



June 1, 2016

TRANSMITTED BY EMAIL

TO: Regional and National Media

RE: Media Advisory for the RNC: **Flight Restrictions and Media Credentialing**

Dear Colleagues:

We, the American Civil Liberties Union (“ACLU”) of Ohio and the National ACLU Speech, Privacy & Technology Project, are continuing to prepare for the Republican National Convention (RNC) that will take place in Cleveland this July. Given the increasingly broad restrictions put in place during past political conventions, we are interested in ensuring that media organizations such as yours will have the access necessary to observe and report on the RNC. We have particular concerns related to flight restrictions and to media credentialing.

AMERICAN CIVIL
LIBERTIES UNION
OF OHIO FOUNDATION
4506 CHESTER AVENUE
CLEVELAND, OH 44103-3621
T/216.472.2220
F/216.472.2210
WWW.ACLUOHIO.ORG
contact@acluohio.org

A MEMBER OF
SHARES



The FAA will expand flight restrictions at the convention

As you may be aware, the Federal Aviation Administration (FAA) routinely issues Temporary Flight Restrictions (TFRs)—known colloquially as “no-fly zones”—at Republican and Democratic national conventions. These TFRs have expanded dramatically in size and scope in the past twelve years, increasing from a 1.5-mile radius ban in 2000 to a prohibition on almost all aircraft within a 35-mile radius of the convention site for the past four national conventions. Our concern about the widening scope of the FAA’s orders is compounded by the flight restrictions put in place over Ferguson, Missouri last year, which, audio recordings show, were explicitly implemented in order to keep journalists away. *Ferguson-FAA Audio Files*, AudioBoom, <https://audioboom.com/playlists/1263866-ferguson-faa-audio-files> (last visited May 18 2016).

Past convention TFRs do not appear to give room for authorized media representatives to observe the convention from above. In addition, because drones are legally considered aircraft, TFRs issued by the FAA since 2008 have included express restrictions on even model drones.

The substantial restrictions imposed in 2008 and 2012 suggest that there will be an equally restrictive TFR for the upcoming RNC, which could mean a complete inability to obtain aerial footage of the convention, related protests, and law enforcement activity.

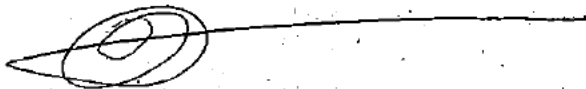
Secret Service control over media credentialing

This year, for the first time, the Secret Service will assume control over media credentialing for the RNC. As you may be aware, at past conventions the nonpartisan Congressional press galleries oversaw this task. Under new Secret Service authority established by executive order, the credentialing process will likely be both more stringent and less transparent. We expect the new credentialing process to include, at a minimum, advance background checks and a vetting process – based upon unknown criteria – that will influence the Secret Service’s determination of who may access different zones within its planned security perimeter around the convention. There will apparently be no opportunity to appeal an access designation. Nor, it appears, will there be an opportunity to add credentialed people after a certain point in time. *See* Hadas Gold, Secret Service takes on new credentialing role for conventions, POLITICO (Apr. 15, 2016 12:59 PM) <http://www.politico.com/blogs/on-media/2016/04/secret-service-takes-on-new-credentialing-role-for-conventions-222017>; Lloyd Grove, How the Secret Service is trying to handcuff the press, The Daily Beast (May 5, 2016 12:55 PM) <http://www.thedailybeast.com/articles/2016/05/05/how-the-secret-service-is-trying-to-handcuff-the-press.html>.

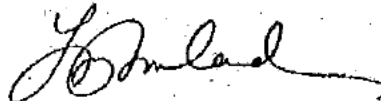
Increasing the government’s control over media access to the RNC presents serious First Amendment concerns. The new credentialing process may create an increased burden on media to comply with the Secret Service’s vetting process, and at the same time a reduction of access to emergent events.

Because the RNC is approaching quickly, we want to advise you of our concern that these developments could impact the First Amendment rights of the media. We encourage you to reach out to us if you are affected, or you anticipate being affected, by these matters.

Best regards,



Freda Levenson
Legal Director
ACLU of Ohio
E: [REDACTED]
P: [REDACTED]



Lee Rowland
Staff Attorney
ACLU Speech, Privacy & Technology Project
E: [REDACTED]
P: [REDACTED]