

**NATIONAL [REDACTED]
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AGAINST [REDACTED]
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**Free Expression Advocates Call on Trump Administration to Respect
Public's First Amendment Right to Record**

We join together as non-profit civil rights and free expression advocates to condemn the Trump Administration's statements that it is illegal to record videos of ICE agents. These claims are incorrect as a matter of law, directly contrary to our First Amendment values, and deeply troubling for democratic governance.

The ability to hold the government accountable is at the very core of our democracy. To preserve that ability, the First Amendment unequivocally protects the right to observe, monitor, and take pictures and video of government officials conducting their duties in public. This explicitly includes law enforcement officers engaged in their public duties. [Nine federal appellate courts](#) have been clear about this. None hold differently.

Secretary of Homeland Security Kristi Noem has described videotaping ICE operations as "[violence](#)" and stated those who "dox" ICE agents will be [prosecuted](#). Let us be clear: documenting the public actions of immigration enforcement officers does not in and of itself threaten the safety of those officers, does not obstruct government administration, and cannot be punished consistent with our First Amendment protections. Nor can the mere use of a lens to capture images unfolding in public view be credibly recast as "violence," as Noem has said.

Statements such as Secretary Noem's misinform the public about their First Amendment rights and chill constitutionally protected speech. As a policy matter, threats to punish those who monitor law enforcement increase the likelihood that people will be intimidated out of exercising their constitutional rights and lead to precisely the outcome such oversight is intended to prevent—law enforcement agents who act with impunity as transparency is demonized by political leaders. The threat of harm grows, rather than shrinks, as our leaders attempt to recast a cherished democratic right as criminal behavior.

It is beyond question that the actions of law enforcement, including ICE, are of immense public interest and concern. Law enforcement officers carry power and weaponry, and have the ability to act as gatekeepers for our liberty and constitutional rights. Regardless of one's views on immigration policy, the increased budget and enforcement operations of ICE were a core campaign issue in the presidential election, and are a widespread topic of conversation and concern. Recordings of law enforcement directly inform the public, shape policy discussions, and even serve as the catalyst for large-scale political movements across the political spectrum. They have helped to expose [horrific and illegal acts](#) by the government. At the same time, they

also protect law enforcement officers. If an officer is acting within the bounds of the law, a recording will help prove as much.

It is deeply troubling that members of the Administration, who have all taken an oath to uphold the U.S. Constitution, have publicly stated their intent not to recognize the First Amendment rights of protesters and observers monitoring ICE activity.

We stand behind the public's well-established right to record public officials, law enforcement, and ICE agents engaged in their public duties. We jointly condemn this administration's refusal to recognize the First Amendment right to record officers in public. And we call on this administration to recognize that constitutional rights are a feature, not a bug, of democratic governance. For our constitutional rights to be real, our public officials must uphold them—as they have sworn to do.

Signed,

Organizations:

American Civil Liberties Union
Center for Democracy & Technology
Center for Protest Law & Litigation at the Partnership for Civil Justice Fund
Defending Rights & Dissent
Electronic Frontier Foundation
Freedom of the Press Foundation
Government Information Watch
Knight First Amendment Institute
National Coalition Against Censorship
People For the American Way
Public Citizen
Tully Center for Free Speech
Woodhull Freedom Foundation

Individuals*:

David A. Schulz, Director, Media Freedom & Information Access Clinic, Yale Law School
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*Signed in individual capacity. Affiliations listed for identification purposes only.