

Bush declares war on freedom of the press

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By DOUG THOMPSON

Using many of the questionable surveillance and monitoring techniques that brought both questions and criticism to his administration, President George W. Bush has launched a war against reporters who write stories unfavorable to his actions and is planning to prosecute journalists to make examples of them in his "war on terrorism."

Bush recently directed Attorney General Alberto Gonzales to use "whatever means at your disposal" to wiretap, follow, harass and investigate journalists who have published stories about the administration's illegal use of warrantless wiretaps, use of faulty intelligence and anything else he deems "detrimental to the war on terror."

Reporters for *The New York Times*, which along with *Capitol Hill Blue* revealed use of the National Security Agency to monitor phone calls and emails of Americans, say FBI agents have interviewed them and criminal prosecutors at the Justice Department admit they are laying "the groundwork for a grand jury that could lead to criminal charges,"

CIA Director Porter Goss told Congress recently that "it is my aim and it is my hope that we will witness a grand jury investigation with reporters present being asked to reveal who is leaking this information. I believe the safety of this nation and the people of this country deserve nothing less."

As part of the investigation, the Justice Department, Department of Homeland Security and the National Security Agency are wiretapping reporters' phones, following journalists on a daily basis, searching their homes and offices under a USA Patriot Act provision that allows "secret and undisclosed searches" and pouring over financial and travel records of hundreds of Washington-based reporters.

Spokesmen for the Justice Department and Department of Homeland Security admit there are "ongoing investigations" regarding publication of stories "involving threats to national security" but will not reveal what those investigations include.

In addition to using the USA Patriot Act to pry into the lives of journalists, the Justice Department has also dusted off a pre-World War I law to prosecute people who receive classified information, although the law was aimed at military personnel not civilians.

"This is the first administration that I can remember, including Nixon's, that said we need to think about a law that would put journalists who print national security things up in front of grand juries and put them in jail if they don't reveal their sources," says David Gergen, who served as President Regan's director of communication and also worked in the Nixon and Ford White Houses.

Political scientist George Harleigh, who worked in the Nixon administration, says such use of federal law enforcement authority was illegal when Nixon tried it and still so today.

"We're talking about a basic violation of the Constitutional guarantee of a free press as well as a violation of the rights of privacy of American citizens," Harleigh says. "I had hoped we would have learned our lessons from the Nixon era. Sadly, it appears we have not."

In recent weeks, the FBI has issued hundreds of "National Security Letters," directing employers, banks, credit card companies, libraries and other entities to turn over records on reporters. Under the USA Patriot Act, those who must turn over the records are also prohibited from revealing they have done so to the subject of the federal probes.

"The significance of this cannot be overstated," says prominent New York litigator Glenn Greenwald. "In essence, while the President sits in the White House undisturbed after proudly announcing that he has been breaking the law and will continue to do so, his slavish political appointees at the Justice Department are using the mammoth law enforcement powers of the federal government to find and criminally prosecute those who brought this illegal conduct to light.

"This flamboyant use of the forces of criminal prosecution to threaten whistle-blowers and

intimidate journalists are nothing more than the naked tactics of street thugs and authoritarian juntas."

Just how widespread, and uncontrolled, this latest government assault has become hit close to home last week when one of the FBI's National Security Letters arrived at the company that hosts the servers for this web site, *Capitol Hill Blue*.

The letter demanded traffic data, payment records and other information about the web site along with information on me, the publisher.

Now that's a problem. I own the company that hosts *Capitol Hill Blue*. So, in effect, the feds want me to turn over information on myself and not tell myself that I'm doing it. You'd think they'd know better.

I turned the letter over to my lawyer and told him to send the following message to the feds:

Fuck you. Strong letter to follow.

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