

COLUMBIA JOURNALISM REVIEW

The future of media is here

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Obama's broken promises on transparency

The Committee to Protect Journalists released its first comprehensive report on US press freedom

By Kira Goldenberg

Since 2009, the Obama administration has prosecuted more people as whistleblowers under the 1917 Espionage Act than all former presidents combined, a fact often rehashed in journalistic circles. In some of those cases, officials **seized** journalists' phone and email records to use in their investigation. James Goodale, who was *The New York Times'* chief counsel during Pentagon Papers coverage, **has told CJR** that Obama's aggressive crackdown on whistleblowers is "antediluvian, conservative, backwards. Worse than Nixon. He thinks that anyone who leaks is a spy! I mean, it's cuckoo."

With all this in mind, former *Washington Post* editor Leonard Downie Jr. has written an engrossing **report** for the Committee to Protect Journalists, released Thursday, called "The Obama Administration and the Press." It tells the story of the post 9/11 rise in US national security and surveillance infrastructure and the concurrent rise in an environment hostile to reporting. Though the information is anecdotal rather than quantitative, the report paints a damning picture of a candidate who promised transparency and then, as president, offered anything but.

"The administration's war on leaks and other efforts to control information are the most aggressive I've seen since the Nixon administration," Downie wrote in the report's introduction. "The 30 experienced Washington journalists at a variety of new publications whom I interviewed for this report could not remember any precedent."

After an initial lag when few questioned Bush's logic for declaring war in the Middle East, reporters started to cover the national security state that grew in the wake of September 11, 2001, Downie wrote. The Bush administration expressed anger at the stories, including the scoops on torture at Abu Ghraib and warrantless wiretapping. (A couple of the Espionage Act prosecutions under Obama were holdovers from the Bush era.) "But journalists and news executives, including myself, were still able to engage knowledgeable officials at the highest levels of the administration in productive dialogue" during the Bush presidency, Downie wrote.

That changed with Obama's entry to the White House, Downie and his sources say. Instead of interacting with journalists, the new administration focused on populating its own websites and social media accounts with content—what appeared to be transparency was really controlling the message. And the same digital revolution that allowed the administration to forge its own message also allowed for all sorts of monitoring. "Before, you needed to have the leaker admit it," a former spokesman for Attorney General Eric Holder said in the report. Now, officials can seize electronic communications to find evidence against a person they consider a leaker—even if, by most accounts, that person is a hero. In Downie's view:

Exposing "waste, fraud and abuse" is considered to be whistle-blowing. But exposing questionable government policies and actions, even if they could be illegal or unconstitutional, is often considered to be leaking that must be stopped and punished. This greatly reduces the potential for the press to help hold the government accountable to citizens.

The upshot is that reporters like the *New York Times'* James Risen face jail time for refusing to identify sources in leak cases, and Chelsea Manning is serving a 35-year jail sentence for giving a trove of diplomatic cables to WikiLeaks. All this under an act **originally passed** to protect prevent harm to the US by World War I-era spies.

And the administration has gone beyond over- and misuse of an archaic act. In 2011, officials created an Insider Threat Task Force to catch leaks internally, Downie reports. Some employees are even subjected to polygraph tests. "Reporters are interviewing sources through intermediaries now so the sources can truthfully answer on polygraphs that they didn't talk to reporters," *Washington Post* national news editor Cameron Barr said.

The report ends with CPJ recommendations to the Obama administration to help reverse the "chill," including protecting journalists

who are given secret information, defining “journalist” broadly to prevent prosecution of people working outside of traditional media, and ceasing to charge whistleblowers with spying.

TAGS: Bradley Manning, Edward Snowden, James Goodale, transparency, whistleblowers

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