



Written by [Jack Kenny](#) on February 18, 2015

Holder Cautions Reporters About “Negative Impact on the National Security”

Six months after initiating thousands of bombing missions against an enemy he pledged to “degrade and ultimately destroy,” the president of the United States formally asked Congress for an Authorization of the Use of Military Force against the collection of thugs and barbarians that calls itself the Islamic State in Iraq and Syria. And a week after that, the attorney general of the United States told reporters “we’re not in a time of war.” But that doesn’t mean the nation’s top law enforcement officer can’t remind the national press of its patriotic duty to refrain from “the disclosure of the information [that] has a negative impact on the national security of the nation.”



That’s what Attorney General Eric Holder did at the National Press Club Tuesday, [The Hill reported](#), when asked about the Justice Department’s investigation of journalists over leaks of classified information. To convey the importance of protecting government secrets, Holder reached all the way back to the nation’s last declared war for what he acknowledged was a “perhaps unfair” comparison. “I’ll use an extreme example, perhaps unfair,” Holder said. “In World War II, if a reporter had found about — found out about the existence of the Manhattan Project, is that something that should have been disclosed?” he asked.

“Now we’re not in a time of war, I understand that,” he continued. “And I said that’s an extreme example. But I think there is a question that members of the press should ask about whether or not the disclosure of the information has a negative impact on the national security of the nation.”

It was “perhaps unfair” for Holder’s Justice Department to seize Fox News reporter James Rosen’s e-mails and to refer to him as a “co-conspirator” for reporting, based on classified information, that North Korea was planning to respond to the impositions of economic sanctions against the country by testing another nuclear bomb. How was our nation’s security compromised by that report? Were the North Koreans unaware of what they might do until they heard it on Fox News? Yet the Justice Department investigated Rosen under the Espionage Act of 1917, the same law that was used in the 1950s to send Julius and Ethel Rosenberg to the electric chair for having passed atomic secrets to the Soviet Union during World War II.

Was it “perhaps unfair” to threaten *New York Times* reporter James Risen with imprisonment if he did not reveal the source for a chapter in his book about a botched CIA effort to sabotage Iran’s nuclear program? Again, it seems unlikely that Iranians were unaware of that botched effort until they read about it in Risen’s book. It sometimes seems the only people who don’t know about the CIA’s covert operations are those in whose name and with whose tax dollars the “spooks” are operating, namely the



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American people. The Justice Department eventually abandoned its effort to make Risen reveal his source and announced a revision of its guidelines on leak investigations to protect “ordinary news-gathering activities.” The term is, as a *Times* editorial observed, vague enough to be “exploited by zealous prosecutors.”

Finally, was it “perhaps unfair” when the U.S. attorney for the District of Columbia in 2012 ordered the seizure of two months of phone records for 20 lines assigned to the Associated Press because of a “leak” about the thwarting of a plot by Yemeni terrorists to detonate an explosive on a commercial flight? The AP claimed it had been assured by government officials that the threat to national security from the disclosure of the operation had passed before it published the story. A news conference had already been scheduled to trumpet the successful operation, so maybe the real issue was that Washington officialdom was made jealous by being scooped.

It seems more than a little unfair for Holder to liken the journalistic practices his department has been investigating, with seizures of e-mails and phone records and threats of imprisonment, to reports that would have compromised the secrecy of the project that produced the atomic bomb during World War II. By even invoking the example of World War II, when news about the war had to be cleared by government censors, the attorney general was dropping a not so subtle hint that when the reporters and editors do ponder the question of whether certain information might have “a negative impact on the national security,” however defined, they had better answer that question in a way that satisfies the government.

Yet “we’re not in a time of war,” the attorney general said, meaning perhaps that we’re engaged in the most peaceful dispatch of bombs, bullets, and military advisors to a distant part of the world since President Harry Truman declared “We’re not at war” at the beginning of the United Nations “police action” in Korea. It has been nearly three-quarters of a century since Congress last declared war, despite numerous police actions, peacekeeping missions, “kinetic military actions,” and humanitarian bombings since. So perhaps folks in Washington have forgotten what war looks like.

Jason Ditz at [Antiwar.com](#) noted that, Holder’s hypothetical notwithstanding, the *Cleveland Press* did uncover and report on the Manhattan Project and the “tremendous explosions” from the atomic tests some 18 months before the A-bomb was dropped on Hiroshima. The Office of Censorship did manage to kill a planned follow-up story by *Time* magazine, but failed in their effort to have the reporter, John Raper, drafted and sent to the fighting in the Pacific. Apparently, the government couldn’t find his birth certificate.

“That plot failed,” Ditz wrote, “because Raper was in his sixties and far too old to conscript.”



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