea, and Senegal to take photographs of people living in extreme conditions. His photographs are intended to increase awareness of the lives of people in the developing world. His subjects, typical to the genre, include people going about their daily routines, such as children walking in the neighborhood or swimming without clothes on. The presence of naked children in public spaces is the norm in many developing countries and such images have appeared in many popular travel and culture magazines, where Stegmaier's work has also been published.

Images of naked children taken in public for the purpose of documenting their lives do not, without more substantial evidence, constitute sexual exploitation under Title 18. Furthermore, hindering a photographer from taking or using such an image is counterproductive to "protecting" children and actually hampers the work of advancing the rights of children. Indeed, were section 2254 to be interpreted in such an expansive and constitutionally suspect manner, Nick Ut's iconic and Pulitzer Prize-winning photographs of "Napalm Girl" (see: <https://tinyurl.com/nqqb7za>), which helped change the public's attitude about the Vietnam War, may be subject to seizure and suppression.

The undersigned, as advocates who fight against censorship and work to defend First Amendment protections for journalists, artists and other content creators, are deeply concerned by DHS' treatment of Mr. Stegmaier. The possible disregard by DHS of federal and state level constitutional protections granted to Mr. Stegmaier strike at the heart of the most vital rights

## NCAC PARTICIPATING ORGANIZATIONS

Actors' Equity Association  
AICA-USA  
American Association of School Administrators  
American Association of University Professors  
American Association of University Women  
American Booksellers for Free Expression  
American Civil Liberties Union  
American Ethical Union  
American Federation of Teachers  
American Jewish Committee  
American Library Association  
American Literary Translators Association  
American Orthopsychiatric Association  
American Society of Journalists & Authors  
Americans United for Separation of Church & State  
Association of American Publishers  
Authors Guild  
Catholics for Choice  
Children's Literature Association  
College Art Association  
Comic Book Legal Defense Fund  
The Creative Coalition  
Directors Guild of America  
The Dramatists Guild of America  
Dramatists Legal Defense Fund  
Educational Book & Media Association  
First Amendment Lawyers Association  
Free Speech Coalition  
International Literacy Association  
Lambda Legal  
Modern Language Association  
National Center for Science Education  
National Communication Association  
National Council for the Social Studies  
National Council of the Churches  
National Council of Jewish Women  
National Council of Teachers of English  
National Education Association  
National Youth Rights Association  
The NewsGuild-CWA  
PEN America  
People For the American Way  
Planned Parenthood Federation of America  
Project Censored  
SAG-AFTRA  
Sexuality Information & Education Council of the U.S.  
Society of Children's Book Writers & Illustrators  
Student Press Law Center  
Union for Reform Judaism  
Union of Democratic Intellectuals  
Unitarian Universalist Association  
United Church of Christ  
Office of Communication  
United Methodist Church,  
United Methodist Communications  
Women's American ORT  
Woodhull Sexual Freedom Alliance  
Writers Guild of America, East  
Writers Guild of America, West

we strive to defend. The seizure of Stegmaier's laptop, camera, and iPhone has caused untold damage to his professional life, forcing him to halt all of his work activities. His equipment also contains irreplaceable personal photographs of travels with his wife and family. We urge the DHS to promptly complete its investigation and release Stegmaier's equipment as soon as possible.

Sincerely,

Christopher Finan  
Executive Director  
National Coalition Against Censorship

Freda J. Levenson  
Legal Director  
ACLU of Ohio

Michael P. King  
President  
National Press Photographers Association

Norman L. Kleeblatt and Judith Stein  
Co-Presidents  
International Association of Art Critics AICA– USA

Nora Benavidez  
Director of U.S. Free Expression Programs  
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Cc:

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