



Sept. 5, 2025

The Honorable Andy Biggs
U.S. Representative
c/o Kate LaBorde, Chief of Staff
464 Cannon House Office Building
Washington, D.C. 20515

Dear Rep. Biggs:

We at Freedom of the Press Foundation (FPF) were pleased that you introduced our article, "[Biden's press freedom legacy: Empty words and hypocrisy](#)" into the record at the September 3, 2025 hearing of the House Committee on the Judiciary on "Europe's Threat to American Speech and Innovation." We presume that you agree with our criticisms of the Biden administration's actions.

Unfortunately, though, the Biden policies discussed in our article have not stopped under the Trump administration. In fact, virtually all of them have worsened. We hope you will join us in encouraging President Trump to reverse course and distinguish himself from his predecessor by living up to Executive Order 14149, titled "[Restoring Freedom of Speech and Ending Federal Censorship](#)," which he signed on his first day in office.

The remainder of this letter will discuss where the issues raised by our article currently stand, and what needs to be done to improve the grim state of American press freedom.

Press conferences

The article first discussed the removal of two journalists from Biden's Secretary of State's press conference in response to their questions about the Israel-Gaza war. We noted that it was a "fitting close" to Biden's term, coming a day after he touted the importance of press freedom in his farewell address.

If you were disturbed by the Biden administration's conduct, you should be alarmed by what we've seen from the current administration. Trump banned the Associated Press – a wire service relied upon by local outlets in red and blue states alike – from the White House press pool in direct retaliation for its constitutionally protected editorial decision to continue using the term "Gulf of Mexico" after Trump renamed it Gulf of America.

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He then took control of the press pool from the White House Correspondents Association and populated it with social media [influencers](#) who flatter rather than challenge him. A one-time expulsion of two journalists, as bad as that was, pales in comparison to Trump's mass retaliation against journalists who decline to kiss the ring and replacement of serious journalists with propagandists.

That said, White House press conferences have never been particularly high on our list of threats to journalism. Regardless of political party, these events tend to platform spin at best at outright fallacies at worst. We're more focused on journalists' access to the truth than their right to get lied to in a briefing room.

That's why we hope you share our concerns about the administration's [decimation of FOIA offices](#) across agencies and its [frivolous](#) FOIA [denials](#) and [stall tactics](#). These actions severely undermine transparency by diminishing access to official records for the press and ordinary citizens alike.

Anti-press prosecutions

The article next discussed Biden's prosecutions of journalists – most notably, the cases of Julian Assange and Tim Burke. The prosecution of Assange under the Espionage Act was initiated by the first Trump administration, and we are not aware of Trump having ever expressed regret, despite his personal experience with the Espionage Act.

That said, if you agree that Biden's decision to extract a guilty plea from Assange normalized criminalization of newsgathering, you can repair the damage by supporting [reforms of the Espionage Act](#). Under the plain text of the [archaic law](#), ordinary Americans could be [prosecuted](#) for reading the newspaper. Contrary to the dictates of the First Amendment, the Act leaves the door wide open for prosecutors in the current administration or future ones to charge journalists, from Fox News to The New York Times, for ordinary journalism – talking to government sources, obtaining documents from those sources, and publishing them.

The Act makes no distinction between journalists, whistleblowers and spies. It does not require proof that violations were intended or cause harm or allow defendants to introduce evidence of their intentions, like disclosing abuses. Even murder defendants can testify to their motives, but in Espionage Act cases, motives are irrelevant. And the statute doesn't consider whether documents that defendants are prosecuted for

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obtaining or disclosing were properly classified in the first place, even though proper classification is the [exception](#), not the norm.

Instead of pushing to reform the Espionage Act to prevent future abuses like Biden's, the Trump administration is reportedly on the [lookout for a test case](#) to prosecute a journalist. It has also [weakened](#) important protections at the Department of Justice that limit the government's power to surveil journalists as part of leaks investigations.

Trump reportedly has said he doesn't understand why past administrations have not prosecuted journalists under the Act. Perhaps you could explain to him that reporting government secrets is investigative journalists' constitutionally protected job.

Under Trump, the DOJ has also continued Biden's unconstitutional prosecution of Burke, the Florida journalist who obtained and disclosed unaired outtakes of Tucker Carlson's interview with Ye (formerly Kanye West) wherein Ye made hateful antisemitic comments.

Trump's pursuit of that case, under federal computer crime laws, is particularly perplexing. One, Trump claims to be an enemy of antisemitism while prosecuting the journalist who exposed a prominent entertainer (and former presidential candidate) [as an antisemite](#). Two, Trump filed a \$20 billion lawsuit, and called for the FCC to revoke broadcast licenses, over allegedly deceptive video editing, but is [prosecuting Burke](#) for revealing far more egregious interview edits by Carlson.

To be clear, the First Amendment does not permit the press to be civilly or criminally prosecuted for editing interviews. But publicizing and criticizing questionable edits is fair game, and we hope you would agree that it's an unwise use of prosecutorial discretion – no matter who is president – to test the contours of [vague](#) computer crime laws with novel theories to prosecute a journalist for informing the public.

Using 'national security' for censorship

Our article then criticized Biden's TikTok ban and his reckless invocation of "national security" to censor speech based on flimsy and hypothetical purported threats — something the Supreme Court has cautioned against since the [Pentagon Papers](#) case.

But Trump appears to believe "national security" is a magic phrase that makes the First Amendment disappear. To force reporters to reveal their sources, [he said](#), "You go up and tell the reporter, 'National security, who gave it [to you]?' You have to do that, and I

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suspect we'll be doing things like that.” That quote was in reference to reports on intelligence assessments that strikes on Iranian nuclear sites weren’t as effective as Trump claimed — a threat to Trump’s ego, perhaps, but not national security.

House Republicans twice unanimously supported the [PRESS Act](#) to codify journalist-source confidentiality, so you understand how important the reporter’s privilege is to the Fourth Estate’s watchdog role. We hope you’re as disturbed as we are by Trump’s cavalier disregard of these fundamental protections, including his reversal, based on verifiably [false pretexts](#), of Biden policies to protect reporters’ sources.

With respect to the TikTok ban, Trump has delayed its implementation, but not because of free speech concerns — instead, he appears to be using his leverage to engineer a transaction that will benefit him and his billionaire allies, [politically](#), [economically](#) or both. Tellingly, the supposed national security emergency that prompted the plan appears to have mysteriously dissipated. Neither political party seems concerned by it anymore.

If you disagree with the Biden administration’s invocation of national security to justify censorship of foreign media, you should support legislation to [repeal](#) the TikTok ban. You should also oppose further baseless attacks on foreign media, like the current administration’s proposed [restrictions](#) on visas for international journalists based on unsubstantiated “safety risks” and its efforts to deport [reporters](#) and op-ed [writers](#) lawfully residing in the U.S. for exercising their constitutional rights.

Israel-Gaza war

Finally, our article discussed Biden’s most consequential assault on press freedom — his failure to intervene to stop Israel’s [massacre](#) of journalists in Gaza. Biden’s other infractions cost journalists their rights. This one cost them their lives.

We expressed our disgust at the Biden administration paying mere lip service to press rights in Gaza. But Trump hasn’t even done that. Israeli soldiers funded and armed by the United States continue to kill journalists at record rates. Emboldened by Trump’s rhetoric and [plans](#) to build the Middle East Riviera on top of Gaza’s rubble, Israel no longer even hides its intentional [targeting](#) of journalists or bothers to provide anything but the [flimsiest](#) of excuses (the Israeli army reportedly had a propaganda [unit](#) devoted to delegitimizing journalists in order to target them).

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Trump's administration may believe that Palestinian journalists haven't covered the war fairly. But that belief doesn't justify turning a blind eye to killing journalists. And the obvious solution to concerns about inaccurate or biased local coverage, if there's nothing to hide, is to heed widespread [calls](#) to allow international journalists into Gaza so Palestinians aren't the only ones reporting on the war. Trump, like Biden, hasn't lifted a finger to make that happen.

Any administration that values press freedom and transparency — not to mention being on the right side of history — would not support American journalists being barred from covering a war their nation is bankrolling, and certainly would not support brazen, deadly attacks on the only journalists who are able to cover the war.

A political party that claims to support press freedom while ignoring what's happening in Gaza does not deserve to be taken seriously. And at the moment, journalists are unable to rely on either party to defend their rights.

Conclusion

The foregoing only covers anti-press actions common to both administrations. Trump also has initiated plenty of his own.

He has [weaponized](#) the Federal Communications Commission to punish critics. All those who condemned Biden-era jawboning at Wednesday's hearing should be up in arms about the FCC's veiled threats, on Trump's behalf, against [online](#) and [cable](#) outlets over which it lacks jurisdiction, not to mention its obvious corruption of the merger approval process to help the president secure a private [settlement](#) from Paramount Global.

Trump has threatened to prosecute journalists for [reporting](#) on law enforcement operations or even merely recording officers. He has [destroyed](#) public media relied upon by communities across America, including "news deserts," which are particularly common in rural areas. He has brought SLAPPs against news outlets that criticize him, [using](#) the presidency to [extract](#) unwarranted settlements. The list goes on.

It is, of course, an honor whenever a member of Congress cites our work. We sincerely hope that your doing so – and your efforts to highlight past press freedom and First Amendment violations by Biden's administration – reflects a sincere commitment to stopping those kinds of abuses going forward, regardless of partisan politics.

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If so, you've got plenty of work ahead of you. Please let us know how we can help.

Sincerely,

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Cc: Congressman Jim Jordan, Chair, House Committee on the Judiciary
Congressman Jamie Raskin, Ranking Member, House Committee on the Judiciary