

Obama's Justice Department: Trumpeting a New Victory in War on Freedom of the Press

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There's something profoundly despicable about a Justice Department that would brazenly violate the First and Fourth Amendments while spying on journalists, then claim to be reassessing such policies after an avalanche of criticism — and then proceed, as it did this week, to gloat that those policies made possible a long prison sentence for a journalistic source.

Welcome to the Obama Justice Department.

While mouthing platitudes about respecting press freedom, the president has overseen methodical actions to undermine it. We should retire understated phrases like “chilling effect.” With the announcement from Obama's Justice Department on Monday, the thermometer has dropped below freezing.

You could almost hear the slushy flow of public information turning to ice in the triumphant words of the U.S. attorney who led the investigation after being handpicked by Attorney General Eric Holder: “This prosecution demonstrates our deep resolve to hold accountable anyone who would violate their solemn duty to protect our nation's secrets and to prevent future, potentially devastating leaks by those who would wantonly ignore their obligations to safeguard classified information.”

Translation: This prosecution shows the depth of our contempt for civil liberties. Let this be a lesson to journalists and would-be leakers alike.

Audibly on the chopping block are provisions in the Bill of Rights such as “freedom ... of the press” and “no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”

The Obama administration's pernicious goal is to normalize circumstances where journalists can't credibly promise confidentiality, and potential leakers don't believe they can have it. The broader purpose is to destroy independent journalism — which is to say, actual journalism — which is to say, freedom of the press.

Impacts are crystal clear to just about any journalist who has done reporting that's much more than stenographic services for official government and corporate sources. When unofficial sources are choked off, not much is left other than the Official Story.

The Official Story is routinely somewhere between very selective and mendacious. A case in point, ironically enough, is the Justice Department's righteous announcement that the prison

term for the leaker of information to The Associated Press reflected the Department's "deep resolve to hold accountable anyone who would violate their solemn duty to protect our nation's secrets."

"Hold accountable anyone"? (Laugh, scream or cry; take your pick.)

Like others before it, the Obama administration has made a frequent practice of leaking classified "secrets" to media outlets — when its calculus is that revealing those secrets will make the administration look good. Of course in those cases the Justice Department doesn't bother to track down the leakers.

Such extreme hypocrisy in high places has become so normalized that major media outlets often seem completely inured to it.

Hours after the Justice Department's announcement on Monday that its surveillance of AP phone records had resulted in a lengthy prison sentence, the PBS "NewsHour" did not devote a word to it. Perhaps the program could not find a few seconds to shave off the lengthy beach-ball interview that Judy Woodruff conducted with former President Clinton.

To the top echelons of quasi-journalistic enterprises that are bankrolled by corporate advertisers and underwriters, the disappearance of confidentiality — along with routine violations of the First and Fourth Amendments — might hardly matter. Official sources flood the media zone.

But the New York Times [coverage](#) should have given attentive readers indigestion over breakfast Tuesday: "A former F.B.I. agent has agreed to plead guilty to leaking classified information to The Associated Press about a foiled bomb plot in Yemen last year ... Federal investigators said they were able to identify the man, Donald Sachtleben, a former bomb technician, as a suspect in the leak case only after secretly [obtaining AP reporters' phone logs](#), a move that set off an uproar among journalists and members of Congress of both parties when it was disclosed in May."

The Times added: "Sachtleben ... has agreed to serve 43 months in prison for the leak, the Justice Department said. His case is the eighth leak-related prosecution under the Obama administration. Only three such cases were prosecuted under all previous presidents."

How did the Justice Department catch Sachtleben in the first place? By [seizing records of calls](#) on more than 20 phone lines used by Associated Press reporters over a two-month period.

This is more than a chilling effect on the First Amendment; it's an icy wind, threatening to put real freedom of the press into a deep freeze. Journalists — and the rest of us — should respond with outraged opposition.

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