



June 9, 2025

VIA ELECTRONIC MAIL

The Honorable Kristi Noem
Secretary of Homeland Security
Department of Homeland Security
Washington, D.C. 20528

Re: First Amendment concerns related to federal officer conduct in Los Angeles area

Dear Secretary Noem:

As organizations dedicated to protecting press freedom and ensuring the free flow of news to the public, we write to express alarm that federal officers may have violated the First Amendment rights of journalists covering recent protests and unrest related to immigration enforcement in the Los Angeles area.

The press plays an essential role in our democracy as the public's eyes and ears. The timely reporting of breaking news is necessary to provide the public with complete information, especially about controversial events.

A number of reports suggest that federal officers have indiscriminately used force or deployed munitions such as tear gas or pepper balls that caused significant injuries to journalists. In some cases, federal officers appear to have deliberately targeted journalists who were doing nothing more than their job covering the news.¹

Federal officers remain subject to constitutional standards that uphold the right of the press to inform the public without fear of assault or injury. "The First Amendment protects the right to photograph and record matters of public interest," including "the right to record law enforcement officers engaged in the exercise of their official duties in public places." *Askins v. U.S. Dep't of Homeland Sec.*, 899 F.3d 1035, 1044 (9th Cir. 2018). Under the First Amendment, journalists who are merely reporting on events and not interfering with federal operations cannot be subject to general dispersal orders and "cannot be punished for the violent acts of others," and the "proper response" to any unlawful conduct is "to arrest those who actually engage in such conduct, rather than to suppress legitimate First Amendment conduct as a prophylactic measure." *Index Newspapers LLC v. U.S. Marshals Serv.*, 977 F.3d 817, 834 (9th Cir. 2020) (citation omitted).

The First Amendment thus requires that any law enforcement response to unlawful or violent conduct by some persons at a protest must be narrowly tailored to addressing the specific

¹ See, e.g., <https://www.instagram.com/reel/DKoMRBzSay1/?igsh=MzRIODBiNWFIZA%3D%3D>; <https://www.instagram.com/mekahlo/reel/DKoDXJguuIB/>; <https://bsky.app/profile/shoton35mm.bsky.social/post/3lr3dkkvqak2p>; <https://bsky.app/profile/shoton35mm.bsky.social/post/3lr3dvqv4j22p>. Other evidence suggests that Los Angeles police officers and Los Angeles County sheriff's deputies have engaged in similar conduct. We will follow up as soon as possible with local law enforcement agencies about those incidents.

conduct of those individuals. To the extent that officers may lawfully use force against certain individuals who commit illegal acts, the force must be limited to responding to the conduct of those individuals, not used indiscriminately. Nor may officers target members of the press or public who are observing or reporting the news or otherwise exercising First Amendment rights. The Police Executive Research Forum recently provided specific recommendations to protect constitutional rights in similar circumstances. *Police-Media Interactions During Mass Demonstrations*, <https://portal.cops.usdoj.gov/resourcecenter/content.ashx/cops-r1167-pub.pdf>.

To avoid any further First Amendment violations, please immediately ensure that any federal officers or personnel, or anyone acting under their direction and control, refrain from any unlawful, indiscriminate, and excessive use of force against members of the press and public who are merely covering events of public concern in the Los Angeles area.

Respectfully,

FIRST AMENDMENT
COALITION

David Loy
Legal Director

FREEDOM OF THE
PRESS FOUNDATION

Seth Stern
Advocacy Director

LOS ANGELES
PRESS CLUB

Adam Rose
Press Rights Chair

Joined by:

ACLU of Southern California
American Civil Liberties Union
California News Publishers Association
CCNMA Latino Journalists of California
Committee to Protect Journalists
Defending Rights & Dissent
Free Press
Foundation for Individual Rights and
Expression (FIRE)
Greater Los Angeles Chapter, Society of
Professional Journalists
Knight First Amendment Institute at
Columbia University
Media Alliance
The Media and Democracy Project
Media Guild of the West
The NewsGuild-CWA

National Association of Hispanic Journalists
National Press Photographers
Association
Orange County Press Club
Pacific Media Workers Guild, The
NewsGuild-CWA Local 39521
PEN America
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cc: Todd M. Lyons, Acting Director, U.S. Immigration and Customs Enforcement
Derek Gordon, Acting Executive Associate Director, Homeland Security Investigations