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October 30, 2007

Mr. Martin Hickman
Executive Director
Illinois High School Association
P. O. Box 2715
Bloomington, IL 61702-2715

Dear Mr. Hickman:

The Board of Directors of the Illinois Press Association voted unanimously to file suit against the IHSA, to seek a resolution of the simmering conflict about the "secondary use" policy regarding photographs, and the preferential treatment afforded to VIP photographers.

When we met earlier this year, we had a pleasant discussion, and Sue Schmitt and I came away with the impression that it was not the intention of IHSA to limit Illinois newspapers in either access to, or publication of, photos of IHSA events.

Subsequent events have shaken our faith in that conclusion.

At the meeting of the Media Advisory Committee in September, Anthony Holman indicated that it was his impression that the only time that VIP got preferential treatment was during the awards ceremony. Kurt Gibson then joined the conversation, and indicated that VIP was, and should, be given special access. Mr. Holman then offered the opinion that they should be given special access because they are shooting for the IHSA. The members of the Committee tried, but were unable to change, the position taken by Mr. Holman and Mr. Gibson.

At that same meeting, Mr. Holman responded to a question about the 'secondary use' policy. He indicated that the IHSA policy prohibited the use or sale of any photograph which is not published in the newspaper, and that the IHSA would 'go after' any one, including community newspapers, who sell or use photographs that are not published in the newspaper. I am informed that IHSA counsel has sent cease and desist letters to some photographers.

It is our position that the IHSA may not grant preferential treatment to VIP for the sole purpose of enhancing the commercial interests of VIP and the IHSA. That preferential treatment stands in the way of the protected news-gathering activities of Illinois community newspapers.

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It is also our opinion that the IHSA may not impose restrictions on the use of the editorial materials gathered by those community newspapers. The IHSA does not have the authority to impose prior restraints on the materials published by Illinois newspapers.

Obviously, the statements of Mr. Holman and Mr. Gibson indicate that the IHSA intends to provide VIP with continuing preferential treatment. Their statements, and the fact that counsel is sending out cease and desist letters, indicate that the IHSA intends to attempt to enforce the 'secondary use' policy.

Sincerely,

A handwritten signature in dark ink, appearing to read "David I. Bennett". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

David Bennett
Executive Director



The IHSA serves member schools by providing leadership for equitable participation in interscholastic athletics and activities that enrich the educational experience.

November 1, 2007

Mr. David Bennett
Executive Director
Illinois Press Association
900 Community Drive
Springfield, IL 62703

Dear Mr. Bennett:

This will acknowledge receipt of your correspondence of October 30, 2007.

I agree that earlier this year we did have a pleasant discussion. I think you would also agree that we left the meeting with the clear understanding that you would send me follow-up questions and concerns for me to address. To date, that hasn't happened. I can only conclude that you really weren't interested in additional dialogue in this matter and your most recent letter supports that notion. As a matter of fact, the last time I heard anything from you was when you left this office following our meeting.

I am sorry to learn that you are now taking a different approach. In good faith, I committed to additional discussion and conversation about this issue.

Sincerely,

A handwritten signature in black ink that reads "Marty Hick".

Martin L. Hickman, Ed.D.
Executive Director

MLH:jw