

NSA spying poses “direct threat to journalism,” watchdog group warns

By Kate Randall
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Massive spying by the National Security Agency (NSA) poses a “direct threat to journalism,” according to a report by the Committee to Protect Journalists (CPJ) released Wednesday. The CPJ is warning, in particular, that the agency’s dragnet of communications data threatens to make it “next to impossible for journalists to keep sources confidential.”

New York-based CPJ devotes the first two chapters of its annual report, entitled “Attacks on the Press,” to an assessment of the impact of the NSA’s vast data sweep, which has been exposed by Edward Snowden and reported by numerous media outlets. The report notes that by storing massive amounts of data for long periods, the spy agency could develop the capability to recreate a reporter’s research and retrace a source’s movements by listening in on past communications.

The report points to the threat to press freedom in the context of the revelations of illegal government spying and the Obama administration’s unprecedented campaign against whistle-blowers. It quotes William Binney, who resigned from the NSA in 2001 in protest over privacy violations the agency committed post-9/11. Binney believes that the government keeps tabs on all journalists and notes that they are “a much easier, smaller target set” to spy on than the general population.

Alex Abdo, an American Civil Liberties Union attorney, one of a team of lawyers who have litigated against the NSA for violating constitutional protections, told the CPJ that “all reporters should be worried” about the NSA’s vast collection and storage of data. “Reporters who work for the largest media organizations should be worried probably primarily because their sources will dry up as those sources recognize that there is not a way to cover their trail,” he said. He added that independent journalists should be

concerned that “they themselves will be swept up in the course of their reporting.”

The watchdog group chillingly notes that the NSA’s storage of metadata creates a “deep breeding ground for artificial intelligence systems, which may in the future lead to more efficient, even predictive, spying machines.” As capabilities evolve, CPJ warns, such systems could be utilized to identify patterns of journalistic activity, targeting reporters for surveillance, intimidation and potential prosecution long before they actually engage in any suspect reporting.

President Barack Obama has absurdly asserted that despite the exposure of programs to collect data on millions of Americans’ phone calls, emails and Internet activity, there is no evidence that the US intelligence complex “has sought to violate the law.”

Meanwhile, top NSA officials have indicated that the token reforms announced by the president last month will do little to curb the agency’s spying activities. “They’re not putting us out [of] business,” commented NSA Deputy Director Rick Ledgett on the measures in a recent interview with the *Washington Post*. He added, “They’re not putting an unbearable burden on us.”

Obama has tasked Attorney General Eric Holder and Director of National Intelligence (DNI) James Clapper to develop options by March 28 for ending the NSA’s storage of data on Americans’ phone calls. So far, no such plan has been drawn up, and Congress must approve any changes to the agency’s operations.

The president’s measures also include a requirement that the NSA obtain pro forma court approval before it can run a suspect’s phone number against the agency’s database. However, even this largely cosmetic restriction is vitiated by a provision allowing the NSA to query the data without prior court approval by invoking an “emergency” exception.

In the wake of the Snowden revelations, the government is implementing measures to prevent similar exposures in the future. Speaking before the Senate Armed Services Committee on Tuesday, DNI Director Clapper said Snowden had taken advantage of a “perfect storm” of security lapses to sweep up a trove of government documents with the use of a web crawler, a readily available piece of software.

Clapper said the government’s 16 intelligence agencies have in place a long-term plan to tag every piece of information in their databases and then tag the individual who accesses each one. The NSA is also implementing a “two-man rule,” based on the model of nuclear weapons handling, which requires two systems administrators to work simultaneously when accessing highly classified material.

In earlier testimony before Congress, the DNI director claimed that Snowden’s revelations had resulted in “profound damage” and were “putting the lives of members, or assets of, the intelligence community at risk.” Clapper demanded that “Snowden and his accomplices” return any documents they had taken to the NSA. In the view of the intelligence community, these “accomplices” include journalists who have gone public with these documents in press reports.

The Obama administration has filed charges against Snowden under the Espionage Act of 1917. It has prosecuted more cases under this act than all of its predecessors combined, criminalizing whistle-blowers as well as journalists who reveal state secrets.

Bradley Manning, the young Army private, is now serving 35 years for revealing US military war crimes. The US is seeking the extradition of WikiLeaks founder Julian Assange to face charges over the release of diplomatic cables exposing the US government’s intrigues. Snowden was forced to obtain asylum in Russia and faces death threats from current and former US intelligence personnel.

Last May, the Justice Department admitted to spying on at least 20 telephone lines used by the Associated Press to communicate with sources, in violation of First Amendment protections of freedom of the press.

The same month, it was revealed that the Justice Department had subpoenaed personal telephone and email records of Fox News Washington Bureau Chief James Rosen in connection with an investigation into

the leaking of information about North Korea. The subpoenaed records included phone numbers registered to Rosen’s coworkers and parents, and even the White House’s own switchboard number.

The affidavit supporting the subpoena request for Rosen’s email and phone records specifically alleged that “there is probable cause to believe that the reporter has committed or is committing a violation [of the law] at the very least, either as an aider, abettor and/or co-conspirator.”

There is no section of the political establishment that seriously challenges the supposed “right” of the government to prosecute whistle-blowers and collect data from the phones and computers of virtually every American. The prosecution of individuals such as Manning, Assange and Snowden is justified by politicians of both big business parties in the name of combating terrorism and maintaining “national security”—a blanket pretext for destroying democratic rights and establishing dictatorial rule.

Senator Rand Paul (Republican of Kentucky) announced Wednesday that he is filing a class-action lawsuit against the NSA’s phone surveillance operations, saying he hoped to “protect the Fourth Amendment,” which bars unreasonable searches and seizures. Announcing the suit, however, the right-wing Republican made clear that he is not opposed to government spying.

He told a press conference, “I’m not against the NSA. I’m not against spying. I’m not against looking at phone records.” Shortly after his announcement of the lawsuit, Paul had a private lunch with Attorney General Holder at the Justice Department.

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