



N.Y. Post: Trump Administration Spying on Journalists to Find Leakers

President John Adams once observed, “The liberty of the press is essential to the security of the state.” Sadly, modern presidential administrations have not appeared to harbor the same belief, instead believing that freedom of speech is secondary to national security interests. Just six months into the Trump administration, it seems that President Trump subscribes to the same belief. The *New York Post* reports that Trump’s Justice Department has obtained a warrant to conduct electronic surveillance on a group of journalists in the hope of uncovering leakers.



According to the *Post*’s John Crudele, who acquired his information from an unnamed Washington source, the warrant was obtained from the U.S. Foreign Intelligence Surveillance Court, a publicly unaccountable court that is often accused of granting government requests without prejudice. The Justice Department is hopeful that the warrants will expose the White House leakers. Crudele’s source states the Trump administration suspects three people in the White House, all of whom worked previously under President Obama. Additionally, a retired high-ranking military officer is a suspect.

But CBS News [reports](#) that the suspected leakers have either been fired or are expected to be. So why the need for the warrant?

As noted by Newsmax, the Trump administration has “been plagued” by leaks and news stories that have raised seemingly unfounded suspicions about the Trump administration and possible collusion with Russia. The leaks have even strained the relationship between the United States and England, after crime scene photos from the Manchester, England terror bombing had been leaked to the *New York Times*, compelling British Prime Minister Theresa May to voice concerns about whether the Trump administration could be trusted with top secret information.

“The alleged leaks coming out of government agencies are deeply troubling, said Trump in response to the photo leaks. “These leaks have been going on for a long time and my administration will get to the bottom of this. There is no relationship we cherish more than the special relationship between the United States and the United Kingdom.”

But while the search for leakers is certainly necessary and commendable, should it be done at the expense of freedom of the press? Most constitutionalists would say unequivocally “no!”

The freedom of the press has been in serious danger in recent years, and presidents have used leakers as an excuse to infringe upon this vital constitutional right.

In 2010, for example, the Obama administration filed a search warrant to investigate Fox News reporter James Rosen after he was named as a possible co-conspirator in a Justice Department affidavit with a



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government adviser named Stephen Kim. With the warrant, the Justice Department was able to obtain Rosen's e-mails and telephone records.

In August 2013, the Department of Homeland Security illegally seized notes from *Washington Times* reporter Audrey Hudson while searching for information about her husband's guns.

Four years ago, we learned that Obama's Justice Department secretly [subpoenaed](#) telephone records of dozens of Associated Press reporters in search of CIA leaks regarding an operation in Yemen. The Associated Press called the Obama administration's actions a "massive and unprecedented intrusion" into press freedom.

Crudele's source claims that the journalists are not the target of the warrant — just the leakers. Crudele clearly accepts this assertion, as evidenced by his note, "Thank goodness for that." But should he be so trusting? After all, when the Obama administration seized the AP records, it claimed the reporters and editors were not the targets, but rather just the leakers. However, experts noted that the scope of the records seized went well beyond previous leak probes.

"This investigation is broader and less focused on an individual source or reporter than any of the others we've seen," said Steven Aftergood, a government secrecy expert at the Federation of American Scientists, at the time. "They have swept up an entire collection of press communications. It's an astonishing assault on core values of our society."

James Goodale, a First Amendment lawyer who wrote *Fighting for the Press: The Inside Story of the Pentagon Papers and Other Battles*, contends that violating free press to pursue leakers will surely stop leaks but will also stop the free flow of information to the public. Unfortunately, modern presidents have subscribed to the notion that national security interests trump the First Amendment, despite warnings from Founding Father Benjamin Franklin that "Those who would give up essential Liberty, to purchase a little temporary Safety, deserve neither Liberty nor Safety."

Of course, many would likely agree that the press and media should be more discriminating when it comes to the use of unnamed sources, particularly as many mainstream media outlets have been all too happy to use those sources to [create smoke](#) where there is, at least at the moment, seemingly no fire. But it is certainly not the government's job to assist the press in this task, as once the government begins inserting itself between the press and its sources, free press ceases to exist.



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