

Freedom of the Press and the National Surveillance State

Major Media “Rallies” In New York To Urge Press Freedom From Government Spies and Protection for Sources”

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The term “spring offensive” may be out of favor in the media, but more than 50 organizations endorsed a forum this past Friday with some of the media’s best known editorial heavyweights, to discuss the most serious crisis journalistic freedom has faced in decades—a deepening collision over leaks with what has become a national surveillance State.

Sponsored by the Long Island University, and the prestigious Polk Awards, it was held in the bowels of the mainstream media—at the posh Times Center in the New York Times Headquarters. Publisher Arthur Sulzberger was present, as was Jill Abramson, the Executive Editor. She spoke on a panel challenging a securocrat who called on the media to be more “humble.”

She was there primarily to rally support for an earlier speaker, investigative reporter James Risen of the Times, who is refusing to reveal his sources and has now been told by the Courts he has no first amendment right to do so.

His next step could be a jail sentence as several speakers denounced the Obama Administration for being anti-press. It has brought and threatened more prosecutions under the terms of the Espionage Act of 1917 than earlier Administrations.

Also speaking out was Katrina van den Heuvel, editor of the Nation and editor David Remnick of the New Yorker, as well as Martin Baron, executive editor and Bob Woodward of the Washington Post along with Post national security whiz Bart Gellman.

There were also outsiders who seem to have now become insiders, Glenn Greenwald skyping in from Brazil, and his colleague Laura Poitras in Berlin. Edward Snowden’s super articulate legal advisor Ben Wizner, from the ACLU appeared on the first panel.

While the newspapers publish Snowden revelations disseminated by Greenwald and Poitras, it seemed clear they really don’t like working with them, seeing them more as advocates than “legitimate” neutral objective pros like themselves.

Nevertheless, it was a rare united front of media leaders and mainstream reporters along with independents speaking out for the public’s right to know.

Although there was some squeamishness in Establishment circles about the need to “balance” supposedly legitimate national security interests and a freer flow of information—there was a great deal of prattling about “responsibility”—top newspapers are rattling the spooks by their willingness to carry what they spies as stolen or purloined documents.

The intelligence functionaries spoke in terms of “good guys” versus “bad guys.”

Of course, they assume they are the former. Today, at the NSA and other agencies there seems to be more momentum to “punish” wrong doers and rule through intimidation. Representing this ‘we are only here to protect you’ approach was Robert L. Deitz, former general counsel, N.S.A. and senior councillor to the C.I.A. director and Robert S. Litt, General Counsel at the Office of the Director of National Intelligence.

In his speech, Litt expressed regret that the NSA hadn’t been more open in the past.

Yet, when I tried to interview him afterwards, he directed me to his PR flack who showed me how limited he is in speaking to the press—even at a press event. So much for access or an interest in engaging with critics.

He and his colleagues are masters at speaking with forked tongues and runarounds even as they feign at openness.

The newspaper editors present insisted they were very deliberative, agonizing about what to publish and not publish, always sensitive to the fears of intelligence agencies.

Representatives of those agencies took a hard line, advocating the prosecution of leakers who break the law. None of them criticized the top secret courts or repressive legislation.

When challenged repeatedly for evidence of how leaks harm national security, they became even vaguer. They say disclosures of how the NSA collects information leads to countermeasures by the people they spy on, and, thus, makes it harder for them to what they consider is their job.

They apparently then don’t know what they are missing—like, perhaps, intelligence on what the Russians were planning in Crimea.

Spying on Americans is, I guess, easier.

At the NSA today, a newly promoted executive comes from their “Media Leaks Task Force”

“Media Leaks” seems to be the threat the Agency worries about the most these days—not challenges by foreign governments or terrorists.

In August 2013, it issued a press release saying, “NSA planned to initiate 4,000 re-investigations on civilian employees to reduce the *potential* of an insider compromise of sensitive information and missions.”

Insider “compromises” (now aided and abetted by major media outlets) have driven the agency crazy even as some of its critics have used that same term to describe NSA execs who designed their offices as a “command module” to resemble a Star Trek movie or TV Set.

Some of the exchanges at this event about "Sources and Secrets" were sharp, bordering on real clashes over the future of the press's right to inform the public about what is happening in the shadows of our democracy.

You would have thought that these "hot" and timely controversies, and the media issues they raise, would be enough to attract more TV cameras here in the 'Network City' that is in New York.

You might think they would turn out in droves; if you did, you would think wrong.

To my knowledge, the camera from our independent media company, Globalvision, was the only one in the house. The event was taped by the New York Times and will be shown on City University TV way down the cable dial—treated as an academic event, hardly a big draw on the media spectrum.

You would have also thought that panels would lead to some collective action, not just a ventilation of grievances, but no plan or campaign was put forth, probably because of the competitive nature of media enterprises that are always seeking to one-up each other. They are better at competition than collaboration.

Many key players are not comfortable, as the editor of the Washington Post acknowledged, being "adversarial," even as many also admitted that had not been aggressive enough in the past in challenging over classification and secrecy—often cooperating or being complicit with government requests and steering.

There were calls for more pro-active reporting while journalists pointed out that government officials do far more leaking than dissidents like Snowden or Chelsea Manning.

The March 21 date of the event did have some resonance in media history.

- In the Times on Friday was a page one story on other media priorities— on the CEO of Time Warner Cable who after a few months in the job, sold his own company to Comcast, and is now lined up to receive an \$80 million golden handshake after just six weeks on the job.

- In 1992 on that day, [Johnny Carson](#) hosted his final episode after 30 seasons.

- In 2011, Radio broadcaster [Harold Camping](#) predicted that the [end of the world](#) would occur on March 21, a prophecy that would, happily, fizzle. (If it he was right, this event would not have occurred! I am beginning to sound like those "experts" on CNN that suggested an extra terrestrial prospect for that disappearing Malaysian plane.)

This media event about the media is about the further erosion, if not the end, of a free press as we have known it, but the press couldn't bother to cover it. They had other priorities like Kim Kardashian's first presence on the cover of Vogue.

The only really newsworthy disclosure was Senator Chuck Schumer's prediction that a Shield law defending reporters has White House and bi-partisan backing and may pass this year.

That will be seen as a great victory for journalists who want to do their jobs without being investigated, interrogated, or incarcerated, even though most Courts are currently eroding press rights or privileges as unconstitutional.

Before we break out the bubbly and cheer the passage of a law that has taken so long to pass, bear in mind that it has a huge loophole big enough to drive an NSA big-data storage warehouse through—the so-called “National Security exemption” that insures, at a minimum, that conferences like this will be needed for years to come.

Encryption will not save us from that.

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