

July 14, 2025

Hon. Pat Swinney Kaufman
Mayor's Office of Media and Entertainment
1 Centre Street, 26th Floor
New York, NY 10007

Via email: Commissioner@media.nyc.gov

Re: Harassment of Journalists by ICE Agents at New York Immigration Courts

Dear Commissioner Kaufman:

The undersigned press freedom organizations write to express our serious concern regarding recent reports that Immigration and Customs Enforcement (ICE) agents making arrests in New York City immigration courts are harassing journalists. Among other things, the agents have reportedly photographed journalists' press credentials and falsely told them that common areas of the courthouse are "restricted areas" from which they are prohibited from reporting.

This conduct, reported in AMNY on June 26, 2025, raises serious First Amendment and press freedom concerns.¹ It is likely to chill constitutionally protected reporting on a matter of the utmost public interest — the Trump administration's mass deportation policy and how it's being carried out in New York — if it hasn't already.

The Federal Protective Service (FPS) as part of the U.S. Department of Homeland Security (DHS) makes it clear that "photography and videotaping, absent a criminal predicate, is a First Amendment protected activity"² and that "[e]xcept where security regulations, rules, orders, or directives apply or a Federal court order or rule prohibits it, persons entering in or on Federal property may take photographs of: a) Space occupied by a tenant agency for non-commercial purposes only with the permission of the occupying agency concerned; b) Space occupied by a tenant agency for commercial purposes only with written permission of an authorized official of the occupying agency concerned; and c) Building entrances, lobbies, foyers, corridors, or auditoriums for news purposes."³

The transfer of press credentialing authority from the New York Police Department to your office was a necessary and forward-thinking step intended to protect journalists from exactly this kind of overreach by law enforcement, which has led to lawsuits and public backlash in New York

¹ Dean Moses, *ICE hardens: [Masked agents intimidate reporters while seizing more immigrants at Lower Manhattan court](#)*, AMNY, June 26, 2025.

² DHS/FPS [Operational Readiness Order HQ-ORO-002-2018 Photography and Videotaping Federal Facilities](#)

³ Title 41, Section 102-74.420 of the Code of Federal Regulations provides federal "policy concerning photographs for news, advertising or commercial purposes."

and elsewhere.⁴ Now, federal authorities are the ones abusing the press credentialing process to intimidate — and potentially surveil — New York journalists.

The actions of ICE agents are censorial: In addition to their direct impact on reporters, they also signal to sources considering talking to the press that journalists are being watched. Those most impacted by ICE's actions — undocumented people and noncitizens — will be particularly reluctant to tell their stories as a result.

Transparency around ICE's actions is already endangered by everything from agents wearing masks to conceal their identities to the Trump administration's baseless threats against news outlets that report immigration-related news they'd prefer be kept secret.⁵ New York should not allow the credentials it issues to be weaponized to further silence the press.

We respectfully urge your office to take immediate action to condemn these tactics, protect press access to public spaces and ensure that ICE agents operating in New York are aware that photographing city issued press credentials to intimidate journalists, and other harassment of journalists for doing their jobs, will not be tolerated.

Specifically, we ask that you:

- Publicly reaffirm that journalists credentialed by your office have the right to lawfully report the news in courts located in New York without surveillance, harassment, or intimidation, including baseless legal threats and photographing of credentials.
- Coordinate with the appropriate city agencies, including the Law Department, to inform ICE and other federal entities that city-issued press credentials are protected, and improper photographing, inspection or seizure⁶ of credentials will not be tolerated.
- Work with the Mayor's Office of Immigrant Affairs, the Law Department, and other relevant agencies to develop city policy limiting ICE's discretionary behavior.

The Mayor's Office of Media and Entertainment has a mandate to support New York's media. It should step up to react not only to local law enforcement abuses, but also to intrusive conduct by federal agencies conducting highly controversial and newsworthy operations in New York. Although journalists may be the ones being harassed by ICE agents in this instance, all New Yorkers ultimately suffer when they are less informed.

⁴ See, e.g., Adam Klasfeld, [Judge Holds NYPD's Feet to Fire on Press Credentials](#), Courthouse News, Feb. 27, 2017; Jason Schwartz, [Judge orders White House to return press credentials to CNN's Acosta](#), Politico, Nov. 16, 2018.

⁵ Caitlin Vogus, [ICE wants to work in secret. We shouldn't let it](#), Freedom of the Press Foundation, July 2, 2025.

⁶ See: "Press Credentials" [43-RCNY-Chapter-16.pdf](#) (The Mayor's Office of Media and Entertainment (MOME) is the only agency authorized to suspend or revoke a MOME-issued press credential after a hearing and a determination that a suspension or revocation is proper (§16-06(b)(i) and §16-06(c)(i)).

Thank you for your time and consideration. Please contact Mickey H. Osterreicher, General Counsel for the National Press Photographers Association, at lawyer@nppa.org if you would like to discuss this matter further.

Sincerely,

Coalition For Women In Journalism
Committee to Protect Journalists
Freedom of the Press Foundation
Los Angeles Press Club
National Press Photographers Association
PEN America
Radio Television Digital News Association
Society of Environmental Journalists
Society of Professional Journalists
The Association of Foreign Press Correspondents
The Media and Democracy Project
Women Press Freedom