



Written by [Brian Koenig](#) on May 22, 2013

DOJ Investigates Fox News Reporter James Rosen in Leak Case

Drawing fire from lawmakers, constitutionalists, and an array of journalists and other media types, it was [reported](#) Monday that the Department of Justice (DOJ) has been investigating a Fox News reporter for his allegedly “classified” newsgathering activities. The federal government has labeled James Rosen, the network’s chief Washington correspondent, for being a “co-conspirator” in a ploy to leak sensitive information that could have put the nation at risk.



The Obama administration’s DOJ moved forward with its investigation after FBI agent Reginald Reyes identified Rosen as an “aider and abettor” in the leaking of classified information. Reyes asserted his argument in a request for a warrant to probe Rosen’s personal e-mail account, among other communications. Ultimately, federal investigators confiscated Rosen’s security badge records, phone logs, and e-mails, while not going as far as to charge him with a crime.

The controversy centered on Stephen Jin-Woo Kim, a former arms expert for the State Department, who was accused of dispersing sensitive information to Rosen from a classified report within only hours of its release to an elite circle in the intelligence community. The [June 2009 report](#) revealed that North Korea would likely respond to a United Nations sanction with a nuclear missile test.

Reyes noted in his affidavit that Rosen “asked, solicited and encouraged Mr. Kim to disclose sensitive United States internal documents and intelligence information,” adding that “the reporter did so by employing flattery and playing to Mr. Kim’s vanity and ego.”

This detail attracted heated criticisms from media lawyers and transparency advocates, who blasted the DOJ for likening routine journalistic practices to criminal activity. Steven Aftergood, who directs the [Federation of American Scientists’](#) Project on Government Secrecy, said “asking for information has never been deemed a crime,” and that “neither flattery nor an insistent tone rises to the level of a criminal offense.”

Meanwhile, the media bombarded White House Press Secretary Jay Carney on Monday with questions on whether President Obama supports the notion that soliciting information from a source is considered a crime. Carney backpedaled on the accusations, refusing to answer most questions regarding the case, but acknowledging that the president believes reporters should be able to practice investigative journalism. However, Carney added, Obama “also has to be mindful of the need to protect classified information because of our national security interests.”

Fox News has since defended its esteemed reporter, expressing outrage at the federal government’s unwarranted assault on journalism and free speech. “We are outraged to learn today that James Rosen was named a criminal co-conspirator for simply doing his job as a reporter,” [affirmed](#) Michael Clemente, the network’s executive vice president for news. “In fact, it is downright chilling. We will



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unequivocally defend his right to operate as a member of what up until now has always been a free press.”

Interviewed on Fox News’ “Studio B with Shepard Smith,” liberty-loving constitutionalist Judge Andrew Napolitano referenced the U.S. Constitution, noting that free speech is explicitly protected by the [First Amendment](#), which states, in part, “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press.”

Napolitano [explained](#):

There is simply no crime. For the FBI to tell a federal judge that James committed a crime by receiving classified information and offering to publish it, even by asking for classified information, is absolutely wrong....

James, like all of us who are professionals in this business, has an absolute constitutionally protected right to seek news of material interest to the public wherever that news may be.

The unconstitutional exploitation of James Rosen only adds to a growing list of scandals that is plaguing the Obama administration’s credibility, including the alleged Benghazi coverup and contentious allegations of an IRS witch-hunt on conservative groups. But similar to the Rosen-DOJ debacle, another recent development involving infringements on the First Amendment was unveiled when the Associated Press was targeted after the U.S. attorney in Washington conducted an investigation into who may have offered intelligence for a May 7, 2012 story about a thwarted terrorist plot. *The New American* [reported](#) last week on the fiasco:

In what its top executive called a “massive and unprecedented intrusion” by the government into news gathering activities, the AP reported Monday that records were seized of calls from both office and personal phone numbers of individual reporters, and from general AP office numbers in New York, Washington, D.C., and Hartford, Connecticut, in addition to the main number for the AP in the House of Representatives press gallery. Records for more than 20 different phone lines assigned to the AP and its journalists were seized for the months of April and May, 2012, according to AP lawyers. More than 100 journalists work in the offices where the phone lines were targeted, the news agency said.

These blatant abuses of executive power to abridge the freedoms bound in the Constitution will only pile on to the president’s already scandal-ridden second term, critics note. Consequently, the mainstream media is finally speaking out against the administration.

As *New Yorker* reporter declared in in an [article](#) on Monday, “Rosen was not charged with any crime, but it is unprecedented for the government, in an official court document, to accuse a reporter of breaking the law for conducting the routine business of reporting on government secrets.”



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