

# **Public Hearing**

## **Proposed Changes to the Rules For Press Credentials**

### **Unofficial Transcript**

**March 20, 2024**

**Lori Barrett-Peterson**

**Mayor's Office Of Media & Entertainment:**

Okay. It is now 3:05 p.m. on Wednesday, March 20, 2024, and I am hereby convening the public hearing. Welcome, and thank you for attending this hearing today. My name is Lori Barrett Peterson, and I am chief operating officer and acting general counsel of the Mayor's Office of Media and Entertainment.

The Mayor's Office of Media and Entertainment, also known as MOME, is holding this public hearing pursuant to the City Administrative Procedure Act, or CAPA, to provide the public with the opportunity to comment on MOME's proposed changes to the rules for press credentials.

In addition to publishing the notice of public hearing and opportunity to comment on the proposed rule in the City Record, a summary of the anticipated rule was included in MOME's annual rulemaking agenda for Fiscal Year 2024, which was published in the City Record in May 2023.

MOME is proposing to amend its press credentials rules to (a) include a minimum age requirement for eligibility to receive a standard press card

or a reserve press card (b) require consent from a parent or a legal guardian for applicants under 18 years old who are seeking to pre-register for or receive a single event press card, and (c) require a parent, legal guardian, or responsible adult to accompany a single event press card holder who is under 18 years old during the entirety of a single event.

MOME is also proposing to amend its rule setting forth the criteria for denial of an application for a press credential, and to allow alternative methods for returning a single event press card.

We will not be answering any questions or responding to your comments today. But please know that we will consider all comments we receive as we finalize the rule.

We will now proceed to comments. Everyone has been muted. Only persons who wish to comment will be unmuted when it is their turn to speak.

We will be following these ground rules: Each person will have three minutes to testify. We will be keeping time, and to be fair to each person seeking to comment. We will strictly require each speaker to conclude their testimony at three minutes. We will notify you when you have reached your three-minute limit, and we will mute you if you continue. If you think your comment will take longer than three minutes, please synthesize your oral testimony and provide a written copy for the record.

If you wish to submit a written comment, the deadline to submit written testimony is 11:59 p.m. today. And it can be emailed to me at [Lbarrettpeterson@media.nyc.gov](mailto:Lbarrettpeterson@media.nyc.gov). That's the same email address in the in the notice of public hearing.

Anyone who wanted to comment on the proposed rules was requested to sign up before this hearing. And I'm going to call people in the order that they signed up. And after that I'll call on anybody who did not sign up but wishes to testify.

So in in order of signing up, the first person is Mickey Osterreicher, General Counsel, National Press Photographers Association, and let me-- Oh, you're unmuted. Okay, go ahead, Mickey.

**Mickey Osterreicher**

**National Press Photographers Association:**

Thanks. Good afternoon. Thank you for the opportunity to testify regarding this proposed rule. My name is Mickey Osterreicher. I'm the general counsel of the National Press Photographers Association. I'm also speaking on behalf of nine other press organizations advocating for First Amendment and Due Process rights of journalists.

NPPA generally commends MOME for these proposed proposals, especially the one allowing an individual to return an expired single event, press card by means of other than in person.

In the interest of time. I direct you to our written comments regarding the rules pertaining to minors, press cards, and what events they can cover.

We are concerned that there are many under the age of eighteen, who have a keen interest in journalism, who would truly miss out on a wonderful opportunity to become involved in our profession.

Under this proposed rule, it may also preclude young students from gaining the experience necessary to become better journalists, as well as report on matters of public concern for their school or neighborhood publications. NPPA remains concerned.

But the current criteria for suspensions and revocations based upon a press credential holder having an open case for a lawful arrest is still far too broad.

The catch and release charges we have seen, and NYPD continue to employ to chill the First Amendment rights of the press result in criminal consequences that are far from lawful.

We again urge MOME to consider deleting those criteria, replacing it with language as noted in our written comments. Similarly, the language regarding failure to comply with a lawful order is overly broad, and should be deleted, as it leaves open far too much opportunity for abusive discretion in suspending or evoking a press credential.

The proposed rule, change, authorizing MOME, to suspend the press card for its misuse or misrepresentation are terms that should be better defined or struck, as they are also overly broad and vague.

We urge MOME to consider establishing some form of recognition, to enable those journalists holding press credentials from other jurisdictions, such as Chicago, Los Angeles, the State Department, or the White House, to be eligible, to apply for the standard press card without satisfying the requirement that their submissions must only be from events in New York City.

We make this request, understanding that MOME has previously suggested that these journalists apply for the single event press card. But, given the speed at which events occur and decisions to cover them are made, it is almost impossible that journalists, being assigned to such coverage, will have the time and ability to realistically make an application.

Alternatively, we request that consideration be given to some form of reciprocity for press credentials, for other jurisdictions that have been issued according to a valid, acceptable, and verifiable vetting process.

We greatly appreciate the opportunity to speak today, along with our written comments, which we hope will be given serious consideration will help improve the credentialing process. Thank you for your time and attention. I'd be happy to answer any questions if you have them.

**Lori Barrett-Peterson**

**Mayor's Office Of Media & Entertainment:**

Thank you, Mickey. We'll review your written comment carefully. I really appreciate it and all of your suggestions.

Robert Roth.

Here, let me unmute you.

**Robert Roth:**

Everything okay?

**Lori Barrett-Peterson**  
**Mayor's Office Of Media & Entertainment:**

We can hear you. Thank you.

**Robert Roth:**

Good afternoon, Ms. Barrett-Peterson, Ms. Nasser, officials of the Mayor's Office of Media and Entertainment.

My name is Robert Roth. I am both a media lawyer and a journalist. So, with only three minutes, my oral comments will touch on the worst part of your proposed rules: The lowering of the age of for a single event, press card to allow children to receive them.

I'm compelled to ask: Who wants this proposal?

Surely it is not the professional photojournalist in the New York City Press Corps.

Children do not belong behind police and fire lines. One of the most common uses for the single event press card has been to cover parades. This card was created with the intent that a journalist from an organization, for example, a neighborhood newspaper that did not ordinarily qualify for the standard press card could for one day cover a major event of interest to their readership.

Most journalists who carry the regular press card have not had a problem with this, for the simple reason that those journalists who came to a parade were adult professionals who acted in a professional manner, a

news event. Particularly a parade that has inherent dangers, is not a place for children. Journalists are crammed into a small place in front of the leading marchers.

Usually the mayor, other government officials, and, worse yet, that space is moving. Many of us are walking backwards, and the police are in front of us with a rope line. This is not the place for children.

Your proposed rules lower the age 18 minimum to create in effect, no minimum age, in fact, to make it worse. You say that if the child to whom you issue a single event card is below 16, he or she must be accompanied by a parent or other adult. In effect, that would mean two people would now come onto the parade route. How will the police know to recognize the chaperone of this child journalist? And I can think of no other word besides “chaperone.”

And does this person also have the right to stand in the way of professionals? What’s more, you’re not even saying that one chaperone is limited to accompanying only one child. Does this mean we will see class trips to cover news events with one teacher and a class of students?

And there are no rules for these chaperones.

You have rules for professional journalists that allow you to suspend or even revoke their press cards. How about the children, and how many single event press cards can each of them get per year?

Another use of the single event card is to attend the City Press Conference. Every press room has a limited capacity, and sometimes even the professionals cannot get in, and you want to add children to the mix. A news event should not be the subject of a class trip to disrupt the

professional journalists. It is not the time or place for dress up or cosplay. It is a workplace environment.

Please keep it that way, and do not enact this revision. As said before, I would be pleased to answer any questions you have. I will supplement these words with written comments.

**Lori Barrett-Peterson**

**Mayor's Office Of Media & Entertainment:**

Thank you, Mr. Roth, and we look forward to reviewing your written comments.

So, I've called on everybody who signed up ahead of time. Is anyone else in attendance who wishes to speak?

**Bruce Cotler**

**New York Press Photographers Association:**

I would like to speak.

**Lori Barrett-Peterson**

**Mayor's Office Of Media & Entertainment:**

Bruce Cotler, please go ahead.



## **Bruce Cotler**

### **New York Press Photographers Association:**

Okay. I'm the President -- well, good afternoon -- I'm Bruce Cotler speaking to you on behalf of the New York Press Photographers Association, the organization that represents the photojournalist of New York City area.

Before I begin. I would like to thank everyone for the opportunity to speak and to listen to our testimony today.

I'd like to make clear that the NYPPA opposes the proposed MOME initiative to grant press cards to minor children, 15 and older.

Due to the volatile nature of large news events not only a place of considerable danger for children, but also large news events simply aren't the place for minors and their adult chaperones who have no experience with the professional decorum of the press.

I should know, because I have attended many breaking news events, and one that particularly comes to mind as an anti-immigrant protest which I was present at last year, that turned violent on a dime.

If children at the time, and said children were in attendance, they would undoubtedly have been targeted or injured as several professional journalists have been.

It's also not possible for minors or their inexperienced guardians to know how to react to or handle those types of situations nor be a -- hold on -- know how to handle situations with law enforcement if police need to be involved.

We were not asked our opinion for this misguided proposal, and New York Press Photographs Association disavows any attempt to grant these types of press cards to minor children due to the inherent danger it would present them, their chaperones, and the members of the press.

Thank you for your time and your consideration.

**Lori Barrett-Peterson**

**Mayor's Office Of Media & Entertainment:**

Thank you. And Mr. Cotler, in case you missed it at the beginning, I explained that if you'd like to submit a written comment, you're free to do so until 11:59 p.m., tonight.

**Bruce Cotler**

**New York Press Photographers Association:**

I will.

**Lori Barrett-Peterson**

**Mayor's Office Of Media & Entertainment:**

Great. I look forward to receiving it.

And there's one other member of the public in the room. Mr. Moreno, would you like to speak?

**Quinn Caruthers Moreno:**

No, thank you. Just observing.

**Lori Barrett-Peterson**

**Mayor's Office Of Media & Entertainment:**

Okay.

Alright, it's 3:19 p.m. I'm prepared to -- preparing to -- close the public hearing.

Thank you for coming today. Thank you for sharing your thoughts on MOME's proposed rules. This concludes the public hearing.

Thank you again.

# Summary of Oral Comments at the Public Hearing

## Proposed Changes to the Rules For Press Credentials

### March 20, 2024

Three members of the public testified at the public hearing about the proposed changes to the rules for press credentials. Their testimony is summarized as follows:

**1. Mickey Osterreicher, National Press Photographers Association:**

- Agreed with the proposal to allow the return of single event press cards by mail.
- Opposed some restrictions on minor press card applicants.
- Urged MOME to revisit grounds for suspension of a press card, including lawful arrests, failure to comply with a lawful order, and misuse and misrepresentation.
- Urged MOME to consider recognizing certain press credentials from other issuers, because the single event press card may take too long to obtain.

(Mr. Osterreicher submitted written testimony that supplements his oral testimony. It provides additional details missing from this summary.)

- 2. Robert Roth** opposed allowing minors to obtain press cards for multiple reasons including public safety, potential interference with other journalists, and potential problems regarding non-journalist adults accompanying minor press card holders.

(Mr. Roth submitted written testimony that supplements his oral testimony. It provides additional details missing from this summary.)

- 3. Bruce Cotler** opposed allowing minors to obtain press cards for public safety reasons.

(Mr. Cotler submitted written testimony that supplements his oral testimony. It provides additional details missing from this summary.)