



**PRESS FREEDOM  
RECOMMENDATIONS  
FOR 2020 U.S. ELECTIONS**



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# Introduction

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The United States has long been considered a champion of the free press, with the First Amendment of the US Constitution a model of press protections to which other democratic nations aspire.

The Founding Fathers recognized the free press as foundational to US democracy and today the United States continues to maintain a strong media landscape, bolstered by the work of highly-skilled journalists—many of whom were trained in the United States' premier journalism schools—who adhere to some of the world's strongest ethical guidelines that date back to the early 1900's.

The press freedom climate in the United States has fluctuated over the last few decades, with access denials, threats to the protection of whistleblower and confidential sources, the decline of local news, and most recently, verbal and physical attacks against journalists at the forefront of the American press' domestic concerns.

Internationally, the United States has retreated from its role as a champion of press freedom, which has strengthened authoritarian impulses in other nations. This vacuum of leadership has compromised the safety of journalists and led to the shrinking of space in which independent media can operate around the world.

To reverse these troubling trends, RSF presents the following press freedom recommendations to the Republican and Democratic National Committees and 2020 presidential and congressional candidates to adopt as part of their platforms.

## **1. The president should address the public in the first 100 days in office affirming their commitment to press freedom**

In the first 100 days in office, the president should hold a public address to speak about the important role of the press in US democracy and pledge to guarantee respect for press freedom in the country and promote it elsewhere in the world. The president should specifically address the violations and restrictions on the press in the United States in recent years—such as arrests, assaults, verbal attacks, access denials and whistleblower prosecutions. The president's agenda should include a commitment to implementing the recommendations outlined below.

## **2. Congress should hold a hearing with experts and relevant government officials on threats to US press freedom**

Congress should convene a hearing with relevant members of the new administration and press freedom and journalism organizations to review the press freedom environment in the United States and consider legislative and policy solutions at the federal, state and local level to ensure open access, whistleblower protections, respect for the First Amendment, the state of local news, and the safety of journalists.

### **3. The president and Congress should guarantee the press has broad access to the executive and legislative branches of the US government**

The US president and members of Congress should ensure journalists have access to federal government buildings, meetings and events as traditionally granted to the press. The president should pledge to hold the long-standing tradition of daily, televised press briefings led by a press secretary. The new Congress should pass a “Sense of Congress” resolution that commits to upholding traditional principles of open press access to federal government buildings, including the White House and Congressional buildings.

### **4. Congress should pass and the president should sign a federal shield law to ensure journalists cannot be compelled to reveal confidential sources or information in court**

Congress should pass and the president should sign a federal shield law to protect journalists from having to reveal confidential sources in court or from being the subject of investigations with the objective to identify their sources. This law should use a broad definition of “journalists” or “journalism” that protects anyone engaged in the news gathering process. The law should also ensure the protection of offices or devices of journalists and their assistants.

## **5. Congress should amend the Espionage Act to include a public interest defense and to ensure journalists cannot be prosecuted**

Congress should amend the Espionage Act to allow defendants to make a public interest defense and pass legislation to ensure that journalists and publishers cannot be prosecuted for publishing confidential government information. The president should consider signing an executive order in the first 100 days in order to accomplish this goal. The administration should also drop all charges against Wikileaks co-founder Julian Assange, including under the Espionage Act for the publication of confidential US government information, as his conviction would set a dangerous precedent for journalists and news outlets that publish such information in the public interest. The improper and over-classification of US government information is a related issue, as whistleblowers often leak information to the media that was improperly classified by the US government. Government employees face negative consequences for improperly disclosing information, but none for overclassification. The administration should amend existing law to resolve this issue, and dedicate substantial resources to the declassification of improperly classified information.

## **6. Congress should pass and the president should sign legislation that would strengthen US foreign policy on press freedom**

Congress should create an Office of Press Freedom in the State Department led by an Ambassador-at-large position to promote press freedom and the safety of journalists globally. Congress should commission a report evaluating the State Department's reporting

on press freedom violations, as implemented by the Daniel Pearl Freedom of the Press Act of 2019. Legislation should develop a press freedom curriculum to instruct foreign service officers on the media environment of their country of concern. Legislation should expand the opportunities for foreign, persecuted journalists to travel to the United States for safety.

## **7. The president should prioritize ending impunity for crimes against journalists and redoubling efforts to secure the release of detained journalists globally**

The president should support better coordination at the United Nations and the creation of an early alert and response mechanism on the safety of journalists. The new administration should make use of all relevant legal avenues to investigate crimes against journalists globally and prosecute perpetrators of such crimes. In particular, when crimes against American journalists, such as journalist Christopher Allen, are committed overseas, the Department of Justice should swiftly open and conduct thorough investigations into those crimes. Regarding the assassination of Washington Post contributor Jamal Khashoggi, the president should ensure that officials comply with legal requirements related to the public disclosure of all responsible for his killing, and that appropriate US sanctions are placed on those individuals. The president should redouble efforts to advocate for the release of imprisoned journalists all over the world.

## **8. Congress should renew regulation of online platforms and amend Section 230 to promote reliability of information online**

Congress should amend Section 230 of the Communications Decency Act to renew the online platform's legal status and responsibility regime, following the principles enshrined in the Partnership on Information and Democracy that received unanimous support at the G7 summit in 2019 . New regulations should impose obligations on platforms, in terms of transparency, neutrality, due diligence and privacy, in terms of content moderation to ensure respect for international standards on freedom expression, and in terms of hierarchisation and curation of contents, to promote pluralism and reliability of information. Online platforms should be obliged to implement respectively suitable mechanisms that provide a transparently governed, auditable set of criteria for the indexation of journalistic content, such as the standard-setting self-regulatory Journalism Trust Initiative.

An initiative by

