



New Mexico

March 6, 2019

SENT VIA E-MAIL AND U.S. MAIL

Aaron Hull
Chief Patrol Agent
U.S. Customs and Border Protection
8901 Montana Avenue
El Paso, TX 79925-1212
aaron.hull@cbp.dhs.gov

RE: Unconstitutional Restrictions on Photography and Filming at CBP Interior Checkpoint in Deming, New Mexico, NM Highway 11 between Mile Markers 12 and 13

Dear Chief Patrol Agent Hull:

We were surprised to see this sign affixed to the glass of the U.S. Customs and Border Protection (CBP) Interior Checkpoint in Deming, New Mexico, on New Mexico Highway 11 between mile markers 12 and 13:



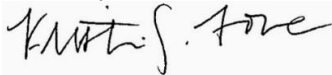
The sign warns passersby in English and in Spanish: “No Camera, No Video, No Cell Phone” and “No Se Permiten Cámaras, No Se Permiten Videos, No Se Permiten Teléfonos Celulares.”

While your colleagues in Deming do not appear to believe that the First Amendment of our Constitution fully protects people who travel through their checkpoint, we do. And every federal court of appeals that has addressed this issue agrees: the First Amendment allows anyone to record on-duty law enforcement agents in public.¹

Please do the right thing and take the sign down.

You may contact me at klove@aclu-nm.org if you wish to discuss this letter. Thank you in advance for your prompt response.

Sincerely,



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CC:

José Romero, Border Community Liaison, U.S. Customs and Border Protection

(jose.romero@cbp.dhs.gov)

Nayomi Valdez, Office of Representative Xochitl Torres Small, (Nayomi.Valdez@mail.house.gov)

Felipe Galvis-Delgado, Office of Representative Xochitl Torres Small (Felipe.Galvis-Delgado@mail.house.gov)

Alyson Sincavage, Office of Senator Tom Udall (Alyson_Sincavage@tomudall.senate.gov)

Michelle Kavanaugh, Office of Senator Tom Udall (Michelle_Kavanaugh@tomudall.senate.gov)

Alex Eubanks, Office of Senator Martin Heinrich (Alex_Eubanks@heinrich.senate.gov)

¹ See *Fields v. City of Philadelphia*, 862 F.3d 353, 356 (3d Cir. 2017) (“Simply put, the First Amendment protects the act of photographing, filming, or otherwise recording police officers conducting their official duties in public.”); *Turner v. Lieutenant Driver*, 848 F.3d 678 (5th Cir. 2017); *Gericke v. Begin*, 753 F.3d 1 (1st Cir. 2014); *Am. Civil Liberties Union of Ill. v. Alvarez*, 679 F.3d 583 (7th Cir. 2012); *Glik v. Cunniffe*, 655 F.3d 78 (1st Cir. 2011); *Smith v. City of Cumming*, 212 F.3d 1332 (11th Cir. 2000); *Fordyce v. City of Seattle*, 55 F.3d 436 (9th Cir. 1995).