

Statement of Erin McCann

Before Subcommittee on Economic Development, Public Buildings, and Emergency Management

Union Station: A Comprehensive Hearing on the Private Management, the Public Space, and the Intermodal Uses Present and Future

July 22, 2008

Chairwoman Norton, members of the subcommittee, I'd like to thank you for the opportunity to speak to you today. I have a short statement, and then I'll be happy to answer your questions.

My name is Erin McCann and I am an amateur photographer. I am also an active member of a group called DC Photo Rights, which exists to document and discuss incidents in which photographers have been harassed by security officers or police. These officers often mistakenly believe that taking pictures in public places is illegal, or requires a permit, or is an indication that the person holding the camera is somehow a threat.

I've never been clear on why, exactly, a camera is considered threatening. In the aftermath of the 2005 transit bombings in London, for instance, officials appealed to the public for snapshots taken before and after the attacks in their search for clues. An open photography policy can be a security team's best friend. It also liberates security employees from the task of investigating people like me as I take photographs in the most obvious way possible. With a 10-inch lens on my camera, there is no disguising what I am doing.

In Washington, certain places have the reputation of being unfriendly to photographers. In the four years that I've been shooting in the city, Union Station has

always been one of those places. In February, I began a series of phone calls and e-mails to Amtrak and Jones Lang LaSalle management to find out why.

I've included with my written statement a timeline of my involvement and my frustrating search for answers. Often, my calls and e-mails have resulted in being given conflicting information, sometimes minutes apart by people in the same office. The statement also includes details of some of the incidents in which photographers have been harassed, told incorrect policies by misinformed station officials, and, in certain instances, been threatened with arrest for daring to take a simple snapshot of a national treasure.

In almost every incident, a guard or officer has wrongly told a photographer that Union Station is private property and photography is not allowed. The reasons given for this fake policy vary. I was once told that my camera is "too professional." Others have been told that the Patriot Act bans photography in train stations, a law that I'm sure would come as a surprise to the organizers of the annual Amtrak station photography contest.

I have been stopped twice in the last three months while photographing in the public areas of Union Station. Both were after I received explicit assurances from Amtrak and Jones Lang LaSalle management that photography is allowed. The most recent incident was last Friday, when an Amtrak employee—who refused to tell me her name—said the building was private property and that all photography is prohibited.

For many tourists, Union Station is a first stop and first impression of the nation's capital. For a family to be warned or even threatened upon arrival simply for taking photos of one of the city's beautiful public places is reprehensible.

My interest now is the same as it was in February when I first started asking questions:

- 1) To understand what the photography policy is at Union Station.

2) To assure that if there are restrictions on photography that they are clearly posted throughout the building.

3) To make sure those restrictions are fair, given the station's unique ownership and its role as a major gateway for thousands of the city's visitors each year.

4) And, finally and most importantly, I want to be sure that the private guards, Amtrak police and everyone else in a position to interact with the public understand what the policy is. Despite repeated assurances from the management of Amtrak and Jones Lang LaSalle, ill-informed station employees are still taking it upon themselves to interpret the policy as they see fit or to make up contradictory policies. Amtrak and Jones Lang LaSalle have so far been unable to communicate this policy to their security employees. I believe Washington D.C.'s train station deserves smart, well-trained, high-quality security, and my experience with its representatives so far has been exceedingly disappointing.

Curious about how other cities and stations handle photography, it took me 30 seconds on Google to come up with the policy at Grand Central Terminal in New York City. They post it right there on their Web site, and they welcome photographers with open arms. It's taken over six months and dozens of conversations—not to mention a congressional hearing—to understand the photo policy at Union Station. And still we have no guarantee that when new guards or officers are hired, they, too, won't automatically assume that a camera is a threat.

My hope is that after today, visitors to Union Station will be free to explore and photograph the building without being viewed as law-breakers. Security officers and Amtrak employees should have more important things to investigate than a tourist with a camera.

Thank you.

Timeline of my experiences with Union Station photography

Erin McCann

Feb. 10, 2008:

After reading yet another story about a photographer told to put a camera away, I e-mail public addresses for a handful of Jones Lang LaSalle managers asking for information on their policy for the building. One of them forwards my e-mail to Joan Malkowski, vice president for Union Station.

Feb. 14, 2008:

Joan Malkowski sends me the following e-mail:

“In general, we do allow individuals to take pictures for their personal (not commercial) use. However, from time to time, it is necessary to prohibit photography, depending on the situation. I hope this answers your question.

Joan Malkowski

Prohibited:

Use a camera tripod or take professional pictures in Union Station without the express written permission of Union Station Management. Union Station Management reserves the right to prohibit photography of any kind in their sole discretion except as described in the next paragraph

It is Amtrak policy to permit photography including news video in the public areas of Amtrak’s portion of Washington Union Station. This area is generally defined as the Amtrak ticket counters northward to the train departure gates. Amtrak’s Corporate Communications’ Department must arrange escorts for news media wishing access to train platforms”

I write back, thanking her for the information. I ask if she can make sure station guards understand the policy, and she tells me they are in the process of handing out pocket cards for guards to refer to.

Feb. 25, 2008:

I write back to Malkowski asking for clarification on a few points, including whether photography is allowed in the great hall and the food court. I also ask about the lease and whether it includes the right to regulate photography.

I do not receive a reply.

Sometime after this, signs appear in Union Station quoting the policy Malkowski provided me. I take a photo of the sign on April 6. Since then, it has been viewed nearly 1,000 times on the photo-sharing site Flickr.com, often by people who search for the keywords “Union Station” “security” and “harassment.”

March 31, 2008:

I e-mail Malkowski asking for clarification on the signs that have appeared. Because of the confusing wording on the signs, which say nothing about personal photography, guards have begun to misread their intent and apply the restrictions to anyone with a camera.

I do not receive a reply.

March 31, 2008:

Photographer Joel Lawson encounters an Amtrak staffer telling a family they cannot take a photo in the Amtrak area of the station. When Lawson tries to explain that the Amtrak employee is in error, he is shut down. The employee tells Lawson and the family that

Amtrak policy prohibits photography anywhere in the station. Lawson's attempts to explain that the employee is wrong are met with anger from the employee.

April 1, 2008:

I call Amtrak customer relations and speak with an employee who puts me on hold while he in turn speaks with the Union Station station manager. The manager tells him that no photography is permitted in the Amtrak areas of Union Station without prior permission and a permit from the station manager. The customer relations person has no information regarding how one might apply for this permit or the rationale for it, but he does manage to say "9/11" about 15 times in a 10-minute conversation. He suggested I write to John Wojciecechowski at the Office of Customer Relations.

It is necessary to point out here that this attitude is not unique to Union Station. Photographers and rail fans around the country regularly encounter Amtrak employees who tell them it is illegal to photograph trains and stations. I encountered one such incident myself in Harrisburg, Pa., in June.

April 2-3, 2008:

I discover Amtrak sponsors an annual photography contest and solicits submissions of its trains and stations. I leave a message for Amtrak's corporate/media relations line—the number associated with the contest—asking for clarification of what the original customer service employee told me in light of the photography contest information.

Media relations calls me back and tells me the station manager is correct and that photography is prohibited. I become upset and ask to speak to someone else in the office. The employee transfers me to Corinna Romero, who is the first Amtrak employee to tell me photography is allowed in Union Station. We chat about the absurdity of Amtrak sponsoring a photo contest if photography is not allowed, and she tells me it seems as though the station manager of Union Station and his employees are taking the media policy (which does require some contact with the station manager) to the Nth degree.

Romero said she would send an e-mail to the station manager so that he is clear on the policy and asking him to clarify it for his employees as well.

April 4, 2008:

Dcist.com writes a post about ongoing photography issues at Union Station.
(http://dcist.com/2008/04/03/union_station_1.php)

April 20, 2008:

I e-mail Malkowski and other Jones Lang LaSalle employees asking for further clarification of the policy. That e-mail reads, in part:

The written policy quoted above is unclear on the rights of tourists to take personal photographs. Union Station guards also are not applying it uniformly. In the last few months, photographers and tourists have been told, in person by Union Station guards, all of the following contradictory statements:

- 1) All photography is prohibited in the building.*
- 2) Photography is allowed anywhere in the building.*
- 3) Photography is only allowed in the great hall.*

I am speaking only of nonprofessional photography, without a tripod or any other equipment. None of these photos are used for any commercial purposes whatsoever. ...

I, along with other amateur photographers passing through your beautiful building, would like the following:

- 1) A clear statement regarding the photo policy at Union Station.*
- 2) To know what areas of the building the policy applies to. If I stand in an Amtrak area (where photography is allowed) and take a photograph pointed toward one of your areas,*

will a guard tell me I am violating the policy? What about if I stand by the DC Metro (where photography is allowed) and look toward the interior of Union Station?

And what about the exterior of the building?

3) For Union Station security guards to be informed of this policy and how it applies to tourists and amateur photographers.

April 21, 2008:

Malkowski replies with the following statement:

We have spoken with our Director of Public Safety about your concerns in reference to the standards not being reinforced uniformly. He is meeting with his officers to review the photography policy to ensure the policy will be enforced correctly.

To answer your question regarding where in Union Station you may take photos, you may take photos of all the public areas you have mentioned below. However, if you are standing in the Amtrak premises, you will be subject to their policy.

May 13, 2008:

Photographer Andy Carvin writes a blog post in which he says he was threatened with arrest for using a tripod in the great hall.

Though Carvin is violating posted policy by using a tripod, the first guard who approached him merely asks what he was doing before saying “Okay” and walking away. Carvin moves to another location in the hall. When the guard returns, she tells Carvin to stop photographing and leave. According to Carvin’s account, “She said that this is a private space, and we didn’t have permission from management to take pictures.” Carvin asks to speak to a supervisor. Another guard arrives and tells Carvin to leave or face arrest. Carvin again asks to speak to a supervisor. A third guard arrives and, along with the first guard, demands Carvin delete all the photos he’s taken.

Absent a court order, security officials and police are not empowered with the authority to make such a demand.

Carvin writes: “Throughout the conversation, which I should point out was conducted in a cordial, but firm tone, we received mixed messages from the security guards. One told us the problem was that we were using a tripod, while another insisted it was because we had ‘that thing’ on top of our tripod. They then changed the story again, and said that journalists couldn't take pictures without permission from management, and that Union Station is a private space run by a private company, not a public space. They never gave us an answer as to why we were first allowed to take photos in the first location, but could not do the same here.”

As Carvin packs up his gear, Robert H. Mangiante, assistant director of IPC International Corporation, arrives on the scene. He tells Carvin Union Station is a private space and that no photography is allowed without prior approval. He again threatens Carvin with arrest if he does not leave.

Carvin’s post

([http://www.andycarvin.com/archives/2008/05/almost_arrested_for_taking_photos_at_uni.html](http://www.andycarvin.com/archives/2008/05/almost_arrested_for_taking_photos_at_union_station.html)) is repeated on several other blogs and generates nearly 1,000 comments across the Internet. Many of them are from other photographers relating similar run-ins at Union Station.

May 14, 2008:

After reading Carvin’s account, I take my camera to Union Station. I enter through the food court on the lower level and stand in front of a guard as I take photos. She says nothing. I switch lenses and go upstairs. When standing about five steps north of the great hall, where two big staircases meet, I am stopped by a very polite but very firm Officer Beasely.

I engage him in conversation, asking why he thinks I cannot photograph there. I explain my communication with Malkowski, and he tries to contact her. Another guard comes over to watch, and the two step away from me to confer. Malkowski has left for the day, and Beasley, feeling sympathetic, tells me that because I “know” Malkowski and can say her full name, he will let me shoot that evening.

Beasley tells me several things as he tries to prohibit me from using my camera at Union Station: 1) Photographers are only allowed to shoot in the great hall; and 2) Because I am using a “professional camera,” my rights as a photographer are not the same as the rights afforded to the hundreds of tourists who shoot inside Union Station each day. While I do use a lens that could be considered high-end for a hobbyist, I do not have a “professional” camera.

Beasley also tells me he has received no additional training this year regarding the photography policy of Union Station. This is three weeks after Malkowski told me she spoke to their director of public safety regarding re-training.

May 15, 2008:

I e-mail the incident to Washington Post columnist Marc Fisher, who replies that he is aware of the ongoing issue and is already at work on a piece.

May 16, 2008:

Malkowski replies that she has looked into the issue. She says “Thx...we had a mtg/w officers & hopefully everyone understands policy...it was obvious there was confusion.”

May 20, 2008:

Marc Fisher’s piece runs on Washingtonpost.com
(http://blog.washingtonpost.com/rawfisher/2008/05/union_station_photo_follies.html)

May 30, 2008:

A Fox 5 crew is interviewing Amtrak's chief spokesman for a story on the harassment of photographers when an ITC security guard interrupts and shuts down the interview. The Amtrak spokesman had just finished telling the Fox 5 reporter that photography is allowed in Union Station. They are standing in the Amtrak area of the station.

When pressed for details, the guard tells Fox 5 that they are violating policy but that he cannot tell them what the policy is. The video of this incident is posted online and quickly spreads across the Internet. Dozens of security, photography and rail enthusiast sites link to it, and hundreds of people comment on it.

(<http://www.myfoxdc.com/myfox/pages/Home/Detail?contentId=6664418&version=2&locale=EN-US&layoutCode=VSTY&pageId=1.1.1&sflg=1>)

July 12, 2008:

Another photographer is told by two Amtrak police officers, a customer service employee and a woman at the security kiosk that Amtrak is private property and that it is illegal to take photos in the station.

July 13, 2008:

Around 7 p.m., I begin shooting in full view of several Amtrak employees. One looks at me strangely, but he does not tell me to stop. After about 30 minutes, I approach the customer service counter to talk to another employee. I ask him about his understanding of the photography policy, and as two other employees look on, he tells me that photography is allowed in the station. He says it is not allowed on the platform (though, for the first time, he specifies an exception for groups of people and families taking pictures of themselves as they board trains).

July 17, 2008:

Another photographer is told by a woman at the Amtrak security kiosk and a man at the customer service desk that the Patriot Act prohibits photography at the station. The

photographer asks both for a list of station rules, and neither is able to provide one. The man tells the photographer that all Amtrak employees are required to report people taking pictures to the police immediately.

July 18, 2008:

At 6:45 a.m., I take out my camera in front of the security kiosk in the Amtrak area. There is a woman behind the booth and a man leaning against it. Both are dressed professionally; neither is in a security uniform. The woman tells me to stop taking photos. She says Amtrak is private property and that I am not allowed to take photos anywhere in the station. She says the rules are posted at all entrances and that I need to stop photographing immediately.

I put my camera down, and I ask for her name. She will not give me her name. She starts telling me the Amtrak customer service 800 number so I can speak to her supervisor.

I again ask for her name.

“I don’t have to give you my name,” she says, as she looks down to make sure her nametag is not visible.

“You’re standing here as an Amtrak employee at the security booth, telling me Amtrak policy. Why can’t I have your name?” I ask.

“I’m not in uniform. I don’t have to give you my name.”

By now there’s a uniformed officer there. She says he would say the exact same thing to me, so I look at him. He takes me aside, away from the woman at the security counter.

I tell him who I am and what I’m doing. I give him some background on the calls I made earlier this year and the policy as I understand it.

Officer M. Chikar and I chat about security while he calls his supervisor. The supervisor tells him I am allowed to photograph. Chikar tells me Union Station is private property, but that yes, I am allowed to take photos. I ask Chikar what will happen when another photographer encounters the original woman at the security counter. He looks at her, and he says, "I'll take care of that."

I leave, assuming that Chikar has explained to the woman that photography is allowed under the Amtrak policy. Whether she will believe him is unclear.