



THE IRIS

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Volume 55 Issue 4

Our 55th Year!

February 2009

Winter Greetings!

Get out in that snow and capture some winter beauty before it's too late! As predicted by Staten Island's own groundhog, Charles G. Hogg (just after he took a bite out of Mayor Bloomberg), Spring is on the way. And, talking about missing things...if you weren't here for the last meeting, you missed a wonderful presentation by photographer, Jon Ortner. Thanks so much to John and his lovely wife, for enthralling us with his wonderful images and stories of the treasures of the American West. Check out his web site: www.ortnerphoto.com.

Here are the scores through January. Note in some cases the Total scores include make-ups.

DIGITAL - B&W	Jan	Total
Dennis DiBrizzi	17.0	88.0
Anastasia Tompkins	18.0	87.0
Inese Moore	16.5	86.0
Harvey Augenbraun	16.5	84.5
Martin Lewis	17.5	81.5
Teena Miller	16.0	81.5
Michael Brummett	17.0	75.5
Mel Wilner	16.5	72.5
Madge Haynes*	18.5	71.0
Todd Berman	16.5	63.5
Rudy Finelli	15.0	61.0
Linda Koebner	16.5	55.5
Stephen Berger	---	46.0
Veronica Saunders	---	43.5
Bob Schwartz	---	16.5
Kristina Thorstenson	---	16.0
Lynne West	---	7.5

*Image of the Month: "Bow Bridge"

DIGITAL - A	Jan	Total
Veronica Saunders	17.5	88.0
Teena Miller	17.5	85.5
Andrea Nelson	17.0	83.0
Martin Lewis*	17.5	82.0
Erwin Krasnow	16.0	80.5
Dolores Roddy	15.0	61.0
Augie Schiavone	---	41.0
Frank Price	8.0	8.0

*Image of the Month: "Sunburst"

DIGITAL - AA	Jan	Total
Anastasia Tompkins*	18.0	92.5
Bob Schwartz	17.0	88.5
Annabelle Washington	17.0	87.5
Linda Tommasulo	18.0	87.0
Harvey Augenbraun	17.0	86.0
Har Er Huang	17.5	85.5
Suzanne Carter	15.5	83.5

*Image of the Month: "Singing in the Rain"

DIGITAL - B	Jan	Total
Inese Moore	16.5	86.5
Madge Haynes	16.5	82.0
Rudy Finelli	17.5	81.5
Michael Brummett	16.5	80.5
Mel Wilner	17.0	76.0
Raymond Flood	17.5	74.5
Linda Koebner	15.5	70.0
Todd Berman*	17.5	63.5
Lynne West	---	57.0
Stephen Berger	---	45.5
AnneMarie LaScala	15.0	45.0
Kristina Thorstenson	---	16.0
John Martino	---	7.5

*Image of the Month: "Aquatic Creature"

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THIS MONTH:

February 7th - Competition #6

Theme: "Insects - Judge: Phil Echo

February 14th - Ridgewood International

January Scores - Continued

DIGITAL THEME	Jan	Total
Harvey Augenbraun	16.0	85.5
Inese Moore	15.0	83.5
Anastasia Tompkins	17.0	82.0
Raymond Flood	14.5	81.5
Teena Miller*	17.5	81.5
Linda Tommasulo	14.5	81.0
Andrea Nelson	16.0	78.0
Har Er Huang	15.0	77.5
Michael Brummett	15.5	69.5
Madge Haynes	---	65.5
Annabelle Washington	17.0	64.5
Linda Koebner	16.5	63.0
Rudy Finelli	6.0	55.5
Stephen Berger	---	50.0
Mel Wilner	15.5	43.5
Todd Berman	14.5	42.5
AnnMarie LaScala	16.5	40.5
Veronica Saunders	---	39.0
Bob Schwartz	---	34.0
Suzanne Carter	---	32.5
Lynne West	---	19.5
Kristina Thorstenson	---	16.5
Ana Quinones	---	14.0
Christopher Capucci	---	14.0

**Image of the Month: "Leaves"*

SLIDES	Jan	Total
Myron Gersh	16.5	70.5
Robert Potter*	17.5	64.0
Suzanne Carter	---	51.0
Frank Price	15.5	15.5
Martin Lewis	15.5	15.5

**Slide of the Month*



*Theme - Shadows
"Leaves" ©Teena Miller*

CALL FOR THEMES - '09/'10 SEASON

The new Rules of Competition spell out an orderly procedure for nominating and choosing Themes for the following year. This way, everyone has a chance to recommend a theme; and everyone gets a chance to vote. Excerpted from the Rules:

Selection of Themes

- Call for submission of themes by members for the following year on the first meeting of February.
 - Members submit themes to Competition Chair by first meeting in March.
 - List to be posted on the web site by first meeting in April.
- Members submit their choices, nine (9) from the posted list, to the Competition Chair by second meeting in April.
- Final approval and/or modifications will be made by the Executive Board and themes announced by the end of the season.

**Please send your recommended themes to Harvey Augenbraun by the end of February:
MrScience9@aol.com**

(Note: Themes used within the last three years will not be considered.)



Executive Board

President & Webmaster	Sharon Gumerove
1st Vice President & Competition Chairperson	Harvey Augenbraun
2nd Vice President & Program Chairperson	Veronica Saunders
3rd Vice President & Membership Chairperson	Annabelle Washington
4th Vice President & <i>Iris</i> Editor	Linda Tommasulo
Secretary	Martin Lewis
Treasurer & Historian	Pam Boyle
Field Trip Coordinator	Stephen Berger



JANUARY DIGITAL WINNERS
Judge: Vincent Kempf



A: "Sunburst"
©Martin Lewis



B: "Aquatic Creature"
©Todd Berman



Black & White: "Bow Bridge"
©Madge Haynes



AA: "Singing in the Rain"
©Anastasia Tompkins

THE PHOTOGRAPHER'S RIGHT

Thanks to Job Ortnor for calling our attention to this informative article written by attorney Bert Krages of Portland, Oregon. For details and more information, as well as a downloadable pdf file which you can print and carry with you, check out Mr. Krages web site: www.krages.com.

As we all know, since September 11th, photographers have been stopped, harassed and even arrested; cameras and film/digital cards have been confiscated. But oftentimes the photographer is within his/her right to take the photograph(s). The article below summarizes the rights of photographers quite succinctly. Know your rights and be empowered to take that great photo!

The Photographer's Right

Your Rights and Remedies When Stopped or Confronted for Photography

Updated November 2006

About this Guide

Confrontations that impair the constitutional right to make images are becoming more common. To fight the abuse of your right to free expression, you need to know your rights to take photographs and the remedies available if your rights are infringed.

The General Rule

The general rule in the United States is that anyone may take photographs of whatever they want when they are in a public place or places where they have permission to take photographs. Absent a specific legal prohibition such as a statute or ordinance, you are legally entitled to take photographs. Examples of places that are traditionally considered public are streets, sidewalks, and public parks.

Property owners may legally prohibit photography on their premises but have no right to prohibit others from photographing their property from other locations. Whether you need permission from property owners

to take photographs while on their premises depends on the circumstances. In most places, you may reasonably assume that taking photographs is allowed and that you do not need explicit permission. However, this is a judgment call and you should request permission when the circumstances suggest that the owner is likely to object. In any case, when a property owner tells you not to take photographs while on the premises, you are legally obligated to honor the request.

Some Exceptions to the Rule

There are some exceptions to the general rule. A significant one is that commanders of military installations can prohibit photographs of specific areas when they deem it necessary to protect national security. The U.S. Department of Energy can also prohibit photography of designated nuclear facilities although the publicly visible areas of nuclear facilities are usually not designated as such.

Members of the public have a very limited scope of privacy rights when they are in public places. Basically, anyone can be photographed without their consent except when they have secluded themselves in places where they have a reasonable expectation of privacy such as dressing rooms, restrooms, medical facilities, and inside their homes.

Permissible Subjects

Despite misconceptions to the contrary, the following subjects can almost always be photographed lawfully from public places:

accident and fire scenes
children
celebrities
bridges and other infrastructure
residential and commercial buildings
industrial facilities and public utilities
transportation facilities (e.g., airports)
Superfund sites
criminal activities
law enforcement officers

Who Is Likely to Violate Your Rights

Most confrontations are started by security guards and employees of organizations who fear photography. The most common reason given is security but often such persons have no articulated reason. Security is rarely a legitimate reason for restricting photography. Taking a photograph is not a terrorist act nor can a business legitimately assert that taking a photograph of a subject in public view infringes on its trade secrets.

On occasion, law enforcement officers may object to photography but most understand that people have the right to take photographs and do not interfere with photographers. They do have the right to keep you away from areas where you may impede their activities or endanger safety. However, they do not have the legal right to prohibit you from taking photographs from other locations.

They Have Limited Rights to Bother, Question, or Detain You

Although anyone has the right to approach a person in a public place and ask questions, persistent and unwanted conduct done without a legitimate purpose is a crime in many states if it causes serious annoyance. You are under no obligation to explain the purpose of your photography nor do you have to disclose your identity except in states that require it upon request by a law enforcement officer.

If the conduct goes beyond mere questioning, all states have laws that make coercion and harassment criminal offenses. The specific elements vary among the states but in general it is unlawful for anyone to instill a fear that they may injure you, damage or take your property, or falsely accuse you of a crime just because you are taking photographs.

Private parties have very limited rights to detain you against your will and may be subject to criminal and civil charges should they attempt to do so. Although the laws in most

states authorize citizen's arrests, such authority is very narrow. In general, citizen's arrests can be made only for felonies or crimes committed in the person's presence. Failure to abide by these requirements usually means that the person is liable for a tort such as false imprisonment.

They Have No Right to Confiscate Your Film

Sometimes agents acting for entities such as owners of industrial plants and shopping malls may ask you to hand over your film. Absent a court order, private parties have no right to confiscate your film. Taking your film directly or indirectly by threatening to use force or call a law enforcement agency can constitute criminal offenses such as theft and coercion. It can likewise constitute a civil tort such as conversion. Law enforcement officers may have the authority to seize film when making an arrest but otherwise must obtain a court order.

Your Legal Remedies If Harassed

If someone has threatened, intimidated, or detained you because you were taking photographs, they may be liable for crimes such as kidnapping, coercion, and theft. In such cases, you should report them to the police.

You may also have civil remedies against such persons and their employers. The torts for which you may be entitled to compensation include assault, conversion, false imprisonment, and violation of your constitutional rights.

Other Remedies If Harassed

If you are disinclined to take legal action, there are still things you can do that contribute to protecting the right to take photographs.

- (1) Call the local newspaper and see if they are interested in running a story. Many newspapers feel that civil liberties are worthy of serious coverage.
- (2) Write to or call the supervisor of the person involved, or the legal or

public relations department of the entity, and complain about the event.

- (3) Make the event publicly known on an Internet forum that deals with photography or civil rights issues.

How to Handle Confrontations

Most confrontations can be defused by being courteous and respectful. If the party becomes pushy, combative, or unreasonably hostile, consider calling the police. Above all, use good judgment and don't allow an event to escalate into violence.

In the event you are threatened with detention or asked to surrender your film, asking the following questions can help ensure that you will have the evidence to enforce your legal rights:

1. What is the person's name?
2. Who is their employer?
3. Are you free to leave? If not, how do they intend to stop you if you decide to leave? What legal basis do they assert for the detention?
4. Likewise, if they demand your film, what legal basis do they assert for the confiscation?

Disclaimer

This is a general education guide about the right to take photographs and is necessarily limited in scope. For more information about the laws that affect photography, I refer you to the second edition of my book, *Legal Handbook for Photographers* (Amherst Media, 2006).

This guide is not intended to be legal advice nor does it create an attorney-client relationship. Readers should seek the advice of a competent attorney when they need legal advice regarding a specific situation.

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The New York Botanical/Zoological Photographic Society invites photography enthusiasts of ALL LEVELS to join us at our bimonthly meetings (Saturdays at 9:30 AM), Sept. thru June, at Fordham Prep, room 243/244 (on the campus of Fordham University, Bronx, NY). Check the web site (www.nybzps.org) for program details, field trips and more!

Photos/articles/comments/suggestions for future editions of The Iris are always welcome.

E-mail text and photos (approx. size 4"x 6" at 200 dpi min.):

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