

Editorial: Secret seizure of AP phone records 'a dagger' to free press

NCR Editorial Staff | May. 15, 2013

The [Justice Department's secret seizure of telephone records](#) [1] from The Associated Press is a reckless and dangerous act that strikes at the very foundation of a healthy democracy.

The records were seized during April and May of last year from more than 20 telephone lines, including those of individual reporters and an editor. The information was taken from cellular, home and office telephone records, and included office numbers of the AP in Washington, New York and Hartford, Conn. AP officials and others who monitor the media said the seizure was unprecedented in scope and potentially involved the calls of some 100 reporters.

AP president and chief executive Gary B. Pruitt in a letter to Attorney General Eric Holder demanded the records be returned and all copies destroyed. "There can be no possible justification for such an overbroad collection of the telephone communications of The Associated Press and its reporters," he wrote. "These records potentially reveal communications with confidential sources across all of the newsgathering activities undertaken by the AP during a two-month period, provide a road map to APO's news-gathering operations, and disclose information about AP's activities and operations that the government has no conceivable right to know."

According to several reports, AP drew the attention of the Justice Department after the news service ran a story May 7, 2012, about a failed al-Qaida plot to destroy an airliner. [According to *The New York Times*](#) [2], AP held off publishing the story for several days at the request of the White House because the intelligence operations were still underway.

The White House may have a problem with leaks, exacerbated by rather specious Republican claims during the election year that President Barack Obama was himself responsible for the leaks as a way of advancing his candidacy at the time. It is difficult to see any benefit, even if leakers are caught by the method of invading the communications of a newsgathering organization. Any short-term reward would be more than offset by the long-term suspicion that government, under the rather limitless rationale of "national security," could snoop at will and without notice into the business of news agencies.

According to [a *Washington Post* report](#) [3], the normal procedure in seeking such records is to inform the news organization of the Justice Department's intent. A spokesman for the department said the regulations "require us to make every reasonable effort to obtain information through alternative means before even considering a subpoena for the phone records of a member of the media." The guidelines also require the attorney general to personally approve such a request, according to the story.

AP's attorney, David Schulz, called the Justice Department action "very troubling" and "[a dagger at the heart of AP's newsgathering activities](#) [4]."

That may sound a bit extreme. The reality, however, is that a free press -- and today, that term must expand to include electronic newsgathering across myriad platforms -- is the only check on government. The lifeblood of a free press is the information it obtains from sources, and often the original sources of a story remain secret. If

whistleblowers and others are suspicious that government agencies will cavalierly pry into the operations of news organizations, the information necessary to a fully informed and functioning democracy will dry up.

White House spokesman [Jay Carney's response](#) [1] that the White House had "no knowledge of any attempt by the Justice Department to seek phone records of the AP" rings hollow. If Obama really didn't know what was being done by the Department of Justice on a national security issue, the matter grows even more alarming.

Holder needs to be held accountable for a serious violation of a critical freedom, one Americans ought to have confidence will not be breached by the country's chief law enforcement officer. The Justice Department needs to return to a very restrictive policy backed up by serious penalty when it comes to secretly spying on media outlets.

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[1] http://www.nytimes.com/2013/05/14/us/phone-records-of-journalists-of-the-associated-press-seized-by-us.html?pagewanted=all&_r=0

[2] https://www.ncronline.org/www.nytimes.com/2013/05/14/us/phone-records-of-journalists-of-the-associated-press-seized-by-us.html%3Fpagewanted%3Dall%26amp%3B_r%3D0

[3] <http://www.washingtonpost.com/blogs/compost/wp/2013/05/14/justice-department-secretly-monitors-ap-phone-calls-out-of-respect-for-press-freedom/>

[4] <http://www.npr.org/2013/05/14/183810320/justice-department-secretly-obtains-ap-phone-records>