

## ***Press Freedom: Democracy's Foundation***

Thank you for this opportunity to participate in the 15<sup>th</sup> International Festival of Local Television; I'm proud that we have been working with your event ever since it began.

I'm just sorry I couldn't be there in Kosice in person – it's a lovely city – but I very much appreciate your willingness to engage by digital video.

In the spirit of transparency, I should disclose that I have a special place in my heart for journalists; I'm married to one. And we just celebrated our 23<sup>d</sup> wedding anniversary.

Being married to a reporter keeps me honest and on my toes; whenever I raise an issue with her – no matter how seemingly insignificant – I have to make sure that I'm fully prepared. Because I know that the journalist inside her can't help but ask who, what, when, where, why and how. And I better have good, precise, accurate answers.

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Earlier this year, President Obama described World Press Freedom Day, May 3<sup>rd</sup>, as an opportunity to “celebrate the indispensable role played by journalists in exposing abuses of power.” But he also noted that too many reporters “face intimidation, censorship, and arbitrary arrest – guilty of nothing more than a passion for truth and a tenacious belief that a free society depends on an informed citizenry.”

In Central Europe today the press no longer faces the prospect of arrest or official censorship. And you don't fear government-sanctioned disappearance or murder, as they do in too many countries.

But from our discussions with you, we know that reporters and their editors sometimes feel they must practice self-censorship when covering certain issues or individuals.

Television news is not as free and independent as it could be, given that your operating funds are often tied to state budgets or that you rely upon advertisers who may not appreciate hard-hitting investigative journalism.

And we know you face real problems with some officials in your countries who seek to intimidate the press. There are also private attempts to stifle independent inquiry. And courts may find that a metaphor is somehow libelous.

Even so, courageous reporters and dedicated editors put their careers – and their often limited financial resources – on the line.

Reporters continue to investigate abuses by governments and businesses, to uncover corruption and injustice, to expose societal ills, and to inform and enlighten the public, the voters.

As Thomas Jefferson long ago concluded, a free and active press is the single most-essential element in a democracy.

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In the 10 months that I've been living in Bratislava, I have come to admire and respect the Slovak press, which is well represented here. Reporters I've dealt with – from both television and newspapers – ask hard-hitting, incisive questions; they're not afraid to challenge poor logic or aggressively follow-up a weak answer with another probing question. That's good, aggressive journalism – just like my wife practices with me at home.

I have seen Slovak reporters publish stories that were not popular with the public – like that of police abuse of Roma children in Kosice. But those reports appear to be leading to action and reform. The police officers who were captured on tape abusing the Roma children have been fired and are now facing likely criminal prosecution. And the government has committed itself to improved human-rights training for all Slovak police. Without a free press, it might still be business as usual.

Extensive media coverage of the so-called “bulletin board tender” informed the public about the alleged improper use of EU funds. Several national news outlets, including *Sme*, *Pravda*, and *Trend*, investigated and reported the story thoroughly. They also covered the work of a civil society organization, the Fair Play Alliance, as it pursued a complaint with the European Commission in Brussels. Although both the press and the NGO were criticized for pursuing this investigation, the EC found it had merit. Without a free press, it might still be business as usual.

Slovak journalists aggressively pursued the story of a non-transparent contract to sell CO2 emission quotas at what

many felt were below-market prices. Again, thorough investigation and sustained high-level coverage have made a difference. The government has recently released more details of this deal, in furtherance of transparency and public accountability. Without a free press, it might still be business as usual.

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I know that Slovak journalists and media outlets sometimes feel under siege and over criticized.

Last year, the United States government made no secret of its very real concerns about the media law that was then under consideration. Although we applauded the decision to drop provisions that that would have given the government authority to levy fines on publishers for a broad range of statements, the final law contained a broad “right of reply” clause. It enables individuals who believe their honor has been damaged by a printed statement – even if it is accurate and factual – to request that a response be printed with the same prominence and placement as the original article.

According to Slovak editors, this provision has led to costly and time-consuming legal and editorial reviews, but – I’m pleased to say – not as much self-censorship as many had feared. Most requests are denied, because they don’t comply with the legislation. And most are not made by the “regular” citizens the law was supposed to protect.

Curiously, despite the availability of multiple remedies under the media law, many public figures have decided not to utilize it, choosing instead to file libel suits and requesting very high monetary awards. And it is this trend that has begun to cast a chill on a free press.

In recent years, in Slovakia alone, at least a dozen major awards totaling 700,000 Euros have been made to public figures.

This has led the International Press Institute to conclude:

*“Targeting of the Slovak press through civil defamation lawsuits is causing widespread concern among journalists that they cannot do their jobs without fear of reprisal.”*

We are even aware of demands that don't point to individual articles or allege a specific journalistic error, but rather make a generalized assertion that whole issues are somehow off-limits to examination by the press.

We make no judgment on the merits of any individual case of alleged libel. Slovak law allows such libel awards, and that is certainly within the bounds of international norms.

But we recognize that the broader impact of such use of libel suits against an independent media can be intimidating – and potentially inconsistent with various international commitments to foster a free and independent media.

Such threats can and often do have a chilling effect on the ability of journalists to pursue and investigate controversial issues of public interest.

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While the American constitutional system accepts some restrictions on speech and the media, our laws regarding what can be considered libel are quite limited. A public figure must overcome huge hurdles to secure a libel award from an American news organization.

This means our news media operate virtually unhindered. American newspapers, magazines, television journalists – and now internet bloggers – rarely feel constrained in their ability to investigate and report on official waste and fraud or governmental abuses of power.

And thus, in recent years, we've seen the *Washington Post* detail sub-standard care for U.S. veterans returning from the wars in Iraq and Afghanistan, the CBS television network break the story of prisoner abuse at Abu Ghraib, the *New York Times* uncover and report on corruption in government, and blogs such as *TPMMuckraker.com* tenaciously pursue accusations of malfeasance made against various public officials.

Even though I work for a government that is sometimes subject to such reporting, I applaud it.

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Yes, reporting must be responsible professionals.

Yes, reporters must maintain the highest ethical standards of their own.

But honest, aggressive, hard-hitting journalism can and should energize the public – our taxpayers and our voters.

And sooner or later such reports will lead to changes in government policies or an insistence that existing policies or laws be respected.

An inherent tension exists between government and a free press, a watchdog press. That tension is both necessary and appropriate.

And while governments and politicians may sometimes chafe against reporting that might threaten their popularity or their pet policies, the better course is to embrace that tension, recognizing its real purpose and its great value.

But until all our governments and all our leaders recognize this, we will have to rely on brave, committed journalists – like yourselves – to keep all of us in government as honest as my wife keeps me.

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