

March 24th, 2021

Hon. Alejandro Mayorkas
Secretary of Homeland Security
Washington, DC 20528

Re. Media Access to Border Facilities

Dear Secretary Mayorkas,

The undersigned organizations urgently request that you reverse the Department of Homeland Security's (DHS) position on blocking media access to border facilities.¹ As you are aware, the last three presidential administrations have granted journalists at least some access to border facilities.² However, despite calls for access to the facilities from civil society, media organizations and members of Congress from both parties, your Department has maintained an indefensible position favoring secrecy over the public's right to know.

The Department's justification for denying media access is that members of the press cannot safely access border facilities due to the ongoing pandemic; this position is untenable.³ The First Amendment is not suspended during public emergencies and the coronavirus pandemic is no exception. Further, the Department must treat the press as the essential workers they are, which includes providing access to the facilities at the southern border. The public's need for timely, accurate information is even *greater* during emergencies, and both lawmakers and the public must have a full picture of the conditions at the border in order to hold the government accountable.

While there are undoubtedly logistical concerns at border facilities, we note that jails and courthouses have continued to grant media access over the last year. The effects of the coronavirus pandemic could be felt for years, making a blanket ban on the press impractical and unconstitutional.⁴ At a minimum, DHS must adopt all available, practical measures to open border facilities to the media, without jeopardizing the health and safety of all parties involved. Among the commonsense options available are requiring proof of a recent negative PCR test, or prioritizing access for fully vaccinated journalists—policies that other government facilities have already successfully implemented.

We ask that your office immediately commits to a policy of transparency at the U.S.-Mexico border. DHS's policy of banning journalists, less than 100 days in to President Biden's

¹ Sganga, N. (2021, March 22). *Lawmakers press Biden administration to grant media access to border facilities*. CBS News. <https://www.cbsnews.com/news/border-crisis-media-access-facilities-biden-administration/>

² Darcy, O. (2021, March 21). *Reporters call out Biden administration for lack of transparency at the US-Mexico border*. CNN. <https://www.cnn.com/2021/03/20/media/biden-border-transparency/index.html>

³ *Supra*, 1

⁴ Silverman, J. (2021, March 12). *When will COVID-19 end? A year into the pandemic, public health experts say: Nevers*. CBS News <https://www.cbsnews.com/news/covid-19-endemic-disease-never-going-away/>

inauguration, severely undermines transparency and accountability and sets a worrying tone for your administration's relationship with the press. It is imperative that you reverse this decision.

Thank you for your consideration of this matter. Please contact Freddy Martinez at fmartinez@openthegovernment.org for more information.

Sincerely,

Citizens for Responsibility and Ethics in Washington (CREW)
Colorado Immigrant Rights Coalition
Defending Rights and Dissent
Digital Democracy Project
Fight for the Future
Freedom of the Press Foundation
Government Accountability Project
Government Information Watch
Japanese American Citizens League
Kurt Vonnegut Museum and Library
Open The Government
PEN America
Project On Government Oversight
Society of Professional Journalists