

United States Senate

WASHINGTON, DC 20510

October 24, 2019

The Honorable David Hale
Under Secretary for Political Affairs
Department of State
2201 C Street NW
Washington, DC 20520

Dear Under Secretary Hale:

We write to express our urgent concern for the growing threats journalists face internationally, and to encourage the Department of State to actively protect reporters from retaliation they may experience in the countries where they work. In addition, we request information pertaining to existing Department of State policies to protect journalists, as well as a member-level briefing from you to discuss best practices for American embassies abroad to assist in preventing retaliation against journalists and preserving free speech globally.

Journalists play a crucial role in informing and expanding public discourse, as well as holding governments accountable. This invaluable contribution to society is multifaceted: journalism can shed light on elections and policies; investigate intractable conflicts and challenges; expose corruption and malfeasance in governance; reveal heartbreaking truths and celebrate remarkable progress; and amplify the voices of the powerless while holding accountable the powerful. These essential functions are challenging endeavors, especially when operating in authoritarian countries or hardship zones. In covering the stories that shape international understanding and awareness, journalists face potentially life-threatening risks from multiple sources, including conflict, disease, kidnapping, imprisonment, injury, repression, and harassment.

Recently, A.G. Sulzberger—publisher of the *The New York Times*—penned a compelling essay entitled: “The Threat to Journalism Globally.”¹ In this thoughtful editorial, Sulzberger explores the recent rise in intimidation and violence—up to and including murder—and a widening effort worldwide to undermine the credibility of professional news media. Sulzberger acknowledges that the United States has traditionally been a beacon for press freedom. Accordingly, the Department of State has—when necessary—staged lifesaving interventions to protect journalists while affirming the importance of free speech to dictatorial governments.

Yet Sulzberger also argues that the United States has recently “retreated from our country’s historical role as a defender of the free press.”² He shares the alarming experience of Declan Walsh, a *Times* reporter of Irish nationality based in Egypt. A United States government official anonymously warned the *Times* about Walsh’s imminent arrest by Egyptian authorities angered by his reporting. This anonymous official feared significant career repercussions in issuing this warning, as the Administration never intended to inform Walsh of the threat.

¹ A.G. Sulzberger, “The Growing Threat to Journalism Around the World,” *New York Times* (New York, NY), Sept. 23, 2019, <https://www.nytimes.com/2019/09/23/opinion/press-freedom-arthur-sulzberger.html>.

² *Id.*

Walsh was escorted out of the country by Irish diplomats after the American Embassy declined his request for assistance. In his own account of this episode, Walsh claimed that “journalists can’t rely on the United States government to have [their] back[s] as it once did.”³ Walsh compares his experience in Egypt with his expulsion from Pakistan in 2013, an episode during which Department of State officials “went to great lengths to stall [his] expulsion” and “advised [him] directly on [his] safety,” later even lobbying to permit his return to Pakistan. This is a stark contrast to his more recent experience in 2017 of being turned away by American diplomats in Cairo when seeking assistance.

Department of State policies and guidelines appear to distinguish between journalist travelers and typical travelers. The Department of State travel website provides travel precautions tailored to journalist travelers,⁴ and the *Foreign Affairs Manual* outlines specific guidelines regarding mission services that may be available to journalist travelers⁵ within the broader category of “unofficial visitors.”⁶

There are also consular services and other types of diplomatic assistance available at embassies abroad that are largely limited to United States citizens. As you know, Section 7 of the *Foreign Affairs Manual* addresses issues of consular protection services for United States nationals abroad, and specifically limits such services to United States citizens and nationals.⁷ While 7 FAM 012 articulates that “Persons with no ties or allegiance to the United States may not be provided emergency or protective services *except under the most extraordinary circumstances*” [emphasis added], it does not define or provide illustrative examples of what might constitute “extraordinary circumstances.”

Broadly, these policies do not specifically address or reference Department of State processes or prescribed best practices pertaining to journalist protection, and it is unclear whether embassies globally have standard operating procedures regarding diplomatic interventions into the potential detention or harassment of a journalist—whether an American citizen, a third country citizen, or a local journalist, who tend to be the most vulnerable to retribution in their home countries. Because of the importance of investigative journalism, and the frequency with which journalists encounter urgent threats to their lives and liberty, we would encourage a directive to embassy staff to provide warnings and assistance to journalists in danger—regardless of citizenship status. Further, we request additional information regarding State Department efforts to secure the release of journalists, citizen journalists, and media assistants currently imprisoned⁸—including the high-profile case of Austin Tice, a freelance journalist and Marine Corps veteran who remains detained after his 2012 abduction in Syria.

Given the uncertain policies amidst increasingly restrictive environments for journalists globally, we request additional information about mechanisms by which American embassies abroad may be informed of risks to journalists, the extent to which diplomatic assistance is extended to journalists, and whether these policies vary by country, embassy, or nationality. As you may know, under Intelligence

³ Declan Walsh, “The Story Behind the Times Correspondent Who Faced Arrest in Cairo,” *New York Times* (New York, NY), Sept. 24, 2019, <https://www.nytimes.com/2019/09/24/reader-center/declan-walsh-cairo.html?module=inline>.

⁴ U.S. Department of State Bureau of Consular Affairs, *Traveler Information*, “Journalist Travelers,” <https://travel.state.gov/content/travel/en/international-travel/before-you-go/travelers-with-special-considerations/journalist-travelers.html> (accessed Oct. 4, 2019).

⁵ U.S. Department of State, *Foreign Affairs Manual (FAM)*, “Suggested Guidelines on Services to Provide to U.S. Citizen Visitors,” 2 FAM Exhibit 116.3, <https://fam.state.gov> (accessed Oct. 4, 2019).

⁶ 2 U.S. Department of State, *Foreign Affairs Manual (FAM)*, “Visitor Categories,” 2 FAM 116.3-2(a) <https://fam.state.gov> (accessed Oct. 4, 2019).

⁷ U.S. Department of State, *Foreign Affairs Manual (FAM)*, “Consular Protection of U.S. Nationals Abroad,” 7 FAM 000, <https://fam.state.gov> (accessed Oct. 4, 2019).


⁸ The Committee to Protect Journalists estimates that there are 251 or more journalists detained globally. <https://cpj.org/reports/2018/12/journalists-jailed-imprisoned-turkey-china-egypt-saudi-arabia.php>.

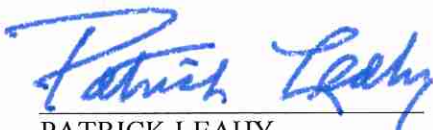
Community Directive 191 (21 July 2015), the Intelligence Community has a duty to warn individuals or groups about threats of intentional killing, serious bodily injury, and kidnapping. We request clarity regarding whether the Department of State has a similar policy or obligation to warn journalists of known threats—again, regardless of citizenship status.

We stand ready to work with the Department of State to preserve the reputation of the United States as a reliable guardian of the free press, and look forward to receiving a member-level briefing no later than December 1, 2019. Thank you for your urgent attention to this concerning issue.

Sincerely,

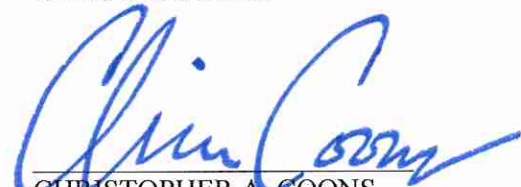

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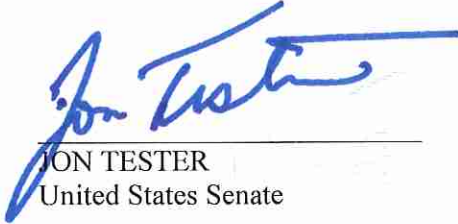
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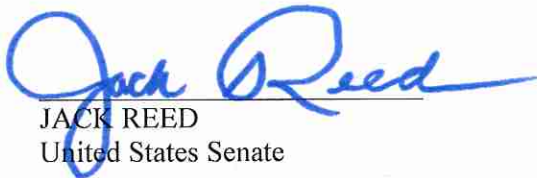
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