

FBI tracking reporters' phone calls in CIA leak investigation

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Two ABC News reporters, Brian Ross and Richard Esposito, revealed Monday that the FBI, at the behest of the CIA, was tracking telephone numbers they called as part of an effort to expose sources responsible for leaking information damaging to the Bush administration. In an effort to alert them to the dangers, a senior federal law enforcement official told the pair in an in-person conversation, "It's time for you to get some new cell phones, quick."

Other sources told Ross and Esposito that telephone calls and contacts by reporters for ABC News, along with the *New York Times* and the *Washington Post*, were being examined as part of a widespread CIA leak investigation.

In an interview on the "Democracy Now!" radio program, Ross commented, "It was clear to us that somehow the government knew our records. We were told our phone calls weren't being recorded, but just who we were calling. Now, in terms of trying to track down insiders at the government who are providing us with information, that's really about all they need." Ross added that the FBI had acknowledged they were tracking journalists' phone calls. "The person I talked to said, 'Well, it may be more like backtracking.' But under this administration, what used to be hard to do, in going after reporters and their phone records, is now easy."

Indeed FBI officials, according to ABC News, did not deny that the television network's telephone records, along with those of *New York Times* and *Washington Post* reporters, had been sought as part of an investigation of leaks at the CIA. The FBI press office indicated that its inquiries into such matters begin with an examination of government phone records.

"The FBI will take logical investigative steps to determine if a criminal act was committed by a government employee by the unauthorized release of classified information," the statement said.

In their attempted crackdown on the press, the FBI is making wide use of National Security Letters (NSLs), a provision of the Patriot Act. The NSLs are a type of administrative subpoena and are not signed by a judge. Under the provision, worthy of a police state, "a phone company receiving a NSL for phone records must provide them and may not divulge to the customer that the records have been given to the government" (ABC News).

Asked why he and Esposito were being targeted, Ross suggested to "Democracy Now!" that there were two stories "that the CIA considers to be evidence of criminal behavior on the part of someone." Following the initial *Washington Post* story on secret CIA prisons around the world, the two ABC News reporters revealed that the two eastern European countries

hosting these facilities were Poland and Romania, “and this set off quite a firestorm inside the CIA.”

ABC News also reported on a US attack in Pakistan, using a CIA Predator with missiles attached to it, that resulted in the deaths of 18 people. “We got word of that very early and reported it, and that infuriated the CIA, because it embarrassed them with the Pakistanis. They hadn’t quite made up the cover story they use when the CIA operates inside Pakistan. Generally, the Pakistanis will say it was a bomb they set off or something to cover the fact that the US operates inside Pakistan sometimes. So those two incidents resulted in the CIA being upset and asking for an investigation as to who leaked that information,” Ross said.

The *Christian Science Monitor* reports that “under ‘long-standing’ Justice Department provisions, a reporter must be notified within 90 days that his or her records have been obtained, and that subpoenas for the records must not be issued until after the department attempts to negotiate access with the reporter. Spokeswomen for ABC and the *Times* said their organizations had received no official notification of the effort to seek their phone records.”

In his interview with “Democracy Now!,” ABC’s Ross commented, “It’s chilling, to say the least, and I guess I’ve concluded that this requires, you know, on my part, your part, all of us who are reporters and care about the truth, really reporting on this subject, and I don’t think it’s self-centered. I think it’s important that everyone know this is what’s happening and, you know, let Americans decide if that’s how they want the government to operate.”

The leaks to Ross and Esposito helped uncover major illegalities committed by the American government—the establishment of secret torture prisons, in violation of international law, and the assassination of foreign citizens in a country with which the US is not at war. The FBI witch-hunt against the reporters is intended to both punish those responsible for past disclosures and intimidate others in the future from revealing knowledge of crimes committed by the government and its agencies. The spying on the ABC investigative journalists is another sinister episode in the buildup of a police-state apparatus and atmosphere in the US. It has received minimal coverage in the mass media, particularly the television news.

This is not the first incident involving the alleged tracking of reporters’ phone-calls. The *Columbia Journalism Review Daily* reminds us that in January 2006, NBC’s Andrea Mitchell conducted an interview with James Risen, whose *New York Times* article the previous month had exposed a broad program of spying by the National Security Agency (NSA) without court-issued warrants. Out of the blue, Mitchell asked Risen whether he had “any information about reporters being swept up in this [NSA] net.”

When he replied, “No, I don’t. It’s not clear to me. That’s one of the questions we’ll have to look into the future,” Mitchell followed up: “You don’t have any information, for instance, that a very prominent journalist, [CNN’s] Christiane Amanpour, might have been eavesdropped upon?” Clearly, the NBC reporter had been tipped off about government spying on Amanpour. NBC later cut the question about the CNN reporter from its online transcript of the interview, explaining that it had eliminated the passage “so that we may further continue our inquiry.” Nothing has been heard about the matter since.

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