



Committee to Protect Journalists

January 12, 2022

Joseph R. Biden
President of the United States of America
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C., 20500

Sent via email

Dear President Biden,

As your first year in office comes to an end, we at the Committee to Protect Journalists (CPJ), a non-profit press freedom advocacy organization, write to share our new report examining your administration's record on domestic and global press freedom in your inaugural year. The report, which will be published on January 13, is part of a series of comprehensive reports on the [presidential administrations](#) preceding yours and is authored by former *Washington Post* Executive Editor Leonard Downie Jr.

Given your administration's efforts to stem the pervasive misinformation and disinformation that are disrupting democracies everywhere, we believe that forceful U.S. leadership on press freedom is vital both domestically and globally. We recognize that some persistent hurdles to press freedom in the U.S. predate your administration and acknowledge encouraging initiatives on global media freedom, including recent actions to curb the use of spyware to target journalists. However, meaningful and sustained progress will require substantive policy changes to safeguard freedom of the press in the United States and around the world.

Among the most pressing matters, freedom of information requests remain backlogged, stymieing reporters' ability to cover matters of public interest. At the same time, Border Patrol agents maintain broad powers to question reporters and search their devices. Your administration has already taken important steps to restrict federal prosecutors' ability to obtain journalists' phone and email records in government leak investigations. However, it is essential that this policy is codified to preserve this important change.

While unprecedented attacks on journalists in the U.S. continue, record numbers of journalists remain behind bars around the world. Meanwhile, the rising tide of journalists seeking safe refuge outside their countries – like the many Afghan journalists forced to flee for their safety – remain without access to emergency visas.

Your administration has the authority and opportunity to address these endemic threats and ensure a safer environment for journalists for years to come. Based on our report, the Committee to Protect Journalists makes the following recommendations to your administration:

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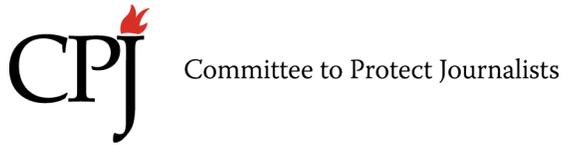
P.O. Box 2675
New York, NY 10108
Phone: +1 (212) 465-1004
Fax: +1 (212) 465-9568
info@cpj.org

www.cpj.org



1. Embrace good practice and transparency in dealing with the press by speaking to reporters on the record, and avoiding the overuse of on-background briefings and quote approval. In the spirit of greater transparency, it is imperative that your administration instruct all government departments to comply with Freedom of Information Act (FOIA) requests in a timely manner without regard to the media organizations or reporters filing those requests. Enforce prompt and less restrictive responses to FOIA requests, and reduce over-classification of government material.
2. Implement restrictions that would require the Department of Homeland Security (DHS) and U.S. Customs and Border Protection (CBP) to obtain warrants before searching electronic devices. Require both agencies to release transparency reports about such searches. Prohibit DHS and CBP agents from intimidating and singling out journalists for questioning and/or asking journalists about their work.
3. Prioritize and support the passage of legislation – such as Senator Ron Wyden’s [PRESS Act](#) – that would protect journalists’ First Amendment rights against government prosecution for using and receiving confidential and classified information. The legislation should expansively define journalists, and shield reporters’ communication records, ensuring that the government cannot compel journalists to disclose sources or unpublished reporting information.
4. Stop the misuse of the Espionage Act to hinder press freedom: Drop the espionage charges against Julian Assange and cease efforts to extradite him to the U.S. Put into place legislation that would prevent the use of the Espionage Act as a means to halt news gathering activity.
5. Support the creation of an emergency visa for journalists at risk around the world (such as in Section 6 of the [International Press Freedom Act of 2021](#)) to ensure solutions are in place for future crises like Afghanistan.
6. Ensure that U.S. companies or individuals are not contributing to the secret surveillance of journalists, and that foreign companies face targeted sanctions for enabling authoritarian governments to spy on journalists. Impose sanctions on Saudi Arabian Crown Prince Mohammed bin Salman, holding the leader to account for his role in the killing of *Washington Post* columnist Jamal Khashoggi.

On the eve of your inauguration last year, CPJ [outlined](#) how you could protect and promote the fourth estate. We believe this new report and recommendations provide a useful blueprint for future steps to protect and advance the press freedom that you have publicly lauded as being vital for democracy. We respectfully request a meeting with you or someone you designate to discuss the best way to



lead by the power of your example, and champion press freedom in the United States and globally. We thank you for your attention and look forward to your response.

Sincerely,

A handwritten signature in black ink that reads "Kathleen Carroll". The signature is written in a cursive, flowing style.

Kathleen Carroll
Chair
Committee to Protect Journalists

A handwritten signature in black ink that reads "Mahoney". The signature is written in a cursive, flowing style.

Robert Mahoney
Deputy Executive Director
Committee to Protect Journalists

CC:

Ronald Klain, White House Chief of Staff

Jennifer Psaki, White House Press Secretary

Matthew Klapper, Department of Justice Chief of Staff

Anthony Coley, Director of the Office of Public Affairs, the Department of Justice