



National Press Photographers Association, Inc.

The Society of Professional Photojournalists

3200 Croasdaile Drive • Suite 306

Durham, NC 27705-2586

Phone: (716) 983-7800 • Fax: (716) 608-1509

lawyer@nppa.org

VIA FACSIMILE (202.612.1976)

June 9, 2011

Secretary Janet Napolitano
U.S. Department of Homeland Security
Washington, DC 20528

Re: TSA Blog – Response to Phoenix Checkpoint Video

Dear Secretary Napolitano,

As general counsel for the National Press Photographers Association (NPPA) I write to you with reference to the TSA Blog post of 6-3-11 regarding video taken at a Phoenix Sky Harbor Airport checkpoint and posted on YouTube (see: <http://blog.tsa.gov/>). NPPA commends your current policy permitting the public, passengers or press to photograph, videotape or film at screening locations at your checkpoints as long as they do not interfere with the screening process or shoot the actual display monitors (see: <http://blog.tsa.gov/2009/03/can-i-take-photos-at-checkpoint-and.html>).

However, NPPA is concerned that you are currently considering a change to that policy in light of the above referenced incident. As you mentioned in your most recent blog your agency maintains video surveillance of these checkpoints via closed circuit television cameras and recordings. In this instance you believe that the footage from your cameras and the footage on YouTube was used in determining that your officers acted properly. To now consider shooting the “public messenger” but allow surveillance video sounds more like George Orwell’s 1984 where “big brother is watching,” while the public may not. As our organization has previously stated, photography by itself is not a suspicious activity and is protected by the First Amendment. Any abridgement of a constitutionally protected activity, especially in a thinly veiled attempt to limit public discourse is highly improper.

There have been significant concerns over the frequent changes in airport screening policies over the past few years. Some policies have actually been adjusted as a result of publicity attached to citizen video that documented procedures. This is a perfect example of the impact that photography of governmental activity can have. The freedom to document, not just talk about what happens in screening, is critical in our democracy. The right to “petition the government for a redress of grievances” is hollow without the ability to gather information related to those grievances. This applies to news gathering by the media as well as the public. To now consider limiting that ability will create a climate that chills free speech under the pretext of safety and security.

Limitations on photography by law enforcement officers has become an almost daily occurrence throughout the country. NPPA stands ready to work with TSA to help develop reasonable and workable policies and practices. We respectfully request that you not change your current policy regarding photography at airport checkpoints unless it is to broaden public and press access.

Thank you for your attention in this matter. I look forward to your response.

Very truly yours,

Mickey H. Osterreicher

Mickey H. Osterreicher
General Counsel

cc: Sean Elliot, NPPA President