

# US Attorney General Eric Holder Personally Approved Obama's Secret Effort to Seize Email and Phone Records of News Reporters

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*US Attorney General Eric Holder personally approved the Obama administration's secret effort to seize email records of Fox News reporter James Rosen in 2010. The Justice Department was forced to admit this fact following an NBC News report documenting Holder's role.*

In an official statement issued last Friday, the Justice Department hypocritically claimed it "takes seriously the First Amendment right to freedom of the press. In recognition of this, the Department took great care in deciding that a search warrant was necessary in [this] matter, vetting the decision at the highest levels of the Department, including discussions with the Attorney General."

The announcement amounts to an admission that Holder lied when he testified before Congress on May 15 regarding the administration's crackdown on information disclosures made by government officials to journalists.

"With regard to the potential prosecution of the press for the disclosure of material," Holder told Congress two weeks ago, "that is not something that I've ever been involved in, heard of or would think would be a wise policy. In fact, my view is quite the opposite."

In fact, Holder took part in "extensive deliberations" on the subject, according to the recent administration statement, before making the blatantly unconstitutional decision to spy on Rosen and his private communications. To obtain the warrant it was necessary to claim that Rosen was likely involved in criminal activity by seeking to obtain information from a government source.

Holder's admission follows revelations by the Associated Press that the Justice Department secretly used a subpoena earlier this year to obtain phone records of AP reporters and editors as part of an investigation to identify the source of a leak about the foiling of an alleged terrorist attack linked to Yemen.

AP President and Chief Executive Gary Pruitt told a staff meeting Wednesday that phone records obtained by the government included "thousands and thousands" of calls in and out of the news organization, according to a staffer who attended. The Obama administration acted as "judge, jury and executioner" in secretly obtaining the news organization's records, Pruitt said.

In an effort to deflect growing public opposition, the Justice Department issued a statement saying it planned to establish standard operating procedures to monitor the activities of reporters. The department wanted to “strike the appropriate balance between its obligation to enforce the laws preventing leaks of classified information and First Amendment rights, and, through a new media shield law and appropriate updates to the Department’s internal guidelines, we are committed to achieving that balance.”

This amounts to nothing more than putting in place bureaucratic procedures to oversee and sanction the government’s future trampling of the First Amendment. Similar suggestions have been made to provide a pseudo-legal cover for the international and domestic crimes the Obama and Bush administrations have carried out in the name of the “War on Terror.”

While some news outlets boycotted a secret meeting requested by Holder on Thursday, the corporate controlled media has reacted with typical cowardice. The editors of the *New York Times* and Associated Press said they would not attend an “off the record” meeting but assured the Obama administration that they would send lawyers to help negotiate an “update” of government procedures on restricting what the American people are allowed to know.

The *Times* cited with approval the lamentations of a lawyer close to Holder who said the attorney general faced “a trade-off between press freedoms and the need to identify leakers—a problem for which there are no easy answers because it pits ‘two laudable goals’ against each other.”

For the past decade, the corporate news organizations have offered no substantial opposition to the assault on democratic rights carried out in the name of the “war on terror.” The *New York Times* and other media conglomerates are complicit in legitimizing the concept of “debating” questions for which it claims “there are no easy answers,” like the appropriate tactics for furthering such “laudable goals” as the assassination of US citizens and indefinite detention of prisoners without a warrant or a trial, the creation of a general “state of exception” to the constitution, the launching of war after war, and the widespread spying and wiretapping of American citizens.

But there can be no “debate” as to whether or not freedom of the press can be limited at the whim of the government, be it the executive branch or, as proposed under Holder’s “media shield law,” by a star chamber set up by the judicial branch.

In fact, freedom of the press is not a “laudable goal,” but a constitutional requirement, inscribed in the First Amendment.

The amendment states that “Congress shall make no law...abridging the freedom of speech, or of the press...” This key freedom, Founding Father James Madison wrote, “shall be *inviolable* .”

No branch of government has the constitutional authority to create a balancing test for the First Amendment. Yet the Obama administration has repeatedly asserted that basic constitutional protections are extraneous if they are outweighed by a state interest.

The Obama administration has emerged as the most anti-democratic in US history. The former constitutional law professor has placed under siege every basic democratic principle contained in the Bill of Rights—freedom of the press, freedom of association, free speech,

the protection against warrantless searches and seizures, due process, the right to a trial by jury and public counsel, and the ban on torture.

The White House has prosecuted six current or former government officials for leaking classified information, double the number prosecuted by all previous presidents combined. It has imprisoned and is about to put on trial Private Bradley Manning for allegedly exposing US war crimes, and it has launched an international witch-hunt against WikiLeaks founder Julian Assange.

At the same time, the government is increasing its spying operations on the American people, pushing for a new law that will allow it to tap directly into Facebook, Google and other Internet companies.

The Justice Department's clandestine operations to intimidate and silence reporters are another indication of the destruction of democratic rights in the United States.

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