December 2, 2013

OPEN LETTER TO THE HOUSE OF COMMONS HOME AFFAIRS COMMITTEE:

As news organizations, editors, and journalists who often report on government actions that officials seek to keep secret, we write to the Committee on the eve of the forthcoming appearance of Guardian editor Alan Rusbridger to express our grave concern over pointed calls by those in authority for censorship of The Guardian and criminal prosecution of its journalists in the name of national security. Such sanctions, and the chilling impact created by even the threat to impose them, undermine the independence and integrity of the press that are essential for democracy to function.

At the height of the Vietnam War in 1971 the U.S. Supreme Court refused the request of President Nixon to enjoin a newspaper from publishing a classified Defense Department report on the war that had been leaked to a reporter. In rejecting censorship of true, newsworthy information as fundamentally inconsistent with a free press and a free people, Justice Hugo Black cautioned that "[t]he word 'security' is a broad, vague generality" that should not be invoked to abrogate the right of the press to educate citizens. "The guarding of military and diplomatic secrets at the expense of informed representative government provides no real security for our Republic."

Recent disclosures concerning secret activities of GCHQ and the U.S. National Security Agency may have embarrassed or angered political leaders, but they have educated the public on critically important matters and sparked a valuable global debate over the proper exercise of the vast surveillance powers that now exist. It is the responsibility of journalists to provide the type of accurate and in-depth news reports published by The Guardian and others that have informed the public and framed important, unresolved issues concerning the balance between security and privacy. Vigorous news coverage and the debate it fosters advance the public interest.

It is thus unwise and counterproductive to react to the reporting on disclosures from Edward Snowden by reflexively invoking security concerns to silence the press or to accuse a news organization of aiding terrorists simply by providing citizens with information they need to know. Published reports in The Guardian on the Snowden disclosures have been prepared with the care and sensitivity to security concerns that editors have long demonstrated. We understand that both GCHQ and the NSA were provided an opportunity, in advance of publication, to comment and alert the journalists to particular security concerns. The reporting has been both responsible and, given the intense displeasure of those in power, courageous.

To the rest of the world, it appears that press freedom itself is under attack in Britain today. British politicians are publicly calling for the criminal prosecution of The Guardian for having published true, accurate, and newsworthy information. A Scotland Yard investigation has been launched. "D notices" have been threatened. And the Prime Minister has raised the prospect of seeking an injunction prohibiting The Guardian from publishing any further intelligence revelations. These aggressive actions intimidate journalists and their sources. They chill reporting on issues of national security and on the conduct of government more generally.

In our Internet-connected world, the impact of actions in Britain extends far beyond the United Kingdom. U.N. Special Rapporteur Frank La Rue rightly expressed alarm that these actions do more than damage Britain's international reputation as a defender of press freedom; they "provide encouragement to non-democratic regimes to justify their own repressive actions." They undermine globally the essential independence of the press.

We therefore urge the Committee to use the occasion of Mr. Rusbridger's appearance to reaffirm Britain's commitment to a vigorous, free, and independent press. It is important to acknowledge that the Snowden revelations, filtered to the public through responsible journalists, have served the public interest. And it is equally important to respect the autonomy of the newsroom. Damage to democracy and to the credibility of elected governments inevitably is inflicted when disapproval of truthful reporting causes officials to intrude into the internal editorial decisions of news organizations.

Respectfully,

The Reporters Committee for Freedom of the Press
American Society of News Editors
The Associated Press
The E.W. Scripps Company
The McClatchy Company
The New York Times Company
The New Yorker
Newspaper Association of America
ProPublica
The Seattle Times Company
Society of Professional Journalists
The Washington Post
World Association of Newspapers and News Publishers (WAN-IFRA)