



# NYCLU

NEW YORK CIVIL LIBERTIES UNION

125 Broad Street  
New York, NY 10004  
(212) 607 3300  
Fax (212) 607 3318  
[www.nyclu.org](http://www.nyclu.org)

BY FACSIMILE AND FIRST CLASS MAIL

November 21, 2011

Honorable Michael R. Bloomberg  
Mayor  
New York City  
City Hall  
New York, N.Y. 10007

Raymond Kelly  
Commissioner  
New York City Police Department  
1 Police Plaza  
New York, N.Y. 10038

*Re: NYPD Mistreatment of Journalists*

Dear Mayor Bloomberg and Commissioner Kelly:

On behalf of the New York Civil Liberties Union, we write in conjunction with the letter sent today by major media organizations to NYPD Deputy Commissioner Paul Browne objecting to the serious mistreatment of journalists seeking to cover the policing of the Occupy Wall Street protests. We believe the Mayor's Office must become directly involved in this matter, given the serious First Amendment issues raised by the media organizations and given the Police Department's failure to address those issues since learning of them many months ago. We therefore request that Mayor Bloomberg convene a meeting with the media organizations, Commissioner Kelly and Mr. Browne, and the NYCLU.

As you undoubtedly are aware, there have been many public accounts of reporters, photographers, and other journalists being mistreated and subjected to physical force during OWS protests and further of over 25 journalists being arrested. We also have received many direct reports from journalists describing mistreatment that parallels the mistreatment outlined in the letter from the media organizations. (We enclose a copy of their letter.) Because these actions strike at the heart of the First Amendment's protections of freedom of the press, the NYCLU has been particularly alarmed by these accounts.

As an initial matter, we are deeply concerned about the "media blackout" imposed by the NYPD that effectively blocked first-hand reporting of the forcible eviction of protesters from Zuccotti Park last week. Journalists who were already in the park were forced to leave under threat of arrest, while others, even those with NYPD-issued press credentials, were blocked by

barricades and forced to remain at least one block away from the park in every direction. Two journalists we spoke with convinced police to let them past barricades to within a block of Zuccotti Park, only to be subsequently threatened with arrest if they did not leave the area. When one attempted to remain south of Cortlandt Street on Broadway, he was told, "I don't give a fuck who you are – you wasted your chance" and was pushed to the ground by an NYPD officer. When journalists told police that they were journalists, the officers repeatedly said they did not care. One officer told a photographer, "Not tonight," and another told a photographer, "Jesus, you press guys . . . you're keeping us from doing our jobs." That photographer also reported having his NYPD-issued press credential yanked from around his neck by the police for attempting to remain in Zuccotti Park to document the eviction. In addition, NYPD officials reportedly told Brookfield security guards not to let journalists into the lobby of One Liberty Plaza, and the city reportedly closed airspace over the area to prevent news helicopters from documenting the police actions.

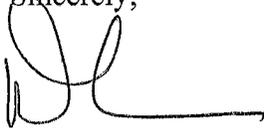
Beyond preventing journalists from documenting the actions of the police, numerous journalists were arrested and subjected to physical force by NYPD officers during and after the eviction. We have heard numerous stories of NYPD officers liberally using force against both journalists and others. There seemed to be no supervisors in some of the areas, and officers gave the impression of "a blue-shirt free-for-all," in which they did not know what they were supposed to be doing and instead improvised aggressively. One photographer we spoke with was struck with a police baton on his arm and his camera lens, resulting in a bruise and in severe damage to the lens. Another report was struck in the shoulder with a baton immediately after telling the officer that she was a journalist. Several other journalists we spoke with were shoved by police, including onto the ground, despite having done all they could to comply with the officers' instructions.

One particularly troubling location was Broadway on the few blocks north of the park. The crowd on the sidewalk of Broadway near Cortlandt Street was pushed northward by a line of police into another line of police to the north of them, making it impossible for them to comply with shouted police orders to continue moving or to get off of the narrow sidewalk. One cameraman we spoke with had purposely remained in the back of the crowd in order to avoid getting arrested, but while he was trapped between the two police lines and scaffolding on the Broadway sidewalk, officers from the north line grabbed him and arrested him, despite his shouts of "I'm a journalist!" Video footage demonstrates that he and others who were arrested had no way to disperse.

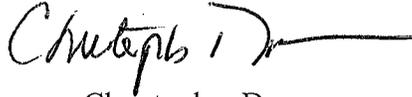
In light of the Mayor's repeated expressions of support for the First Amendment -- expressions that we of course commend -- we have no doubt that these accounts will be a source of serious concern. We fully understand that being a journalist, whether with a DCPI credential or otherwise, does not allow anyone to engage in unlawful activity or to be immune from appropriate police orders. But the numerous reports we have received and have learned of make clear to us that the NYPD is aggressively blocking journalists from doing their constitutionally protected work and in some instances is even targeting journalists for mistreatment. That this has happened during this nationally important protest is all the more disturbing.

We therefore request a meeting to address these concerns as soon as possible. If you or members of your staff have any questions about our request, please let us know.

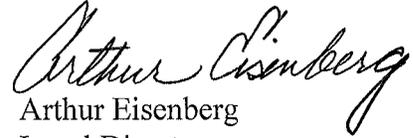
Sincerely,



Donna Lieberman  
Executive Director



Christopher Dunn  
Associate Legal Director



Arthur Eisenberg  
Legal Director

c: Paul Browne, Deputy Commissioner for Public Information  
Michael Cardozo, Corporation Counsel