



## **Supporting a Free Press and Openness in Government**

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Citizens across the country rely on journalists, both in Washington and in their local communities, to stay informed of what's happening in their government. Fact-based, trusted information distributed to the public permits the unfettered discourse that sets the United States apart from much of the world. The News Media for Open Government (NMOG) is a broad coalition of news media and journalism organizations that has been working to ensure that laws, policies and practices preserve and protect freedom of the press, open government and the free flow of information in our democratic society.

Members of the coalition include: Associated Press, Association of Alternative Newsmedia, MPA – The Association of Magazine Media, National Association of Broadcasters, National Newspaper Association, News Leaders Association, News Media Alliance, Online News Association, Radio Television Digital News Association, Reporters Committee for Freedom of the Press, and the Society of Professional Journalists.

NMOG looks forward to working with the Biden-Harris Administration on policies that ensure an open and accessible government and protect the media's ability to engage in newsgathering to keep the information flowing to the American public. We respectfully recommend the following policy objectives and actions that the new Administration can implement to support openness in government and strengthen a free, independent press, critical to our nation's democracy.

### **Press Access:**

The independence of the American press is essential to its ability to perform its duties. That independence can only exist if the government that is responsible for providing access to press coverage ensures that credentials and access are made available in an even-handed, neutral and time-honored manner.

The Administration should ensure there are regular opportunities for the news media to ask questions about the President's priorities and to understand his daily schedule. This includes daily press briefings at the White House and regular briefings across Executive Branch agencies.

Further, government agencies have adopted policies that restrict employees from talking with the media unless they notify authorities. This is often carried out by having a public information officer provide clearance or be present during the conversation. In some cases, the employee is not allowed to talk to the journalist which limits the ability of the reporter to obtain context and provide the full picture of a governmental matter to the general public. This policy by certain agencies routinely chills the flow of information to the American people and should be eliminated.

### **Freedom of Information Act/Openness of Government:**

Transparency is the key to a well-informed electorate. We urge the Administration to encourage Executive Branch agencies to interpret the Freedom of Information Act (FOIA) in a manner that favors the disclosure of government information to the American people. Furthermore, the Department of Justice should direct the Office of Government Information Services, the premier resource for FOIA compliance, to enhance government transparency and accountability by issuing Advisory Opinions that would reduce unnecessary and costly FOIA litigation for the government, businesses, and individual citizens. Finally, we request that the Biden-Harris Administration encourage greater transparency on government websites so that the public can readily access information to better understand government policies and actions.

### **Protection of Confidential Sources:**

News organizations would prefer that every source for a news article is identified. But whether the subject is the mistreatment of soldiers at Walter Reed Army Medical Center, safety problems at nuclear power plants or health treatment backlogs at the Veterans Administration, groundbreaking stories would have remained unknown - both to the public and to Congress - without confidential information from government whistleblowers or sources. If potential sources fear that journalists will be forced to reveal their identities, these sources will not come forward, and the public will lose the ability to hold the government accountable. We encourage the Biden-Harris Administration, and its Attorney General nominee, to support the principle that journalists will not be prosecuted for doing their jobs or protecting their confidential sources - and journalists should be the last resort, not the first, when federal law enforcement is seeking information in an investigation.

### **Treatment of Foreign Journalists Under the “I Visa” Program:**

We urge the Administration to reverse a recent Department of Homeland Security rule that would limit the length of time foreign journalists can stay in the United States and create a troubling process where the government would review a journalist’s work product before granting a visa extension.

On September 25, the Department of Homeland Security (DHS) proposed a rule that would change visa programs for foreign students, international exchange groups and foreign journalists coming to the United States. Under the proposal for “I visas” given to foreign journalists, the visa would be limited to eight months, with an opportunity to extend for another eight months. Not only is the short duration of the visa problematic, DHS is proposing to review “the content that the foreign information media representative is covering in the United States,” to determine the eligibility for an extension.

For decades, individuals who are representatives of “foreign information media outlets” have been allowed to remain in the United States for the entire period in which they are engaged in journalist activity for a news organization. These foreign journalists generally stay in the U.S. for two to five years, which enhances their understanding of our country and enriches the news reporting that is distributed to the rest of the world.

Exposing a foreign journalist's work to government scrutiny when their initial visa term expires would have a chilling effect on newsgathering, as reporters – eager to have visa extensions approved – will reflexively avoid engaging in critical reporting of the U.S. government. The United States should be a beacon for free speech and a free press, and the Department of Homeland Security, in a Biden-Harris Administration, should reverse this ill-advised rule.

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