

ICE Is Trying To Force BuzzFeed News To Divulge Its Sources

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By Hamed Aleaziz

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Guatemalan citizens wait at an Air Force base after being deported from the US in Guatemala City.

Rodrigo Abd / AP

Immigration and Customs Enforcement investigators issued a subpoena this week demanding BuzzFeed News identify its sources — an extraordinary attempt by the government to interfere with a news outlet acting under the protections of the First Amendment, and a move that the agency’s former chief lambasted as “embarrassing.”

The effort to pressure BuzzFeed News into revealing sources comes after relentless efforts by President Donald Trump’s administration to undermine the free press. The outgoing president has for years lied about news outlets that publish true but critical stories about him and his administration, calling them “fake news,” which has opened reporters up to threats and violence.

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The administration has also targeted journalist sources. Specifically in the Department of Homeland Security, officials have warned employees not to discuss internal policies or documents with the media. They have also told employees to report colleagues they suspected of sharing sensitive internal information, along with those who requested information that fell out of their day-to-day duties.

The subpoena appears to be an escalation of the Trump administration's efforts to track down the identities of people who provide information to news outlets. It comes just months after the Washington Post reported that DHS investigators had created "intelligence reports" about media members who had reported on leaked documents.

ICE did not immediately respond to a request for comment.

"BuzzFeed News emphatically rejects any requests for information about possible sources and methods of our reporting," said BuzzFeed News Editor-in-Chief Mark Schoofs. "We do not confirm or discuss confidential sources, and this subpoena is an outrageous overreach by the federal government. It's fundamentally at odds with the US Constitution and will not have any impact on our journalism."

A former ICE leader castigated the subpoena to BuzzFeed News.

"This is embarrassing for ICE. I think it is a weak effort to intimidate the press," said John Sandweg, former acting director of the agency. "When you're trying to intimidate the press, you cross a line. It is something that the agency should never do."

Legal experts also raised alarm that the subpoena was an effort to undermine democracy.

"If journalists had to divulge sources or information they obtained in the course of reporting, they'd be no better than the investigative arm of the state," said David Snyder, a lawyer and executive director of the nonprofit First Amendment Coalition. "The power of journalism to advance the cause of our democracy would be severely diminished."

The subpoena, issued on Dec. 1 by an agent with the ICE Office of Professional Responsibility, concerns emails sent to ICE attorneys on a fast-track deportation program and plans to fine certain undocumented immigrants. It demands that BuzzFeed News "provide all documentation including, but not limited to: (1) date of receipt, (2) method of receipt, (3) source of document, and (4) contact information for the source of the document."

The subpoena states that BuzzFeed News should produce the records to an ICE agent in Virginia by Dec. 22.

“Failure to comply with this summons will render you liable to proceedings in a U.S. District Court to enforce compliance with this summons as well as other sanctions,” the document sent to BuzzFeed News reads. “You are requested not to disclose the existence of this summons for an indefinite period of time. Any such disclosure will impede this investigation and thereby interfere with the enforcement of federal law.”

The Trump administration is trying to expand a program of quick deportations for undocumented immigrants who cannot prove they have been in the country continuously for two years before agents pick them up. The effort was blocked by a federal judge soon after the policy was first announced in 2019. But in June, the US Court of Appeals for the District of Columbia lifted the preliminary injunction, opening the door for ICE officers to arrest and deport undocumented immigrants without a hearing in front of an immigration judge.