



# 'Night and Day'

## The Biden administration and the press

By Leonard Downie Jr.



A special report of the Committee to Protect Journalists



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# About this report

President Joe Biden's approach to U.S. media is a stark contrast to Donald Trump's vicious rhetoric. However, one year into the Biden administration, press freedom advocates remain concerned about issues like the president's limited availability to journalists, the administration's slow responses to requests for information, its planned extradition of Julian Assange, restrictions on media access at the U.S. southern border and its limited assistance to Afghan journalists. **A special report of the Committee to Protect Journalists.**

This report was written by Leonard Downie Jr., the Weil Family Professor of Journalism at Arizona State University's Walter Cronkite School of Journalism and Mass Communication. Downie is the former executive editor of *The Washington Post* and the author of seven books, including his 2020 memoir, "All About the Story." He also wrote CPJ's [2013 report](#) on the Obama administration and [2020 report](#) on the Trump administration.

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Cover photo: President Joe Biden speaks to reporters in the Hall of Columns on the one-year anniversary of the January 6, 2021, attack on the U.S. Capitol. (Ken Cedeno/Pool via Reuters)



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# Introduction

The first year of the Biden administration's relationship with the U.S. press has been an almost complete reversal of the Trump administration's unprecedentedly pervasive and damaging hostility, which [seriously damaged](#) the news media's credibility and often spread misinformation around the world.

In marked contrast, President Joe Biden, White House press secretary Jen Psaki and administration officials have repeatedly stressed the importance of working with the news media to keep Americans informed. Reporters still have had issues with access to the president and some administration officials and information. But there have not been any [vicious attacks](#) on journalists as enemies of the people or accusations of "fake news."

"The most obvious change is the change in rhetoric," University of Georgia media and law professor Jonathan Peters told me. "What's gone is rhetoric from the president or administration officials designed to delegitimize the news media."

Overall, reporters told me, there have been significant improvements in the day-to-day informational relationships with the news media. Regular briefings for the press have been restored at the White House and the State and Defense Departments – essential elements for repairing the damage to press freedom in the U.S. and bolstering credibility when administration officials push for press freedom overseas.

At the Department of Justice, Attorney General Merrick Garland – at Biden's direction – has [stopped federal subpoenas](#) of reporters' telephone and email records to find government sources of classified government information, an unprecedented number of whom were prosecuted and imprisoned during the [Trump](#) and [Obama](#) administrations. There have been no new federal prosecutions of such sources to date under Biden. Instead, the Justice Department is investigating and prosecuting people who physically attacked journalists during the violent, [Trump-inspired invasion](#) of the U. S. Capitol in Washington on January 6, 2021. And it is investigating abusive treatment of reporters by police in [Minneapolis](#), [Louisville](#) and [Phoenix](#).

Biden has also [restored the editorial independence](#) of the U. S. Agency for Global Media, home of the Voice of America, which the Trump administration had tried to turn into a propaganda agency. The website of the [Environmental Protection Agency](#), largely [scrubbed under Trump](#) of reliable information about climate change and other environmental issues, has reinstated those resources.

Not that everything has been to the news media's liking or to the public's benefit.

Although Biden and administration officials have mostly appeared to avoid the willful misinformation that characterized the Trump White House, news media fact-checkers have identified numerous [misleading](#) and [false claims](#) in both Biden's prepared and extemporaneous remarks. They were especially frequent in his explanations for and defenses of the chaotic U.S. troop withdrawal in Afghanistan.

Some other issues were raised during my interviews with more than 30 journalists, academic news media observers, press freedom advocates, and Biden administration officials.

- Freedom of Information Act experts have seen little improvement in the response of government agencies to journalists' FOIA requests for information, and the administration has not announced any FOIA response directives.
- Press freedom advocates are disappointed by the administration's reaction to requests to help Afghan journalists whose lives and work have been endangered by the Taliban's takeover of the country in mid-August.
- The Biden administration's efforts to extradite WikiLeaks founder Julian Assange from the U.K. have raised fears that the language of the espionage indictment against him could set a dangerous precedent for use against journalists trying to do their jobs.
- While political correspondents welcome the administration's return to daily press briefings, many are concerned about control by the White House and cabinet department press offices over access to administration officials – and restrictions on naming and quoting them in stories.



Press Secretary Jen Psaki takes questions from White House reporters. Psaki reinstated daily briefings after a long hiatus under the Trump administration. (Reuters/Jonathan Ernst)

## THE BIDEN WHITE HOUSE AND THE PRESS

One key concern among White House reporters is their limited access to Biden. He has given far fewer press conferences and media interviews than either Barack Obama or Donald Trump in their first years in office, and he has responded to fewer impromptu questions from reporters at White House or public events.

Instead, Press Secretary Jen Psaki, or one of her deputies, have held daily [televised press briefings](#) for White House reporters after they had not occurred for months at a time in the Trump White House.

Psaki, a veteran spokesperson for Democratic presidential campaigns, the Obama White House and the State Department, was well-prepared for her role, a striking contrast to Trump's [four](#) less-experienced, [notably combative](#), press secretaries. In some ways, Psaki has become second only to Biden as a public face of his administration, even receiving attention like [a favorable profile](#) in Vogue

magazine, in addition to her frequent interviews on television and radio.

Biden held just one full-scale solo press conference at the White House and four on foreign trips during his first year in office, according to authoritative records kept by political scientist Martha Kumar, director of the [White House Transition Project](#) during several administrations. By Kumar's count, Biden had given just 22 interviews as president to members of the news media by the end of 2021, a fraction of the 92 Trump had done, or the 150 that Obama had done during the same period in their presidencies.

Biden relies more on prepared remarks that he has read on television from a teleprompter, taking few or no questions from reporters kept some distance away, behind the teleprompter and the cameras. "If he doesn't want to take more or any questions," Associated Press White House correspondent Zeke Miller told me, "he'll turn around and walk away."

“While President Biden has taken questions more often at his events than his predecessors, he spends less time doing so,” Kumar said. “He provides short answers with few follow-ups when he takes questions at the end of a previously scheduled speech. He often takes one or two questions while his predecessors took more queries at fewer events.”

Kumar believes that the White House staff works to minimize Biden’s extemporaneous remarks because of his tendency to make mistakes, which he has had to correct later. “They’ve been trying to button him up,” said Kumar, who works out of a White House basement office. “The president is more likely to make a mistake toward the end of a press conference.”

When he cut off reporters’ questions after a televised speech at the White House about the nation’s Covid surge on December 21, Biden [told them](#), “I’m not supposed to be having this press conference right now.”

“Tactics differ from administration to administration,” Psaki told me. “The president probably takes more questions overall. He does short question and answer sessions a couple times a week. He takes two to 10 questions each time.” White House reporters might disagree with the larger number. “We have an open conversation about that,” Psaki added.

“We need more access to Biden himself,” said Jonathan Karl, ABC News White House correspondent and a past president of the White House Correspondents’ Association. “Press access to him is so far very limited. Press conferences are few and far between. His people seem to wall him off from the press.”

The White House press office also closely controls reporters’ access to administration officials. Too many briefings and conversations with “senior administration officials,” arranged by the White House and cabinet department press offices, are conducted only “on deep background,” meaning that the officials cannot be identified or quoted, except for any quotes that are approved by the press office before publication. “They have been very tight for the most part,” said Dan Balz, veteran chief political correspondent for *The Washington Post*. “The early days of the administration have been very choreographed – mostly scripted events.”

That careful scripting extends to Biden’s social media posts, a stark contrast to Trump’s plethora of stream-of-conscious tweets. There is also far less leaking to the media of insider deliberations or disagreements than there was in the rivalrous Trump White House.

Biden aides “are not at war with each other,” *Washington Post* White House correspondent Ashley Parker told me. “Very few go rogue. It’s very much like the Obama administration’s discipline,” she added. “They give you sanctioned White House details. They don’t want to talk to you about disagreements.”

“It’s night and day,” ABC’s Karl told me. “We’ve reverted to close to normal. In the late Trump days, you couldn’t talk to any officials on the record.”

Steve Coll, dean of the Columbia University Journalism School, says that Biden has moved to restore norms destroyed by the Trump administration. “On matters dealing with traditional relationships between the White House and the press, this is a president who is old school,” Coll told me.

“The White House press office is a much more robust operation,” said Miller, the AP’s veteran White House Correspondent. “Many more people. More information on paper. More prepared.”

When Biden selected her to be his press secretary, Psaki told me in an interview for this report, “I had conversations with the president during the transition and discussed his understanding of the role of the press corps and the role of the White House briefing. What was most important to him was the right tone and providing as much information as possible.”

Psaki offers authoritative, if carefully circumscribed, information in her briefings. She spars firmly but good-naturedly with reporters, sometimes challenging the underlying assumptions of their questions with a quick wit known on social media as [#PsakiBomb](#). She has made a point of also calling on reporters from Fox News and other right-wing media critical of Biden. Recalling her discussions with Biden about the briefings, she told me, “It was important to take questions from everyone.”

Psaki “deserves credit for holding daily briefings again and reducing sniping from the podium,” Frank Sesno, former director of the George Washington University School of Media and Public Affairs, told me. “It’s a respectful even though adversarial relationship.”

“There is still a very healthy distance,” Miller said. “Just because the temperature has cooled, there is still an underlying contentious relationship.”

“We have returned to some baseline of cooperation,” even though “members of the press are not always satisfied,” Psaki said. “That back and forth is healthy. I hope we have an open line of communication.”

Miller added that “Psaki is bringing into the briefing



President Biden leaves without taking questions from reporters after remarks on the economy at the White House on September 16, 2021. Biden has given fewer press conferences than either Barack Obama or Donald Trump in their first years in office. (Reuters/Leah Millis)

room cabinet secretaries and other officials on a regular basis” for on-the-record briefings on administration actions and policies. Psaki told me, “I am proud of bringing in administration experts and cabinet members on a frequent basis.”

Other briefings and interviews with “senior administration officials” are offered on “deep background,” which means that reporters cannot identify or quote them.

“Everything has to be on background,” said Anita Kumar, (no relation to Martha Kumar), a senior Politico editor who covered the White House for nine years. “Constant background briefings with White House or agency officials.”

Psaki says that decisions on background briefings depend on the comfort level of the person speaking to the reporter. “Many of them are comfortable only speaking on background,” she told me.

However, Politico’s Kumar noted that reporters must ask the White House press office for “quote approval” for

anything said in a background briefing or interview that they want to put on the record in their stories. “They’re approving content again for a second time,” she said.

Parker told me that *The Washington Post’s* team of White House reporters decided on their own “to not allow White House officials to speak on background with-on-the record quote approval. We still speak to sources on background when it makes sense. What we do not do, is speak to sources on background and then go after them and ask them to approve their quotes for on the record.

“The press office controls access to senior officials,” Parker said. “You have to go through the press office. They ask questions about what you want to know in detail – more like Obama. You pre-negotiate with the press office or the officials’ assistants on time and terms. They’re often on the phone to control time.”

“If you place a call to someone on Biden’s White House staff, or even a Biden ally outside the White House,” said Karl of ABC News, “you will frequently get a call back

from the press office asking about what you want, what story you are pursuing. They usually will eventually get you in touch with the official – supervised by the press office, somebody there in the interview.”

“Sometimes, officials want to know what the story is about,” Psaki responded when I asked about this. “They rely on the press office for context.” Someone from the press office does often monitor interviews, she acknowledged, “to better know what the story is about.”

Miller, another past president of the White House Correspondents’ Association, told me that he doesn’t go through the press office all the time for officials he knows. “There are still some sources who will speak to you on an unscripted basis,” he said. But they often will not talk on the record. “The press office is still the gatekeeper for senior White House staff.”

What would Miller change if he could? “More substantive back and forth with the president to reveal what is on his mind,” he said. “And ditch the senior administration official label” by putting more briefings and interviews on the record with officials’ names.

“Like the Obama administration, the Biden press team wants to control the story, although it is not as argumentative as the Obama administration, whose press team was very thin-skinned,” Karl told me. “They argued vigorously with reporters. They didn’t hesitate to call editors or executive producers when they didn’t like a story. Not so much in the Biden administration.”

“When it’s important to them, they can argue,” Politico’s Anita Kumar said, adding that it’s very rare for the Biden press office not to respond to her even when they don’t want to comment. “There’s so much discipline in this White House,” she added. “They have a message they want to put out each day. They don’t want to deviate from it.”

White House and cabinet officials also promote that message more directly to voters with interviews with national and local news media around the country. By mid-summer, according to CNN’s [Reliable Sources](#), White House and cabinet officials, including Psaki, had done more than 1,000 interviews with local news outlets, mostly local television stations, from a studio in the Executive Office Building next to the White House.

“There is less access with Biden than with Trump,” The Post’s Parker told me. “A few shouted questions after his appearances and speeches, and when he is going to and from Marine One. Only a 12-person pool [of reporters] for meetings with the cabinet or visiting dignitaries, and it is

escorted out quickly. Trump often let them in, and he took many questions on the way to Marine One.”

Psaki’s response: “If we were trying to prevent [Biden] from engaging with the press, we are not doing a very good job.”

## BEYOND THE WHITE HOUSE

Reporters covering Biden administration’s cabinet departments and agencies similarly have found both improvements and limitations in their access to officials and information.

At the State Department, daily press briefings resumed after a [long hiatus](#) during the Trump administration. In contrast to former Secretary of State Mike Pompeo’s open, often [angry hostility](#) to reporters, Antony Blinken, Biden’s secretary of state, declared, on his first day in office, that the news media are a [“cornerstone of our democracy”](#) and promised to cooperate with them.

“Senior officials are encouraged to do background calls to explain issues,” to do television interviews and to appear before reporters in the briefing room, State Department spokesperson Ned Price told me. “Our disposition is to say yes whenever possible.”

“It’s been quite an improvement for reporters covering the State Department,” said Shaun Tandon of Agence France Presse, president of the State Department Correspondents’ Association. “We have good access to Secretary Blinken, who holds regular press briefings, plus informal access to him when he’s traveling abroad.”

However, reporters still must usually go through State’s press office to talk to other officials. “The message is very heavily managed,” Tandon told me, “but the overall tone is positive. It’s handled in a polite way. They’re not cursing you out.”

*Washington Post* State Department reporter John Hudson agreed. “There’s a lot that we’re not being told about, so a lot of digging is required,” he told me. “They have done a good job of making officials available for briefings. The press office hasn’t come down on people like a ton of bricks, although conversations can be tough at times.”

At the Defense Department, after President Trump’s first defense secretary, [General James Mattis](#), was generally [uncooperative](#) with the news media, his successor, Mark Esper significantly increased press access. So, the transition for Pentagon reporters was less noticeable with Biden’s Defense secretary, Lloyd Austin III. However,

Missy Ryan, a *Washington Post* national security correspondent, said there was “less tension and more access to information” in Austin’s Pentagon.

Pentagon press secretary John Kirby has talked to reporters daily and “increased availability of officials and reversed restrictions” on access to information, and “will engage you when you go to them with stories,” Ryan told me. Austin also has made himself more available to the press. However, to interview other civilian and military officials, “they still want you always to go through the press offices, of which there are many at the Pentagon for the various services.”

No part of the Trump administration was as combative and uncooperative with the press as the [Environmental Protection Agency](#). It repeatedly issued press releases attacking individual reporters and news organizations for critical stories about the agency. EPA’s website under Trump was [scrubbed of information](#) and resources about climate change and other environmental issues.

All that information and more is back up on the EPA website under Biden, and its press office is much more

cooperative with reporters. “I’m cautiously optimistic,” Sadies Babits, president of the Society of Environmental Reporters, told me. “It’s been pretty responsive, with most reporters having a more normal experience with the agency.”

“EPA and (Department of) Interior top press people for the most part have been extremely straightforward,” said Juliet Eilperin, the *Washington Post*’s veteran environmental reporter. EPA and Interior officials reached through the press offices are accessible to make sure stories are accurate, she added, although “their insistence on anonymity continues to be a major problem.”

A Society of Environmental Journalists’ (SEJ) internal survey of national news organizations’ environmental reporters found that “most of them got what they wanted most of the time” after getting “no or little response during the Trump administration,” said former SEJ president Tim Wheeler. Although “the press office still insists on being an intermediary to get information or an interview,” he added, “it is more professional in its treatment of reporters and responses to requests for interviews with political appointees.”



Reporters say they have ‘good access’ to Secretary of State Antony Blinken. (Andrew Caballero-Reynolds/Pool via Reuters)



The headquarters of the U.S. Environmental Protection Agency (EPA) in Washington, D.C. The EPA has reinstated on its website the information about climate change and other environmental issues largely scrubbed under Trump. (Reuters/Andrew Kelly)

“We really wanted to reset our relationship with the news media,” Lindsay Hamilton, associate EPA administrator for public affairs, told me. “We started by doing direct outreach to key reporters who cover us the most. We told them we wanted to have a positive professional relationship.”

Hamilton said she conducted media training for the agency’s subject matter experts, for whom dealing with reporters “can be an uncomfortable experience at times.” She added that “we still ask that reporters coordinate with public affairs to speak to them. We determine how to handle each interview.”

Compared to the Trump administration, reporting on the Department of Homeland Security and its role in dealing with the record number of migrants trying to cross the southern U.S. border has ironically been more difficult, if not as combative, during the first year of the Biden administration, according to *Washington Post* reporter Nick Miroff. “The Trump DHS was less disciplined, so it was easier to develop sources and gain access to the

border,” he told me, “even though they engaged in misinformation and retaliated for stories they didn’t like.

“It’s been tough” with the Biden administration, said Miroff. “They have tightened up access to information and engaged in more professional message control. That leaves reporters at a disadvantage in informing the public. They are less transparent,” although “it isn’t adversarial.”

“Reporters are frustrated with the lack of access at the border,” Miroff added. When they were denied access to the huge encampment of [Haitian migrants](#) on the Mexico-Texas border in October, “reporters had to go to Mexico and cross the Rio Grande with the Haitians.”

Control by the press offices of cabinet departments and agencies over access to administration officials – and restrictions on naming and quoting them in stories -- were primary concerns of reporters I interviewed for this report. Named sources and attributed quotes and information make news stories more credible. Their absence can be used for false charges of “fake news.”

Barriers to access to government documents and other



U.S. Border Patrol agents watch as migrants seeking refuge in the United States cross the Rio Grande in Ciudad Acuna, Mexico, on September 20, 2021. Journalists say they've found it harder to cover events at the border under the Biden administration than under Trump. (Reuters/Daniel Becerril)

information also continue to frustrate the press. Despite public commitments from both [Biden](#) and Attorney General [Garland](#) to increase government transparency, Freedom of Information Act experts have seen little improvement in the slow and often uncooperative response of government agencies to journalists' FOIA requests for information. Formal letters to Biden and Garland from press freedom and civil society groups with [specific proposals](#) for improvements have gone unanswered. The administration has not announced any FOIA response directives.

In the Obama and Trump administrations, "there had been backlogs and delays, fully redacted documents or nothing at all," University of Georgia professor Peters told me. "There's been [a rise](#) in pending FOIA legal cases, and they are taking longer to close. I would love for the Biden administration to change that. But there is not yet evidence of change."

"I haven't heard any indications of improvements for journalists," said Adam Marshall, senior staff attorney for the Reporters Committee for Freedom of the Press, who

is involved in considerable news media FOIA litigation. "Not a whole lot has changed from previous administrations' delays and denials of FOIA requests by journalists," Marshall said. "It's largely a continuation of what we had. There is no information on how FOIA would work in this administration."

## BIDEN JUSTICE DEPARTMENT AND THE PRESS

President Biden made one of the most important press freedom decisions of his administration's first year in what had appeared to be an impromptu answer to a reporter's question at the White House. Biden was asked on May 21 about the Justice Department subpoenas and seizures of journalists' telephone and email records, as was [frequently done](#) during the Obama and Trump administrations.

"Absolutely, positively it's wrong," the President responded. "It's simply, simply wrong."

"So, you won't let your Justice Department do that?" the reporter persisted.



[“I will not let that happen,”](#) Biden said.

The reporter asked because the Justice Department had recently informed three *Washington Post* reporters and the Pentagon correspondent for CNN that Justice, in the final days of the Trump administration, had secretly obtained their phone and email records in investigations of leaks of government information to them. Days after Biden’s statements, Justice informed *The New York Times* that it also had secretly obtained phone records of four of its reporters. None of the records seizures had previously been revealed or reversed by Justice under Biden.

In mid-June, Attorney General Merrick Garland [met](#) with executives of the *Post*, the *Times* and CNN. He agreed with them that the Department of Justice (DOJ) should establish “strong durable rules” to fulfill Biden’s promise that reporters’ phone and email records would no longer be seized. On July 19, Garland [released a memo](#) to the nation’s federal prosecutors ordering that the practice be stopped.

“The Justice Department will no longer use compulsory legal process for the purpose of obtaining information from or records of members of the news media acting

within the scope of newsgathering activities,” the Attorney General wrote. He said that Justice would revise its guidelines for federal prosecutors accordingly.

The memo made exceptions in cases of reporters being investigated for a crime unrelated to their coverage, or of reporters considered agents of foreign powers, or when it would be necessary “to prevent an imminent risk of death or serious bodily harm, including terrorist attacks, kidnappings, specified offenses against a minor,” or attacks on critical infrastructure. And the new prohibition does not affect the seizure of records of any government employee “who has unlawfully disclosed government information.”

“The memo is a real change in policy,” Bruce Brown, executive director of the [Reporters Committee for Freedom of the Press](#), said approvingly. “We loved what Biden did,” he told me. “We loved what DOJ did.”

Brown added that he and a group of news media leaders and lawyers who had met with Garland before the memo was made public plan to meet with DOJ again to discuss how it will be translated into the guidelines for federal prosecutors. Brown said that they are particularly concerned about how narrowly the exemptions to the prohibition on



Attorney General Merrick Garland has ordered federal prosecutors to stop seizing phone and email records from reporters ‘acting within the scope of newsgathering activities.’ (Carolyn Kaster/Pool via Reuters)

the seizure of reporters' records will be framed.

Justice Department public affairs director Anthony Coley confirmed to me that "we will meet again with the news media dialogue group." He added that "one big question is, how does one identify a reporter?"

"We don't know exactly what the revisions will be," University of Georgia's Peters told me. "There are holes in the Garland memo. What does 'engaged in newsgathering' mean? Who is 'a member of the news media'? DOJ has a lot of discretion. We hope that will be more particularized in the guidelines."

"The Biden administration is not just stepping away from what Trump was doing, but also what Obama was doing," said Trevor Timm, executive director of the [Freedom of the Press Foundation](#). "But, so far, it's just words. It needs to be written into Justice Department guidelines. And Congress needs to take the words of Garland and write them into law."

During the Obama administration, the Justice Department [prosecuted](#) an unprecedented 10 government employees and contractors for leaking classified information to the news media, including Justice investigations begun under President George W. Bush. Reporters' phone logs and email records were secretly subpoenaed and seized in several of those cases. Under Donald Trump, Justice prosecuted [eight more](#) government employees and contractors for leaks to the press. In addition, it [indicted Julian Assange](#), founder of WikiLeaks, with obtaining secret military and diplomatic documents and publishing them on the WikiLeaks website, making them accessible to news media around the world.

Under pressure from Trump, Justice also [opened leak investigations](#) that involved the secret seizures in 2020 of 2017 phone and email records of the *Post*, *Times* and CNN reporters. The Biden-era Justice Department did not disclose the seizures until notifying the targeted reporters in May and June of 2021. While Garland took responsibility, Brown of the Reporters Committee said that the news media leaders and lawyers who met with Garland "made clear there should be accountability within DOJ" for the secrecy and delay in notifications.

Brown and other press freedom advocates also remain concerned about what the Biden Justice Department will do with the long-standing indictment of Assange under the [1917 Espionage Act](#), which was used by both the Obama and Trump administrations for many of their prosecutions of government employees and contractors for leaking classified information to the press.

The Trump-era indictment charged Assange with conspiring with U.S. Army intelligence analyst Chelsea Manning to acquire and publish classified military and diplomatic information on WikiLeaks.

In February 2021, the Justice Department filed a brief appealing a British court ruling that had blocked extradition of Assange from the UK. We are continuing to seek extradition, Justice spokesperson Marc Raimondi [said](#) at the time. On December 10, Britain's High Court ruled that Assange could be extradited after [assurances from the Biden administration](#) that, if convicted, Assange would not be sent to the highest-security U.S. prison or put into solitary confinement. Assange's lawyers said they would seek to make additional appeals on free speech and human rights grounds. A Justice Department spokesperson declined to comment further.

A coalition of press, civil liberties and human rights groups have urged the Biden administration to drop its extradition efforts because they believe prosecution of Assange poses [a grave danger to press freedom](#). Many organizations [fear](#) that successful prosecution of him could hamper investigative reporting [around the world](#) by labeling as espionage the ways that reporters often work in seeking information from government sources.

"What is written in the indictment is a threat to journalists everywhere – obtaining and publishing classified information," Timm of the Freedom of the Press Foundation told me. "The Assange prosecution would make reporting on national security a crime. It could criminalize investigative reporting. The Biden administration should drop the charges."

Columbia Journalism School's Coll agreed. "The Assange case should be dropped," he told me. The indictment "is full of misunderstandings about how reporting works – very ordinary reporting."

"It's really troubling that in the indictment was a characterization of basic reporting as part of a conspiracy," said University of Georgia's Peters.

"How does the administration square new protections for journalists with the actions it takes on Assange?" asked Columbia Law School's Professor Jameel Jaffer. "The answer will shed light on the scope of those protections."

Other issues also linger in what remains of the toxic Trump-era anti-press environment. Among them are continuing aggressive actions against reporters by both law enforcement officials and members of the public. In 2021, 59 journalists were arrested or detained by police, according to the [U.S. Press Freedom Tracker](#), after [142](#)



Supporters of Julian Assange protest outside the Royal Courts of Justice in London against a court ruling that the WikiLeaks founder could be extradited to the U.S. Human rights groups fear that the Biden administration's use of the Espionage Act to prosecute Assange poses a grave threat to press freedom. (Reuters/Henry Nicholls)

[such arrests](#) in 2020. Another [142 journalists](#) had been assaulted either by law enforcement officers or members of the public, a significant reduction from the 436 assaulted in 2020, but still a worrying sign of remaining hostility.

The Reporters Committee for Freedom of the Press and a coalition of 91 news media organizations [asked](#) Attorney General Garland on April 29 to investigate law enforcement's treatment of the press as part of the Justice Department's new civil rights investigations of local police departments in [Minneapolis](#), [Louisville](#) and [Phoenix](#) during the [Black Lives Matter protests](#) that swept the nation after the [murder of George Floyd](#).

In addition to the arrests of members of the news media covering demonstrations in American cities in 2020, the groups' letter to Garland said, "dozens more reporters were struck by less-lethal weapons, exposed to chemical munitions, or otherwise subjected to unwarranted force."

Coley at Justice told me that those investigations will include how the police departments treated reporters covering demonstrations in those cities. "We have reached out to reporters' groups" for information, he said, and CNN is compiling information for Justice's civil rights division. "This is something the Attorney General cares deeply about," Coley added.

In July, Justice began [arresting and prosecuting](#) people for attacking reporters and destroying press camera equipment during the January 6 invasion of the U.S. Capitol. "We welcome the Justice Department's steps to hold people accountable for assaulting journalists and damaging their equipment as they documented one of the worst attacks on our democracy in recent times," Brown of the Reporters Committee said at the time. "These charges send a very clear message that the Justice Department will protect journalists who are doing their jobs to keep us informed."



Federal law enforcement officers fire tear gas and other munitions to disperse protesters during a demonstration against police violence and racial inequality in Portland, Oregon, on July 30, 2020. A coalition of news organizations has asked Attorney General Merrick Garland to investigate officials' treatment of reporters covering the protests. (Reuters/Caitlin Ochs)

## GLOBAL PRESS FREEDOM

Biden administration officials have [publicly supported](#) global press freedom at a time of greatly increased suppression of news media and attacks on journalists in many countries, which Trump [appeared to encourage](#) in his meetings with authoritarian foreign leaders. Up until Biden's [Summit for Democracy](#) in December, however, little had been done visibly to back up the administration's words, and it remains to be seen how initiatives from the summit will be implemented.

Particularly important for press freedom was Biden's decision on his first day in office to [remove Trump appointee Michael Pack](#) as CEO of the United States Agency for Global Media. USAGM is an independent federal agency composed of Voice of America, Radio Free Europe/Radio Liberty, Radio Free Asia, Middle East Broadcasting

Networks and Office of Cuba Broadcasting. Their missions had long been to provide accurate, uncensored news to countries throughout the world, especially those without a free press.

After a two-year struggle, President Trump had succeeded in June 2020 in winning confirmation for Pack in the Republican-controlled Senate. Pack immediately began [reorienting the agency](#) to force its long autonomous news networks to promote Trump and his "America First" political agenda. Pack suspended much of USAGM's senior leadership, removed the heads of each of its five news organizations, [refused to renew visas](#) of many of their foreign-national journalists, and [ordered investigations](#) of their journalists and news coverage decisions. He [eliminated the USAGM "firewall"](#) that had prohibited any attempt by its leadership "to direct, pressure, coerce, threaten, interfere with, or otherwise impermissibly influence

any of the USAGM networks.”

Some of the suspended and remaining USAGM officials sued in federal court. In November, 2020, U.S. District Court Chief Judge Beryl Howell issued [a preliminary injunction](#) against Pack interfering with personnel decisions at the five USAGM networks or ordering investigations into journalistic content, individual editors or journalists. Pack ignored the injunction, while the Trump Justice Department appealed.

After demanding Pack’s resignation on Inauguration Day, Biden immediately appointed senior Voice of America leader [Kelu Chao](#) as Acting CEO of USAGM. Chao, who had joined the lawsuit against Pack, [brought back](#) all the senior USAGM executives and the leaders of its five news networks. She told me that she also [renewed the visas](#) of their foreign journalists and restored the firewall “in practice,” while it is rewritten.

“Every level of people needs to know that it is there, and that the independence of our journalists has been restored,” Chao told me. “I want people to know that USAGM is nothing without our journalists and their freedom. We were lucky that Biden won.”

Secretary of State Blinken met with Chao on April 6 “to discuss the vital role that free and independent media play in the preservation and promotion of democratic principles worldwide.” The meeting focused on Russia’s decision to label Voice of America and Radio Free Europe/Radio Liberty news content as [produced by foreign agents](#). But the State Department also took the opportunity to [declare in a statement](#) that “the editorially independent reporting of these (five USAGM) networks is particularly important in countries with repressive media environments, including where independent journalism is censored or freedom of expression is restricted or punished.”

Blinken and Biden have spoken on other occasions about the need to reverse a global trend toward suppression of press freedom and attacks on journalists, with Biden [saying](#) on [World Press Freedom Day](#) that the U.S. was recommitting “to protecting and promoting free, independent, and diverse media around the world.”

Blinken’s World Press Freedom Day [comments](#) referred to “the brave journalists who face intimidation, harassment, arrest, and violence in exercising their rights.”

“One major step the Biden administration has taken is to speak respectfully about the press,” University of Georgia professor Peters told me at the end of August. “But there is more work to do beyond rhetorical treatment.”

For many press freedom activists, however, the

administration’s rhetoric has fallen short when it comes to support of press freedom around the world.

Michael DeDora, Washington advocacy manager for the Committee to Protect Journalists, cited the plight of American and Afghan journalists after the Taliban takeover of Afghanistan. The administration has been [criticized](#) for its limited assistance to at-risk reporters, with *New York Times* media columnist Ben Smith [reporting](#) that even Afghan journalists working for U.S.-funded media outlets like Radio Free Europe had to make their own arrangements to flee the country.

DeDora told me that American news organizations, the Committee to Protect Journalists and other press groups – working with foreign governments and the United Nations – had to do much of the work to extract American and Afghan journalists during and after the chaotic evacuation of American forces.

“There was no central person over at State to handle the challenges of Afghanistan,” said DeDora, who was involved in CPJ’s efforts. “The administration could be more forceful to make certain that journalists are dealt with safely.”

“I can’t understand the criticism,” Price responded. “We established a task force with the sole goal to help with the extraction” of American and Afghan journalists and translators and drivers for American journalists. He said about 500 have gotten out of Afghanistan so far.

Among those still in Afghanistan are a number of USAGM journalists and their families, Martins Zvaners, Radio Free Europe’s deputy director for external affairs, told me. “There are still people who need help getting out,” he said, because of passport and visa issues. He cited as an example three widows of USAGM journalists killed by the Taliban, who are not eligible on their own for special visas. “We can’t get U.S. support for them,” he said.

The State Department has assisted with resettlement of USAGM journalists and their families “once we got them out” of Afghanistan, added Zvaners. “USAGM did a lot of things on our own.”

Senator Benjamin Cardin of Maryland and Congressman Steve Cohen of Tennessee sent a September 10 letter to Secretary of State Blinken, expressing “our grave concern for USAGM employees and their families who are still in Afghanistan.” State Department official Naz Durakogu responded on December 20 that State “is continuing its efforts to assist those who are still in the country.”

In May, a group of press freedom groups, led by the Committee to Protect Journalists, met with the National



Evacuees from Afghanistan sit inside a military aircraft on August 19, 2021, after fleeing the Taliban takeover. The Biden administration has been criticized for its limited assistance to Afghan journalists. (Staff Sgt. Brandon Cribelar/U.S. Marine Corps/Handout via Reuters)

Security Council and made recommendations for Biden administration actions to increase and protect global and domestic press freedom. They included strengthening National Security Council and State Department press freedom capabilities that had been destroyed by the Trump administration.

“To my knowledge, very few of the recommendations have been acted on,” CPJ’s DeDora told me. The NSC meeting “was to lead to a series of meetings with policy makers. But that hasn’t happened.”

However, during his virtual international Summit for Democracy in December, President Biden, the White House, and the U.S. Agency for International Development (USAID) announced a number of mostly financial steps to “support free and independent media” around the world.

USAID “will provide up to \$30 million” to the new, multi-donor International Fund for Public Interest Media “to enhance the independence, development and sustainability of independent media, especially in resource-poor

and fragile settings,” [the White House said](#). The independent fund is [co-chaired](#) by Nobel Prize-winning journalist Maria Ressa of the Philippines and former *New York Times* CEO and BBC director general Mark Thompson, who welcomed Biden’s promised assistance.

Biden [announced](#) that USAID also would create and contribute up to \$9 million to a Defamation Defense Fund for Journalists “to help protect investigative journalists against nuisance lawsuits designed to prevent them from doing their work – their vital work around the world.” USAID administrator Samantha Power, said the fund would [protect journalists](#) against “autocrats and oligarchs” who often use lawsuits as “a crude but effective tactic to kill stories they don’t like.”

The White House [said](#), without details, that USAID also will spend up to \$5 million to launch a Media Viability Accelerator “to improve the financial viability of independent media outlets in both under-developed and more-developed media markets.” It said the Biden administration “will increase its engagement with the Media



President Biden and Secretary of State Blinken attend the virtual Summit for Democracy with leaders at the White House on December 9, 2021. Biden announced a number of financial steps to support independent media at the summit. (Reuters/Leah Millis)

Freedom Coalition, an intergovernmental partnership working to advocate for media freedom and the safety of journalists worldwide.” And it said the State Department will provide up to \$3.5 million to establish a Journalism Protection Platform, “which will provide at-risk journalists with digital and physical security training, psychological care, legal aid and other forms of assistance.”

CPJ’s DeDora welcomed these announcements. “On balance, the administration did an excellent job crafting impactful commitments for global press freedom,” he told me. “One of the recommendations at the May meeting was to increase the amount of money the U.S. gives to international organizations that work on global press freedom. This is the most clear and specific outcome so far.”

At the same time, DeDora remained critical of what he saw as a failure by the State Department to create specific institutional capabilities to respond to growing threats to press freedom around the world. News media and [CPJ reports](#) document widespread takeovers and shutdowns of independent news media by authoritarian regimes – and

the [killing and imprisoning](#) of scores of journalists – including [in countries](#) invited by the Biden administration [to participate](#) in the Summit for Democracy. DeDora acknowledged that State officials do often reach out to affected journalists and media organizations and international press freedom groups.

“State regularly speaks out in statements when journalists around the world have come under threat or worse,” State Department spokesperson Ned Price told me. “It is also something we raise with our counterparts around the world privately.” He added that State’s Bureau of Democracy, Human Rights and Labor “has regularly met with journalists and outlets that have been kicked out of other countries.”

The Biden administration also has been strongly [criticized](#) by the news media and press freedom groups for not doing more to hold Saudi Crown Prince Mohammed bin Salman accountable for the [Saudis’ murder of Washington Post journalist Jamal Khashoggi](#). “The leader of a world power has gotten away with the murder of a journalist,”



A demonstrator wearing a mask depicting Saudi Crown Prince Mohammed bin Salman attends a protest outside the Saudi Arabian consulate in Istanbul. The Biden administration has been criticized for not doing enough to hold bin Salman accountable for the murder of journalist Jamal Khashoggi. (Reuters/Osman Orsal)

DeDora told me.

“The message it sent was, if you are important enough to the U.S. economy, that’s okay,” Post media columnist Margaret Sullivan said. “We should be shunning MBS and his family members, and not have a normal relationship with them.”

The administration did [announce sanctions](#) against various Saudis, plus visa restrictions, called “[the Khashoggi ban](#),” which could be imposed “against agents of any foreign government” who “suppress, harass, surveil, threaten or harm journalists.”

Price said 76 Saudi individuals have been sanctioned so far. “It is something that has been addressed at high level discussions with the Saudis,” he told me. “It has been discussed with MBS himself.”

However, the administration [has not sanctioned](#) Mohammed bin Salman personally. President Biden has refused to engage with him, but Biden’s national security

advisor, Jake Sullivan, has had meetings with both bin Salman and with his brother, Prince Khalid bin Salman, Saudi Arabia’s deputy defense minister.

In early November, the Biden administration [imposed](#) export controls on the NSO Group, an Israeli company that has supplied sophisticated surveillance technology, known as Pegasus, to foreign governments, including Saudi Arabia, which used it to target the phones of journalists, along with heads of state, dissidents, human rights activists, and others, including three members of Khashoggi’s family. An international collaboration of news organizations had [reported](#) in July that Pegasus had been used to target at least 180 journalists in 20 countries, including those working for *The New York Times*, *The Wall Street Journal*, the *Associated Press*, CNN and *Bloomberg News*. The sanctions [bar U.S. companies](#) from doing business with NSO unless they receive explicit permission.

“The State Department determined that NSO was



involved in activities that contravened national security,” Price said, leading to the Commerce Department’s decision to take action against the company. “Any effort to target journalists’ activities anywhere in the world for their journalism is something that we are not going to stand for,” he told me.

## THE FUTURE OF THE BIDEN ADMINISTRATION AND THE PRESS

With at least three years left in the Biden presidency, there is much more to do to mitigate some of the lasting and continuing damage done to the news media by Trump, his administration, and his followers in and out of politics and the media.

Opinion polls still reflect [widespread distrust](#) of [factual news media](#), especially among self-identified Republicans. Attacks on the factual press by right-wing politicians and media figures continue unabated. Too many American journalists, [especially women](#), are still subject to [digital abuse and threats](#) from the public. Right-wing outlets and social media continue to spread lies and misinformation, including the [“big lie”](#) claiming that the 2020 election was stolen, that could undermine American democracy itself. An increasing number of authoritarian governments around the world are censoring and taking over news media and [arresting and killing](#) journalists.

How the Biden administration responds to these challenges in word and deed will help determine the future of the role of a free press at a turbulent time. ♦

# Recommendations

The Committee to Protect Journalists makes the following recommendations to the Biden administration:

- Embrace good practice and transparency in dealing with the press by speaking to reporters on the record and avoiding overuse of on background briefings and quote approval. Make the president more accessible to reporters.
- 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 to facilitate greater transparency.
- 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 .
- Codify the [new DOJ policy](#) restricting federal prosecutors' ability to obtain journalists' phone and email records in government leak investigations.
- Prioritize and support 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.
- 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.
- 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.
- Take action against impunity in the murder of journalists: Impose sanctions on Saudi Arabian Crown Prince Mohamed bin Salman, holding the leader to account for his role in the killing of *Washington Post* columnist Jamal Khashoggi.
- Process P-2 visa applications for Afghan journalists as rapidly as possible and be communicative about which cases are being processed; allow P-2 processing for individuals who have reached the U.S.; and provide support and protection to journalists still in Afghanistan or who have escaped to third countries.
- 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 the one in Afghanistan.





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