



Written by [Alex Newman](#) on November 25, 2013

Homeland Security Faces Lawsuit for Seizing Journalist's Notes

The *Washington Times* and a former journalist for the newspaper, Audrey Hudson, [whose notes were seized during a raid on her home](#), announced that they were [suing the U.S. Department of Homeland Security](#) for confiscating sensitive documents containing names of whistleblowers inside the federal government who helped expose official lies. According to the allegations made in the lawsuit, the seizure of the reporter's confidential notes by armed state and federal officials in the raid violated Hudson's constitutionally guaranteed rights. It was also unlawful because the search warrant was supposedly for an unrelated case surrounding Hudson's husband, court documents argue.



"It's unacceptable for law enforcement to have taken these records in the first place, especially when they had nothing to do with the investigation at hand or a search warrant," *Washington Times* Editor John Solomon [said](#) last week, referring to the August 6 pre-dawn raid on the reporter's home. "Our Founding Fathers, the Congress and the courts have long recognized the First Amendment safeguards that are afforded to a free press, and the protections from unlawful seizure that every American should enjoy. It seems that government officials need a refresher course on these vital freedoms."

The [deeply controversial assault on the journalist's home](#), which garnered headlines and alarm around the world, involved the Maryland State Police and Homeland Security bureaucrats. Based on the warrant, the raid was supposedly aimed at finding guns and a "potato launcher." Hudson's husband is a "prohibited person" when it comes to owning firearms owing to an almost 30-year-old "resisting arrest" conviction. No charges have been filed against him after the raid so far — and news reports [suggest](#) no guns were even taken — but officials mostly refuse to comment on what may be happening now.

What is clear, however, is that during the ordeal, the swarm of agents ended up deliberately seizing Hudson's confidential notes and files — none of which were even remotely related to the supposed investigation. The sensitive documents were produced while Hudson worked at the *Washington Times* as part of a series of articles exposing major problems at Homeland Security. Among other explosive revelations was the fact that federal officials had been lying to Congress and the public about their alleged "transportation security" schemes.

"I never in my wildest dreams thought something like that could happen in this country," Hudson [told](#) *The Blaze* earlier this month about the raid and confiscation of her notes. "Horrorified doesn't even begin to describe — but this shook me to my core, I was almost paralyzed. I feel sick to my stomach every day



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since the incident.... It's not just about what happened to me — it's about our nation, our rights and freedom. How can we [the press] be the watchdogs when our government has now crossed the line? Who's going to trust us when we can't protect our sources?"

In court filings, Hudson and the *Washington Times* asked for a federal judge to force the government to return "property that has been unlawfully seized ... in violation of the Fourth and First Amendments to the Constitution of the United States." Perhaps even more troubling than the seizure of the reporter's notes with the identities of whistleblowers, however, is what might have happened with them after being taken.

According to documents filed in court, the *Times* has "substantial reason to believe that the information contained in the five file folders seized from Hudson's home office has been disseminated to or within" multiple federal agencies. Highlighting the severity of the radical government operation, the plaintiffs in the case also pointed out that many of the documents contained extremely sensitive information.

Aside from the names of brave officials and confidential sources who wanted to expose government wrongdoing, one of the papers contained a memo from Hudson to an editor explaining that she believed some of the whistleblowers involved were being retaliated against by the Department of Homeland Security. The fear is that now, in possession of Hudson's confidential notes and the names of those who helped her, the federal government will know exactly who to punish and demonize for working to keep the public informed — at great personal risk to themselves.

An evidence log from the Maryland State Police also reportedly shows that, on September 3, a federal agent removed documents confiscated from Hudson's home. The files were returned an hour later; though, according to the *Washington Times*, the log does not show why the documents were taken or what was done with them. "I think it is fair to say that this is an egregious affront on the part of the law enforcement," [explained](#) media arts Professor Roger Soenksen at James Madison University. "A subpoena is a far greater method for investigators to use than a search warrant. It allows the journalist to search for legal counsel and turn over the evidence that is needed for the investigation at hand."

In court filings, Hudson and the *Times* argued that reviewing and seizing the notes was entirely unjustified. "There was no basis for the law enforcement officers to open and inspect the file folders during the search, much less to seize the contents," the plaintiffs said in the document, filed in federal court in Maryland. Hudson and the newspaper are also asking the court to let them question one of the Homeland Security officials involved in the alleged trampling of multiple constitutionally protected rights.

"We want to know: Do they have copies? Have they gleaned any information from them? And have they used them in any way to harm sources, or infringe on the First Amendment further than they already have? That's the purpose of the law suit," [said](#) *Times* Editor Solomon. Hudson and the newspaper, he added, are hoping to find out what was done with the records and who they were shared with "so we can follow the trail and see where that information was misused — if it was — inside of government."

Solomon, who has himself been targeted by lawless government for his journalism, emphasized that authorities' targeting of reporters seems to be on the rise: [spying on Associated Press reporters](#), the Justice Department's [wild accusations against Fox News reporter James Rosen](#), and more. "We have no argument with the Maryland State Police or the DHS doing legitimate law enforcement work, but once they knew they were in a reporter's home, the idea of going and grabbing those files, to us, is offensive," Solomon added.



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Even the most loyal media apparatchiks for the Obama administration have started labeling the ongoing anti-press crusade being waged from Washington, D.C., as a “[war on journalism](#).” The relentless persecution of whistleblowers, meanwhile, is a key component of that war — without sources, exposing government criminality and wrongdoing becomes much harder, if not impossible. Many of the most significant government scandals — the recent “Fast and Furious” gun-running spree, for example — have been exposed by brave government employees.

Of course, insiders blowing the whistle on government crimes are now among the few remaining avenues for the public to learn what is really going on — especially considering the administration’s war on transparency and journalism. In recent years, whistleblowers have played an especially crucial role as the administration works fiendishly to silence “leakers” and others who would expose official lawlessness. If government succeeds in its ongoing campaign to intimidate and terrorize reporters and their sources, the American people will have only one source to find out what their officials are doing with their money and in their name: the government. Concerned analysts say that is exactly the point.

There is a good reason that the very first amendment to the U.S. Constitution protected the unalienable rights to freedom of speech and freedom of the press. Without a free press, as in many other nations, liberty will almost certainly become the next casualty. If the American people hope to remain free, the assault on journalists and their sources must be understood and viewed as what it really is: a war against the people’s right to know what their government is doing. Without concerted opposition to the unconstitutional war on journalism, all other God-given rights secured in the Constitution will be in jeopardy as well.

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