

Press Release

Coastal Archivist Files Anti-SLAPP Motion Against Barbra Streisand to Safeguard Website Documenting the California Coast

Motion Cites Unlawful Prosecution In Effort to Curb Free Speech Protections

FOR IMMEDIATE RELEASE (6/23/03-Los Angeles) Kenneth Adelman, creator of the California Coastal Records Project, a scientific photographic database documenting the California coast, obtained an early hearing date for his anti-SLAPP motion against Barbra Streisand in Los Angeles Superior Court. The anti-SLAPP motion is in response to Streisand's earlier suit against Adelman, the website's Internet Service Provider, Layer42.NET, and Pictopia.COM. The court agreed with Adelman that the anti-SLAPP motion should be heard first before hearing Streisand's retaliatory effort to obtain an injunction against the website.

Streisand's suit asserted that the inclusion of a single frame out of 12,200 that happens to contain elements of her sprawling Malibu blufftop estate invades her privacy, violates the "anti-paparazzi" statute, seeks to profit from her name, and threatens her security.

Adelman's anti-SLAPP response asserts that Streisand's lawsuit is without legal merit and was filed primarily to intimidate him and his wife into removing a picture of a Malibu coastal neighborhood that happens to contain elements of her blufftop estate. The Adelmans believe that the removal of any photographs or any other information from their website would undermine its integrity and that their ability to create and maintain the database is well within their right of free speech protection guaranteed under the United States Constitution.

SLAPP suits, or Strategic Lawsuits Against Public Participation, have been recognized in California as lawsuits that are brought against individuals, corporations or organizations in an attempt to silence defendants who speak out on matters of public concern. In many instances, the case is without legal merit but the suit is filed to harass and intimidate the defendant into submission. "We find it shocking that an environmentalist like Barbra Streisand would file a SLAPP suit against this project," said Kenneth and Gabrielle Adelman. "This sort of activity against public participation is a tactic normally employed by polluters such as Shell Oil and Texaco. We are determined to fight to protect this website and to continue to make it available to the public."

At the core of the dispute is the California Coastal Records Project and its landmark photographic database website, www.californiacoastline.org. The Adelmans, successful Silicon Valley entrepreneurs and retired dot-com millionaires, self-funded this massive and historic database using their personal helicopter and digital camera to take the photos. Gabrielle pilots the helicopter while Ken leans out the side, camera in hand, taking shots roughly every three seconds. The photos are then arranged sequentially via latitude and longitude and made available to the public on the California Coastal Records Project's website: www.californiacoastline.org.

The Adelmans are committed environmentalists and strong supporters of solar energy and

electric vehicles. They designed and built the largest residential solar system in California which they use to power their home as well as their four electric vehicles. Within the environmental community, they are best known for their lawsuit against PG&E when PG&E refused to let them use their solar system during the recent energy crisis. In addition to their environmental work, the Adelmans have funded small animal conservation throughout the world. Ken is a United States director of the Cheetah Conservation Fund (www.cheetah.org), a Namibian organization that has rewritten the book on education-based animal conservation. In addition, the Adelmans volunteer the use of their personal aircraft to transport patients in need of medical treatment for the Santa Monica-based organization, AngelFlight (www.angelflight.org).

Since its inception in October, 2002, the website has proven to be an invaluable tool to government agencies, planners, researchers and scientists who use the photos free of charge. In just seven months, the site has logged over one million visitors.

“Many of us involved in coastal protection understood the tremendous need for a baseline aerial survey of the California coast but were unable to obtain funding for the effort during a period of economic decline. The Adelmans willingness to devote their time and financial resources to this scientific endeavor is something all of us are immensely grateful for,” said Susan Jordan of the California Coastal Protection Network. “Each day, I process permission requests to use the photos - everyone from individual researchers working within Universities across the country to federal, state and local agencies for use in coastal planning and research. The scientific value of the project was something we understood going in and was the primary impetus behind the project’s creation. But there have been many unexpected applications that we had not anticipated. The most touching testimonial came from a group that cares for handicapped individuals in wheel chairs who had heard of the lawsuit and were concerned that the site would no longer be available to them. They told us that they take their patients on virtual tours of the coast and that the website allowed them to experience its beauty. I’ve had sea captains write and tell me that they find it helpful in navigation, and just yesterday a Coast Guard Rapid Response leader wrote how valuable the site was in their rescue operations. Each and every day, I see the power of this site to transform and inform all members of the public not just those who can afford to live at the sea’s edge. It provides an invaluable public benefit and gone well beyond my initial expectations for its success. I would hate to see the interests of one individual supersede the legitimate public benefit this site provides - that would truly be a very sad day for the coast,” Jordan concluded.

Mark Massara, environmental lawyer and Director of the Sierra Club Coastal Program adds, “This lawsuit pits the vast majority of humanity against the interest of the extreme few and its result will determine who get visual access to California’s world famous coast. 99.99% of people aren’t billionaires and do not possess opulent mansions on the coast. 99.99% of people visit the coast and publicly owned coastal resources via a pilgrimage to the beach. With California’s population now exceeding 36 million people, www.californiacoastline.org makes a compelling alternative way to visit the public coastline, through photographs. If the outrageous attempt to privatize public resources and views is successful, then a critically important public planning and conservation tool will be silenced, free public speech regarding our coastline will be eviscerated and the unprecedented philanthropy of Ken and Gabrielle Adelman will be lost forever to future generations.

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