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for purposes of identification.*

By email

September 24, 2020

The Honorable Eliot Engel
Chairman, Committee on Foreign Affairs
United States House of Representatives
2170 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Michael McCaul
Ranking Member, Committee on Foreign Affairs
United States House of Representatives
2170 Rayburn House Office Building
Washington, D.C. 20515

Re: Oversight of the United States Agency for Global Media and
U.S. International Broadcasting Efforts

Dear Chairman Engel and Ranking Member McCaul:

The Reporters Committee for Freedom of the Press writes in connection with this important oversight proceeding. We urge the Committee to act to protect the physical safety of journalists at the U.S. international broadcasters and to preserve the editorial independence of these sources of essential and trusted news for millions around the world.

The Reporters Committee for Freedom of the Press is an unincorporated nonprofit association of reporters and editors dedicated to safeguarding the First Amendment rights of the news media and the public. We previously wrote to the Committee elaborating on the legal framework behind the statutory firewall in advance of Michael Pack's installation as chief executive of the U.S. Agency for Global Media. *See* Letter from Reporters Committee to the Honorable Eliot Engel and the Honorable Michael McCaul (Apr. 28, 2020), <https://perma.cc/B67B-W3EF>.

We write here to detail how the USAGM's refusal to process visa renewals for journalists at Voice of America and the other broadcasters puts reporters in danger, violates the Congressionally mandated editorial firewall, and denies millions around the world a crucial source of news.

Already, at least five visa holders have had to leave the country, and many more may have to, some to countries that could retaliate against them for their work on the public's behalf. *See* Jessica Jerreat, *House Committee Issues Subpoena for USAGM CEO*, Voice of America (Sept. 18, 2020), <https://perma.cc/QK6R-8RSR>.

Further, Mr. Pack has significantly heightened this risk by stating publicly without evidence that these journalists may be national security threats or spies. *See* David Folkenflik, *Voice of America Journalists: New CEO Endangers Reporters, Harms U.S. Aims*, Nat’l Public Radio (Aug. 31, 2020), <https://perma.cc/C2MN-75PG>; Katherine Jacobsen, *Former VOA Staffer Al Pessin on VOA’s Role Amid the Trump-Appointee Shakeup*, Comm. to Protect Journalists (Sept. 21, 2020), <https://perma.cc/C75L-L4H2> (“[Pack’s comments] show a complete lack of understanding or disregard for the job that [VOA journalists] have to do and potentially for the personal safety of the people trying to do it.”).

Additionally, the constructive firing of these journalists through the blanket refusal to renew their visas directly violates the statutory firewall protecting the USAGM networks’ editorial independence. The requirement that USAGM leadership “respect the independence and integrity” of its broadcasting services is codified in federal statute. *See* 22 U.S.C. § 6204(b).

This statutory requirement received further elaboration in the recent June 2020 rule approved unanimously by the USAGM’s then-board. *See* 22 C.F.R. § 531. The regulation plainly states that no person in the executive branch or a network outside the newsroom may “attempt[] to direct, pressure, coerce, threaten, interfere with, or otherwise impermissibly influence any of the USAGM networks, including their leadership, officers, employees, or staff, in the performance of their journalistic and broadcasting duties and activities.” 22 C.F.R. § 531.3(c).

Mr. Pack’s refusal to process the ordinary and routine renewal of these visas robs the broadcasters of essential journalistic expertise, localized knowledge, and language skills, all of which are necessary for the public broadcasters to effectively serve their unique audiences worldwide. In a concrete and immediate way, it impairs the ability of the broadcasters to gather and report the news consistent with the “highest professional standards of broadcast journalism.” 22 C.F.R. § 531.3(a).

Further, Mr. Pack has publicly stated that he (incorrectly) sees his job as reconstituting and policing the editorial approach of the networks—a blatant firewall violation—and the refusal to process these renewals en masse must be seen in light of those statements. *See* The Federalist Radio Hour (Aug. 27, 2020), <https://youtu.be/7A43zYFQFIQ> (“My job really is to drain the swamp, to root out corruption, and *to deal with these issues of bias*, not to tell journalists what to report.”) (starting at 10:02) (emphasis added); *see also* David Folkenflik, *At Voice of America, Trump Appointee Sought Political Influence Over Coverage*, Nat’l Public Radio (Sept. 2, 2020), <https://perma.cc/2GR2-XBUN> (“In two cases, stories were removed from VOA’s websites after questions were raised.”).

Not only do these statements chill reporting by journalists facing visa non-renewal, but interference by the CEO in editorial decision-making, even in the face of perceived “bias,” is itself a firewall violation. The networks must be free to enforce

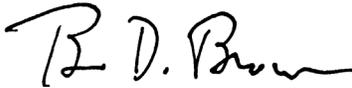
journalistic standards themselves. That is the very purpose of editorial independence as enshrined in the First Amendment, see *Miami Herald v. Tornillo*, 418 U.S. 241 (1974), and reflected in the firewall.

The firewall ensures that U.S. international public broadcasting is not seen as propaganda by viewers, listeners, and readers around the world. Rather, the animating principle behind publicly funded international broadcasting in the United States is to create an objective, unbiased, and editorially independent source of news—one that is even free to report critically about the United States government itself.

Legal and structural protections, like the firewall, are essential to protecting the independence of all publicly funded media. That the new leadership at the USAGM is violating the firewall in a manner that puts foreign journalists—many of whom came to the United States to provide essential news and information for their home countries suffering under state-controlled media and censorship—is doubly tragic and must stop.

Please do not hesitate to contact Gabe Rottman, director of the Technology and Press Freedom Project at the Reporters Committee, with any questions. He can be reached at grottman@rcfp.org.

Sincerely,



Bruce D. Brown
Executive Director



Gabe Rottman
Director of the Technology and Press Freedom Project