



Written by [Joe Wolverton, II, J.D.](#) on October 31, 2013

In Global Persecution of Journalists, U.S. Takes the Lead

“Our liberty depends on the freedom of the press, and that cannot be limited without being lost.”

[Thomas Jefferson, 1786](#)



Liberty, if Jefferson is to be believed, is nearly lost around the world.

In Morocco, for example, [journalist Ali Anouzla was arrested](#) because a story he wrote linked to a story in Spain's *El Pais* newspaper that, in turn, contained a link to a video allegedly uploaded by someone supposedly associated with the al-Qaeda branch known as al-Qaeda in the Islamic Maghreb (AQIM).

Anouzla's connection to terror is tenuous at best. It is the prosecutorial equivalent of a signature strike: A missile is fired at a target not for what the target did, but because they are near a place where people have associated with people who have demonstrated questionable behavior at some point in the past — allegedly.

Anouzla's case is not unique, unfortunately. And more distressing is the irrefutable fact that the U.S. government under the control of President Barack Obama has set the international standard for the persecution of the press.

Consider, for example, the recent attempts by the U.S. Congress to officially decide who qualifies as a journalist.

In September, during committee hearings on a bill aimed at protecting journalists from having to reveal their sources, Senator Dianne Feinstein (D-Calif.) offered an amendment that would have [limited the protection to those reporters who conformed to her own narrow definition of a journalist](#).

Feinstein's contribution set out the definition of a “covered journalist,” a term that would have included someone who collects and/or reports news on behalf of “an entity or service that disseminates news and information,” so long as they were carrying out “legitimate news-gathering activities.”

This provision amounted to nothing more or less than an attempt by Senator Feinstein to set up the Senate as the federal journalist licensing bureau.

Any such infringement on the freedom of the press is a hostile and open attack on [the First Amendment](#), which prohibits Congress from passing any law “respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press.”

Next, there is the case of Fox News reporter James Rosen. The Obama administration targeted Rosen, branding him a “conspirator” for having reported a story given him by a State Department employee. By being tagged with that title, Rosen could be prosecuted under anti-espionage acts.



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In May, the story broke of Attorney General Eric Holder's seizure of records of calls made to and from reporters for the Associated Press (AP). [The New American reported at the time of the break of the scandal.](#)

In what its top executive called a "massive and unprecedented intrusion" by the government into news gathering activities, the AP reported Monday that records were seized of calls from both office and personal phone numbers of individual reporters, and from general AP office numbers in New York, Washington, D.C., and Hartford, Connecticut, in addition to the main number for the AP in the House of Representatives press gallery. Records for more than 20 different phone lines assigned to the AP and its journalists were seized for the months of April and May, 2012, according to AP lawyers.

More than 100 journalists work in the offices where the phone lines were targeted, the news agency said.

Ronald Machen, the U.S. attorney in Washington, sent notice of the action in a letter the AP received on Friday. The records were obtained through Justice Department subpoenas, though it is not known whether a judge or grand jury authorized the subpoenas, the AP said.

The most recent example of the "war on journalism" occurred in August. [As reported by The New American's Alex Newman:](#)

According to investigative reporter Audrey Hudson, an award-winning journalist who helped expose problems within the Department of Homeland Security in articles for the *Washington Times*, swarms of DHS agents and Maryland State Police officers descended on her home in a pre-dawn assault on August 6. Armed with full battle gear and a warrant authorizing a search for firearms (her husband was apparently convicted of "resisting arrest" almost three decades ago and so was supposedly not allowed to be near guns), the federal and state agents ended up seizing Hudson's private notes, too.

"They took my notes without my knowledge and without legal authority to do so," Hudson told the online Daily Caller, which first reported on the raid. "The search warrant they presented said nothing about walking out of here with a single sheet of paper." The federal agents, however, walked out with stacks of papers, including records obtained under the Freedom of Information Act and notes of her interviews with "a lot" of confidential sources trying to expose wrongdoing. "When they called and told me about it, I just about had a heart attack," she said. No charges have been filed so far.

Apart from the overt attacks on "traditional" journalism, President Obama has applied espionage laws in novel ways to whistleblowers in an effort to silence those who dare expose the government's gross violation of the Constitution and other restrictions on its power.

In June, the Obama administration [charged National Security Agency \(NSA\) whistleblower Edward Snowden with espionage.](#)

Snowden, 29, leaked to the *Washington Post* and to *The Guardian* (U.K.) a cache of documents exposing the NSA's wholesale violation of the Fourth Amendment through the dragnet surveillance of phone records and monitoring of Internet traffic.

According to the criminal complaint filed by the federal government against Snowden in the U.S. District Court for the Eastern District of Virginia, the former NSA networking contractor will be charged with theft, "unauthorized communication of national defense information," and "willful



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communication of classified communications intelligence information to an unauthorized person.”

The last two counts are violations of the Espionage Act of 1917.

With the formal filing of the charges against him, Snowden became the ninth person to be charged under the Espionage Act by the Obama administration.

The eighth occurred only months earlier. Army Private Bradley Manning was also charged with violating the Espionage Act for allegedly passing sensitive information to WikiLeaks.

Manning, now living under the name Chelsea, was [convicted in July](#) of violating the Espionage Act, despite the government’s failure to demonstrate any harm to national security caused by Manning’s disclosures.

Another former government employee, James Hitzelberger, was working as a linguist for the U.S. Navy when he became the seventh to be charged under the nearly century-old law.

President Obama has targeted each of these men — including Edward Snowden — for their efforts to expose government corruption. In fact, the others charged with espionage are targets of an apparent vendetta against whistleblowers in direct contradiction of the president’s promise to protect them.

In 2008, then-president-elect Obama declared, “We need to empower federal employees as watchdogs of wrongdoing and partners in performance. Barack Obama will strengthen whistleblower laws to protect federal workers who expose waste, fraud, and abuse of authority in government.”

Not that politicians have a habit of keeping campaign promises, but President Obama’s policy of zealously pursuing, prosecuting, and punishing those who report abuses in government is remarkable for its relentlessness.

Steven Aftergood, the director of the Federation of American Scientists’ government secrecy project, is quoted in a story published by *Reason* magazine online, explaining, “The administration’s aggressive pursuit of leaks represents a challenge to the practice of national security reporting, which depends on the availability of unauthorized sources if it is to produce something more than ‘authorized’ news.”

The first such whistleblower prosecuted by the president was Thomas Drake. Drake, a senior executive at the National Security Agency who made the mistake of revealing to the *Baltimore Sun* that the NSA’s Trailblazer Project, a project intended to analyze data carried on in the United States and elsewhere through the Internet, cellphones, and e-mails, not only violated the Fourth Amendment’s proscription against unwarranted searches and seizures, but it was a “billion-dollar computer boondoggle.”

In April 2010, Drake was indicted by a federal grand jury of several crimes, including violation of the Espionage Act.

Early in the summer of 2011, after several exposés ran in newspapers and on television, the Obama administration dropped all the charges against Drake in return for his guilty plea to a misdemeanor of misusing NSA computers. Drake was sentenced to one year of probation and community service.

The second target of the government’s attack on whistleblowers was Shamai Leibowitz, an FBI linguist who was eventually sentenced to 20 months in a federal prison for leaking documents to a blogger.

Leibowitz testified that he believed that the papers he transmitted while working for the FBI contained evidence of “violations of the law” including the illegal attempt by the embassy of Israel to influence American foreign policy.



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In exchange for his guilty plea to one count of disclosure of classified information, Leibowitz agreed to never file petitions to look at documents related to his case and to “never disclose” any classified or sensitive information to which he had access while on contract with the FBI.

Next on the list of those who believed (wrongly) that President Obama would keep his campaign promise to shield from prosecution those government employees brave enough to bring to light hidden abuses and waste is John Kiriakou.

Kiriakou was an agent with the Central Intelligence Agency (CIA) who was indicted in 2012 by a federal grand jury for disclosing to reporters the name of another CIA asset who was tasked with interrogating alleged al-Qaeda financier Abu Zubaydah.

The indictment included one charge of making false statements, which carries a maximum five-year prison sentence, and four counts of violating federal law, including the Espionage Act — an offense punishable by up to 10 years in a federal prison.

In October, Kiriakou pleaded guilty to violating the Intelligence Identities Protection Act and will serve up to 30 months in a federal prison.

There is little wonder why the Obama administration would seek to silence Kiriakou: In 2007, Kiriakou told ABC News that he considered waterboarding an “unnecessary” form of interrogation.

The freedom of the press has never experienced such a determined and relentless attack in all the years since its protection was enshrined in the Bill of Rights over 200 years ago.

Should the federal government succeed in establishing itself as the decider of who is and is not an “official journalist,” and if President Obama is allowed to persist in his persecution of anyone whose sense of duty compels him to disclose official misdeeds, then liberty will be yet another historic relic of republican government.

Joe A. Wolverton, II, J.D. is a correspondent for The New American and travels frequently nationwide speaking on topics of nullification, the NDAA, and the surveillance state. He is the host of The New American Review radio show that is simulcast on YouTube every Monday. Follow him on Twitter @TNAJoeWolverton and he can be reached at jwolverton@thenewamerican.com



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