

October 7, 2013

Time to look in on the IRS once again. The big news now is that obama's chicago style IRS thugs went after Dr. Ben Carson after he had the temerity to criticize the one. [Washington Times](#) with the story.

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The list of conservatives targeted by the Internal Revenue Service for audits, tax-exempt reviews or tax privacy breaches keeps growing, raising fresh questions in Washington about whether a scandal the Obama administration has blamed on bureaucratic incompetence and coincidence may in fact involve something more nefarious.

The latest revelation came Thursday from Dr. Carson, the renowned neurosurgeon who told The Washington Times that he was targeted for an audit just months after he gave a speech in front of President Obama that challenged America's leadership. The agency requested to review his real estate holdings and then conducted a full audit.

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IBD Editors say there's no chance the Ben Carson audit was an accident.

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Someone — either within the IRS bureaucracy or above it — saw what Carson did, didn't like it, and decided to make him pay. The American people must know who it was.

And there are two other crucial points to the victimization of this man who personifies the American Dream.

First, when a government is as big as ours has become, outrageous abuse from the soldiers of its financing machinery is inevitable, especially within a governmental climate that encourages it.

Second, there is no excuse for a president who's been in office for more than four years failing to ensure that such outrages couldn't happen.

Whether or not Obama instigated IRS abuse for political objectives, he is responsible for a culture within the bureaucracy that tolerated and even encouraged it.

Lois Lerner, recently fired from the IRS, can expect a pension with a lifetime value of \$3,960,000. **CNS News** has this story.

Even before she retired last week, scandalized IRS official Lois Lerner's compensation was already attracting attention. While on administrative leave, federal rules allowed her to keep collecting a salary, one that reportedly totaled \$177,000. So it was no surprise when speculation arose over how much Lerner could collect in federal pension benefits.

Unfortunately, that speculation, which initially projected a benefit of over \$50,000, might be off by about half ... and in the wrong direction.

National Taxpayers Union calculations show that Lerner could qualify for a starting pension at the annual equivalent of as much as \$102,600, and up to \$3.96 million over her lifetime.

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CNS News also reports the IRS has only produced 10% of the documents demanded by congressional committees.

- The House Oversight and Government Reform Committee--which is probing the Internal Revenue Service's discriminatory treatment of Tea Party and conservative groups applying for tax-exempt status--says the IRS has thus far handed over to the committee only about 10 percent of the documents the IRS itself has said are responsive to the committee's demands for documents.

The committee subpoenaed the Treasury Department for relevant documents from the department and the IRS more than seven weeks ago at the beginning of August.

"To date, the IRS has produced to the committee only about 10 percent of all responsive materials that it has identified," the committee's majority staff said in a memo to committee members last Tuesday.

Committee staff confirmed to CNSNews.com today that the IRS has not produced a significant number of additional documents since that memo was circulated on Sept. 17, and that as of the afternoon of Monday, Sept. 23, the IRS's total production of documents to the committee remained only about 10 percent of those the IRS has said are responsive

"In his letter of August 2, 2013, Acting Commissioner Werfel represented to the committee that the IRS has identified 660,000 responsive documents," said the Oversight Committee majority staff memo. "The committee has received only 63,000 pages." ...

According to a [WSJ OpEd](#), all of the IRS news has vanished from the three networks.

ABC, CBS and NBC have so far refused to report the latest bombshell in the IRS scandal - a newly released list from the agency that showed it flagged political groups for "anti-Obama rhetoric." On September 18 USA Today, in a front page story, reported the following: "Newly uncovered IRS documents show the agency flagged political groups based on the content of their literature, raising concerns specifically about 'anti-Obama rhetoric,' inflammatory language and 'emotional' statements made by non-profits seeking tax-exempt status."

Not only have ABC, CBS and NBC not reported this story they've flat out stopped covering the IRS scandal on their evening and morning shows. It's been 85 days since ABC last touched the story on June 26. NBC hasn't done a report for 84 days and CBS last mentioned the IRS scandal 56 days ago on July 24. ...

Leonard Downie, former WaPo executive editor, details how reporters are learning to fight back against administration sleuths.

In the Watergate era, the Nixon administration's telephone wiretaps were the biggest concern for journalists and sources worried about government surveillance. That was one of the reasons why Bob Woodward met with FBI official Mark Felt (a.k.a. "Deep Throat") in an underground parking garage in Arlington, and why he and Carl Bernstein did much of their reporting by knocking on the front doors of their sources' homes. Except for the aborted prosecution of Daniel Ellsberg for the leak of the Pentagon Papers, criminal culpability or pervasive surveillance were not major concerns, especially after Richard Nixon resigned the presidency in 1974.

Not so now. With the passage of the Patriot Act after the Sept. 11, 2001, terrorist attacks, a vast expansion of intelligence agencies and their powers, the aggressive exploitation of intrusive digital surveillance capabilities, the excessive classification of public documents and officials' sophisticated control of the news media's access to the workings of government, journalists who cover national security are facing vast and unprecedented challenges in their efforts to hold the government accountable to its citizens. They find that government officials are increasingly fearful of talking to them, and they worry that their communications with sources can be monitored at any time.

So what are they doing? Many reporters covering national security and government policy in Washington these days are taking precautions to keep their sources from becoming casualties in the Obama administration's war on leaks. They and their remaining government sources often avoid telephone conversations and e-mail exchanges, arranging furtive one-on-one meetings instead. A few news organizations have even set up separate computer networks and safe rooms for journalists trained in encryption and other ways to thwart surveillance.

"I worry now about calling somebody because the contact can be found out through a check of phone records or e-mails," said veteran national security journalist R. Jeffrey Smith of the Center for Public Integrity, a nonprofit accountability news organization. "It leaves a digital trail that makes it easier for government to monitor those contacts."

"We have to think more about when we use cellphones, when we use e-mail and when we need to meet sources in person," said Michael Oreskes, senior managing editor of the Associated Press. "We need to be more and more aware that government can track our work without talking to our reporters, without letting us know." ...

Washington Times

Dr. Ben Carson is latest on list of conservatives targeted by IRS

by John Solomon and Ben Wolfgang

Tea party groups, Franklin Graham, Christine O'Donnell, a pro-marriage group. And now Dr. Ben Carson.

The list of conservatives targeted by the Internal Revenue Service for audits, tax-exempt reviews or tax privacy breaches keeps growing, raising fresh questions in Washington about whether a scandal the Obama administration has blamed on bureaucratic incompetence and coincidence may in fact involve something more nefarious.

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Melanie Sloan, head of the watchdog group Citizens for Responsibility and Ethics in Washington (CREW) and a former Justice Department prosecutor during the Clinton years, said she had not been that concerned about the IRS reviews of the growing number of tea party groups but the story of Dr. Carson's audit raised red flags.

"I have not been particularly persuaded in the past with the IRS targeting of the tea party groups. But this one seems a little odd. This certainly raises questions that I assume someone will begin to investigate," she said.

Dr. Carson, whose rise from poverty and medical work with pediatric patients were celebrated in the movie "Gifted Hands," is the latest in a growing number of high-profile figures to come forward and claim they were improperly targeted by the IRS.

The Rev. Franklin Graham and others have said either they or their organizations were singled out by the IRS, while former Senate candidate Christine O'Donnell said she was audited and that someone used the IRS system to access her private tax information.

On Wednesday, the National Organization for Marriage announced that it would sue the IRS, saying it has evidence that someone within the agency leaked the group's donor list to its political enemies in 2012.

As in the other instances, the organization claims no one at the IRS has been held responsible.

Calls to the IRS went unanswered Thursday. Much of the agency's staff has been furloughed as a result of the federal government shutdown.

In the past, the IRS has declined to discuss specific audits, citing privacy laws. Such instances typically come to light only when individuals or businesses divulge that they've been targeted.

That was what happened this week. During a speech in Alabama, Dr. Carson made a vague reference to having his first "encounter with the IRS."

The encounter came just four months after his speech in February at the National Prayer Breakfast, an address that brought him into the national spotlight and one in which he decried the "moral decay and fiscal irresponsibility" of the U.S. in recent years.

Since then, he has electrified the conservative world and fueled talk of a presidential run with speeches and other works, including his weekly column for The Times.

Dr. Carson said IRS agents contacted him in June and asked to look at his real estate holdings. After finding nothing that concerned them, the agents informed him that they were conducting a full audit of his **finances** and asked to go back an additional year to review his records, he said.

They ended the review in August after finding no problems.

"They told me everything was in good standing and left," Dr. Carson said.

Asked whether he thought the audit was a retaliation for his speech, Dr. Carson quipped: "I guess I'm surprised it took them that long."

He said the more serious issue is that the IRS has been politicized — "something that never should have happened" — and that leaves all of its activities open to suspicion.

Indeed, Dr. Carson isn't the first high-profile conservative figure to come under fire from the IRS.

Earlier this year, Ms. O'Donnell — a former Senate candidate from Delaware who rose to prominence amid heavy tea party backing — revealed to The Times that she, too, had been audited and also had her personal tax information breached.

Ms. O'Donnell's tax records were accessed by David Smith, an investigator with Delaware's Division of Revenue.

Revelations about that access, which took place in March 2010, spawned an inquiry by the U.S. Treasury Department and denials by Delaware officials that anything inappropriate had taken place.

It also has spawned a congressional investigation spearheaded by Sen. Chuck Grassley, a powerful Iowa Republican.

Ms. O'Donnell's story, which also includes an erroneous lien placed on a home she no longer owned, broke just as the IRS inspector general acknowledged that at least four politicians or political donors have had their personal tax records improperly accessed since 2006. One of those cases involved a willful violation of federal law.

The Justice Department has declined to prosecute any of the cases.

Also this year, Mr. Graham, son of legendary evangelist the Rev. Billy Graham, wrote a letter to Mr. Obama in which he accused the IRS of targeting two of his nonprofit organization for political purposes.

Mr. Graham heads the Billy Graham Evangelistic Association and Samaritan's Purse, a worldwide relief group.

In his letter, Mr. Graham said he believes "someone in the administration was targeting and attempting to intimidate us."

IBD - Editors

Ben Carson's IRS Audit Can't Possibly Be Coincidence

IRS Abuse: It doesn't take a brain surgeon to know that the IRS audit of Dr. Ben Carson can't be a mere coincidence. In any powerful syndicate, the capos know who to whack without the godfather ordering it.

The only way the FBI could put Gambino crime family boss John Gotti in prison was to bug an old lady's apartment in New York's Little Italy and record him giving orders to kill.

But until the FBI bugs the West Wing of the White House, or the Treasury building next door, or the Internal Revenue Service's headquarters a few blocks to the southeast, we might never know the exact origin of America's tax collectors harassing President Obama's political adversaries.

Maybe there was never an explicit order. Considering the threat of being overheard, it's part of the job of the capos to know what the boss wants and make him happy by giving it to him without him even having to ask.

The IRS and the Obama administration are on the same page when it comes to big government: Tea Partiers and other conservatives threaten the massive state they love, and the IRS' powerful army of bureaucrats is a pretty handy weapon for use against them.

In the already blossoming IRS scandal, political organizations' applications for tax-exempt status were delayed or denied during last year's presidential campaign, and well into this year, simply because their names sounded too conservative. The IRS audit of renowned neurosurgeon Carson looks like exactly the same kind of abuse, and it must be subject to a formal independent investigation.

Carson on Wednesday told Fox's Bill O'Reilly that the IRS began examining his real estate holdings after his speech to the National Prayer Breakfast in February, in which he used tithing in the Bible to make a compelling case against progressive taxation. A humiliated Obama sat steaming a couple of seats away.

Carson said, "there must be something inherently fair about proportionality. You make \$10 billion, you put in a billion. You make \$10, you put in \$1."

The black Detroit-born son of a single mother, who rose from poverty to the top of the medical profession, added, "Now some people say that's not fair because it doesn't hurt the guy who made \$10 billion as much as the guy who made \$10. Where does it say you have to hurt the guy? He's just put in a billion in the pot. We don't need to hurt him."

Carson recounted that ultimately the IRS conducted a full audit on him, finding no violations. Before giving his speech critical of Obama, the tax agency had never bothered the 62-year-old doctor.

Asked by O'Reilly if he thought he was targeted because of his politics, Carson said, "Whether that was the case or not, the fundamental issue here is that the freedom of our citizens is being threatened." He called IRS politically driven abuse a "much more serious thing than Watergate or Iran-Contra or Benghazi-gate. Freedom of speech — freedom of expression — is one of the major principles of our country."

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First, when a government is as big as ours has become, outrageous abuse from the soldiers of its financing machinery is inevitable, especially within a governmental climate that encourages it.

Second, there is no excuse for a president who's been in office for more than four years failing to ensure that such outrages couldn't happen.

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CNS News

Lerner's Pension Could Be as Much as \$102,600/Year, \$3.96 Million Lifetime

by Pete Sepp

Even before she retired last week, scandalized IRS official Lois Lerner's compensation was already attracting attention. While on administrative leave, federal rules allowed her to keep collecting a salary, one that reportedly totaled \$177,000. So it was no surprise when speculation arose over how much Lerner could collect in federal pension benefits.

Unfortunately, that speculation, which [initially projected a benefit of over \\$50,000](#), might be off by about half ... and in the wrong direction.

National Taxpayers Union calculations show that Lerner could qualify for a starting pension at the annual equivalent of as much as \$102,600, and up to \$3.96 million over her lifetime.

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And now, the caveats for Lerner. NTU assumed she:

1. Joined the Civil Service Retirement System (CSRS) from the very beginning of her federal employment, and left the IRS with 34 years of service in various posts;
2. Had a "high-three" average salary of \$177,000;
3. Opted for a reduction in her current benefits so that her spouse could receive part of the pension after she died;
4. Receives annual Cost of Living Adjustments of three percent; this is the level that CSRS's own actuaries have employed when projecting future liabilities for the system;
5. Lives to the age of 87 years, which is the average age of death for a female who is currently age 62 under standard mortality tables used by the life insurance industry.

Some may wish to quibble with these assumptions, but even under other scenarios, Lerner's retirement benefit could be quite generous. Want to assume she joined CSRS after she left the judicial branch, and signed on with the Federal Election Commission in 1981? The annualized benefit would drop ... to \$96,200, and the lifetime total to \$3.7 million. Want to be ghoulish, and project a lifespan of 80 years instead of 87? The lifetime amount would be less ... but still a considerable \$2.57 million.

Or, suppose she decided to leave CSRS and transfer into the newer Federal Employees Retirement System (FERS) when offered the chance during one of the "open seasons." The pension benefit would be significantly smaller, just under \$60,000 annualized to start. However, with FERS, she would also participate in and be eligible for Social Security benefits, and could take advantage of a government salary match of up to five percent through the Federal Thrift

Savings Plan, which works like a 401(K) defined contribution arrangement. In the end, her FERS package could still be quite lucrative.

But didn't Lerner pay into to her pension plan out of her own salary? Yes, though the contribution rate during Lerner's career was generally seven percent. As we have noted with lawmakers' pensions, taxpayers pick up the lion's share of a typical lifetime CSRS retirement payout.

According to media reports, prior to her decision in favor of voluntarily retiring, Lerner was in danger of being removed from her job due to findings from an IRS inquiry board citing "neglect of duties" and mismanagement. But, to taxpayers, this latest sordid episode in the history of the tax agency has but one lesson: any way it's sliced, they're the ones left to bleed.

CNS News

IRS Has Produced Only 10% of Docs Responsive to Demand by Congress

by Terence P. Jeffrey

- The House Oversight and Government Reform Committee--which is probing the Internal Revenue Service's discriminatory treatment of Tea Party and conservative groups applying for tax-exempt status--says the IRS has thus far handed over to the committee only about 10 percent of the documents the IRS itself has said are responsive to the committee's demands for documents.

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It was also on Aug. 2 that the committee issued a subpoena to the Treasury Department demanding certain categories of records from the Treasury and the IRS.

These included all communications that Lois Lerner--who ran the IRS's exempt organizations unit--sent or received between January 1, 2009 and August 2, 2013. Additionally, it included all communications sent or received by IRS Chief Counsel William Wilkins between February 1, 2010 and August 2, 2013.

Wilkins had been the only Obama political appointee at the IRS at the time that the IRS targeting of the Tea Party and conservative groups for heightened scrutiny when they applied for tax-exempt status. Some Tea Party cases were referred to Wilkins's office.

The committee's Aug. 2 subpoena also specifically demanded all communications between the Executive Office of the President at the White House and the IRS chief counsel's office, or the Department of Treasury, that referred to or related to applications for tax-exempt status.

When the Oversight Committee issued this subpoena, Chairman Darrell Issa sent a [cover letter](#) to Treasury Secretary Jack Lew lamenting what Issa described as the IRS's "ongoing obstruction" of the committee's investigation.

"I write to notify you that I remain extremely disappointed with the Internal Revenue Service's lack of full cooperation with the committee's investigation into the inappropriate treatment of certain applicants for tax-exempt status," wrote Issa. "This ongoing obstruction leaves me no choice but to issue a subpoena to compel the production of documents relevant to the committee's investigation."

As reported by the Washington Times, Lois Lerner--who refused to answer questions on 5th Amendment grounds when she appeared in the Oversight Committee on May 22--retired from the IRS today.

Chairman Issa later issued a statement saying the committee still wants to take her testimony.

"Lois Lerner's exit from the IRS does not alter the Oversight Committee's interest in understanding why applicants for tax exempt status were targeted and inappropriately treated because of their political beliefs," Chairman Issa said in a statement this afternoon. "We still don't know why Lois Lerner, as a senior IRS official, had such a personal interest in directing scrutiny and why she denied improper conduct to Congress. Her departure does not answer these questions or diminish the Committee's interest in hearing her testimony."

In June, the Oversight Committee approved a resolution stating that Lerner had waived her 5th Amendment right against self-incrimination when she appeared before the committee because she voluntarily made an opening statement to the committee before refusing to answer its questions.

WSJ

IRS Documents Reveal Agency Flagged Groups for 'Anti-Obama Rhetoric,' Big Three Refuse to Report

by Geoffrey Dickens

From the Media Research Center

ABC, CBS and NBC have so far refused to report the latest bombshell in the IRS scandal - a newly released list from the agency that showed it flagged political groups for "anti-Obama rhetoric." On September 18 USA Today, in a front page story, reported the following: "Newly uncovered IRS documents show the agency flagged political groups based on the content of

their literature, raising concerns specifically about 'anti-Obama rhetoric,' inflammatory language and 'emotional' statements made by non-profits seeking tax-exempt status."

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The article by Gregory Korte went on to report: "The internal 2011 documents, obtained by USA TODAY, list 162 groups by name, with comments by Internal Revenue Service lawyers in Washington raising issues about their political, lobbying and advocacy activities. In 21 cases, those activities were characterized as 'propaganda.' The list provides the most specific public accounting to date of which groups were targeted for extra scrutiny and why. The IRS has not publicly identified the groups, repeatedly citing a provision of the tax code prohibiting it from releasing tax return information."

The American Center for Law and Justice, a nonprofit legal institute that represents 33 of the groups appearing on the IRS list, said it appears to be 'the most powerful evidence yet of a coordinated effort' by the IRS to target Tea Party groups. 'The political motivations of this are so patently obvious, but then to have a document that spells it out like this is very damaging to the IRS,' said Jay Sekulow, chief counsel for the ACLJ. 'I hope the FBI has seen these documents.'"

Washington Post

In Obama's war on leaks, reporters fight back

by Leonard Downie Jr.

In the Watergate era, the Nixon administration's telephone wiretaps were the biggest concern for journalists and sources worried about government surveillance. That was one of the reasons why Bob Woodward met with FBI official Mark Felt ([a.k.a. "Deep Throat"](#)) in [an underground parking garage in Arlington](#), and why he and Carl Bernstein did much of their reporting by knocking on the front doors of their sources' homes. Except for the aborted prosecution of Daniel Ellsberg for the leak of the Pentagon Papers, criminal culpability or pervasive surveillance were not major concerns, especially after Richard Nixon resigned the presidency in 1974.

Not so now. With the passage of the Patriot Act after the Sept. 11, 2001, terrorist attacks, [a vast expansion of intelligence agencies and their powers](#), the aggressive exploitation of intrusive digital surveillance capabilities, the excessive classification of public documents and officials' sophisticated control of the news media's access to the workings of government, journalists who cover national security are facing vast and unprecedented challenges in their efforts to hold the government accountable to its citizens. They find that government officials are increasingly fearful of talking to them, and they worry that their communications with sources can be monitored at any time.

So what are they doing? Many reporters covering national security and government policy in Washington these days are taking precautions to keep their sources from becoming casualties

in [the Obama administration's war on leaks](#). They and their remaining government sources often avoid telephone conversations and e-mail exchanges, arranging furtive one-on-one meetings instead. A few news organizations have even set up separate computer networks and safe rooms for journalists trained in encryption and other ways to thwart surveillance.

"I worry now about calling somebody because the contact can be found out through a check of phone records or e-mails," said veteran national security journalist R. Jeffrey Smith of the Center for Public Integrity, a nonprofit accountability news organization. "It leaves a digital trail that makes it easier for government to monitor those contacts."

"We have to think more about when we use cellphones, when we use e-mail and when we need to meet sources in person," said Michael Oreskes, senior managing editor of the Associated Press. "We need to be more and more aware that government can track our work without talking to our reporters, without letting us know."

These concerns, expressed by numerous journalists I interviewed, are well-founded. Relying on the 1917 Espionage Act, which was rarely invoked before President Obama took office, this administration has secretly used the phone and e-mail records of government officials and reporters to identify and prosecute government sources for national security stories.

Just two weeks ago, the Justice Department announced that Donald J. Sachtleben, a former FBI bomb technician who had also worked as a contractor for the bureau, had [agreed to plead guilty](#) to "unlawfully disclosing national defense information relating to a disrupted terrorist plot" in Yemen last year. "Sachtleben was identified as a suspect in the case of this unauthorized disclosure" to an Associated Press reporter, according to the announcement, "only after toll records for phone numbers related to the reporter were obtained through a subpoena and compared to other evidence collected during the leak investigation."

The Justice [Department secretly subpoenaed and seized](#) from telephone companies two months of records for 20 AP phone lines and switchboards used by more than 100 reporters in four of its news bureaus. In other criminal leak investigations, the Obama administration has subpoenaed and seized records of telephone calls and e-mails between several New York Times reporters and government officials, between [a Fox News reporter](#) and a State Department contract analyst, and between two journalists and a former CIA officer.

Times reporter Scott Shane, whose e-mail traffic with the former CIA officer was seized, told me that the chilling lesson "is that seemingly innocuous e-mails not containing classified information can be construed as a crime."

In addition to ongoing leak investigations, six government employees and two contractors, including fugitive NSA contractor [Edward Snowden](#), have been prosecuted since 2009 under the Espionage Act for providing information to reporters about, among other subjects, the NSA's communications surveillance, the CIA's aggressive interrogation of terrorism suspects and, in the case of Army Pvt. Bradley Manning, diplomatic cables and Iraq and Afghanistan war documents.

Even though they violated laws governing classified information, many of the leakers could be characterized as whistleblowers rather than spies; they publicized actions for which the government should be held accountable. But the Obama administration has drawn a dubious

distinction between whistleblowing that reveals bureaucratic waste or fraud, and leaks to the news media about unexamined secret government policies and activities; it punishes the latter as espionage.

“It was never a conscious decision to bring more of these cases than we ever had,” Matthew Miller, a former spokesman for Attorney General Eric H. Holder Jr., told me. “Some strong cases,” inherited from the Bush administration, “were already in process,” he said.

“And a number of cases popped up that were easier to prosecute” with “electronic evidence,” including phone and e-mail records. “Before, you needed to have the leaker admit it, which doesn’t happen,” Miller added, “or the reporter to testify about it, which doesn’t happen.”

Every disclosure to the press of classified information now triggers a leak investigation, said Washington Post national news editor Cameron Barr. “Investigations can be done electronically. They don’t need to compel journalists to reveal sources.”

The Post’s Justice Department reporter, Sari Horwitz, said a Justice official told her that “access to e-mail, phone records and cellphones make it easier to do now.”

After the New York Times published [a 2012 story](#) by David E. Sanger about covert cyberattacks by the United States and Israel against Iran’s nuclear enrichment facilities, federal prosecutors and the FBI questioned scores of officials throughout the government who were identified in computer analyses of phone, text and e-mail records as having contact with Sanger.

“A memo went out from the chief of staff a year ago to White House employees and the intelligence agencies that told people to freeze and retain any e-mail, and presumably phone logs, of communications with me,” Sanger said. As a result, longtime sources no longer talk to him. “They tell me: ‘David, I love you, but don’t e-mail me. Let’s don’t chat until this blows over.’ □”

Sanger, who has worked for the Times in Washington for two decades, said, “This is most closed, control-freak administration I’ve ever covered.”

Many leak investigations include lie-detector tests for government officials with access to the information at issue. “Reporters are interviewing sources through intermediaries now,” Barr told me, “so the sources can truthfully answer on polygraphs that they didn’t talk to reporters.”

The investigations have been “a kind of slap in the face” for reporters and their sources, said Smith of the Center for Public Integrity. “It means you have to use extraordinary measures for contacts with officials speaking without authorization.”

In response to an uproar from journalists over the secret subpoenas and seizures of phone and e-mail records, the Justice Department somewhat [tightened its guidelines](#) for when and how reporters and their records can be subpoenaed. But it kept an exception for disclosures of classified information considered harmful to national security. And while Justice was working with the media on the guideline revisions, it was using the secretly seized AP phone records to identify and convict FBI contractor Sachtleben. In its announcement of his plea agreement, Justice vowed to continue making aggressive use of the national security exception.

“This prosecution demonstrates our deep resolve to hold accountable anyone who would violate their solemn duty to protect our nation’s secrets and to prevent future, potentially devastating leaks by those who would wantonly ignore their obligations to safeguard classified information,” it stated, adding that, “with these charges, a message has been sent that this type of behavior is completely unacceptable and no person is above the law.”

Obama and Holder have publicly endorsed a proposed [federal shield law](#) that would make it more difficult for the government to compel reporters to reveal sources or turn over records in federal investigations. But it also includes an exception for “classified leak cases when information would prevent or mitigate an act of terrorism or harm to national security,” as decided by a federal judge. In the view of Scott Armstrong, a former Post reporter who is now an independent journalist, the legislation wouldn’t protect national security reporters. “Federal agencies can still investigate us,” he said.

In November, [a presidential memorandum](#) instructed all government departments and agencies to set up pervasive “[Insider Threat Programs](#)” to monitor employees with access to classified information and to prevent “unauthorized disclosure,” including to the news media. According to the policy, each agency must, among other things, develop procedures “ensuring employee awareness of their responsibility to report, as well as how and to whom to report, suspected insider threat activity.” Officials cited the Manning leak as the kind of threat the program is intended to prevent.

A survey of government departments and agencies this summer by the Washington bureau of McClatchy newspapers found that they had wide latitude in defining what kinds of behavior constitute a threat. “Government documents reviewed by McClatchy illustrate how some agencies are using that latitude to pursue unauthorized disclosures of any information, not just classified material,” [it reported in June](#). “They also show how millions of federal employees and contractors must watch for ‘high-risk persons or behaviors’ among co-workers and could face penalties, including criminal charges, for failing to report them. Leaks to the media are equated with espionage.”

Steven Aftergood, director of the Project on Government Secrecy at the Federation of American Scientists, told me that the Insider Threat Program has already “created internal surveillance, heightened a degree of paranoia in government and made people conscious of contacts with the public, advocates and the press.”

At the same time, revelations in the documents Snowden gave to The Post and Britain’s Guardian about the NSA’s collection, storage and searches of phone, text and e-mail data have added to the fear surrounding contacts between reporters and sources.

“People think they’re looking at reporters’ records,” Post national security reporter Dana Priest told me. “I’m writing fewer things in e-mail. I’m even afraid to tell officials what I want to talk about because it’s all going into one giant computer.”

This fear transcends American shores, especially because NSA surveillance of non-American communications is authorized by U.S. law. All journalists at Britain’s BBC, for example, must now take training in information security, according to Peter Horrocks, its director of global news.

“The nature of their work means journalists are often in touch with organizations representing extremist viewpoints and sources whose identities must be protected,” Horrocks said. Because of the sources’ awareness of the possibility of NSA surveillance, “the ability to communicate with them is potentially significantly compromised. Some won’t even consider talking to us.”

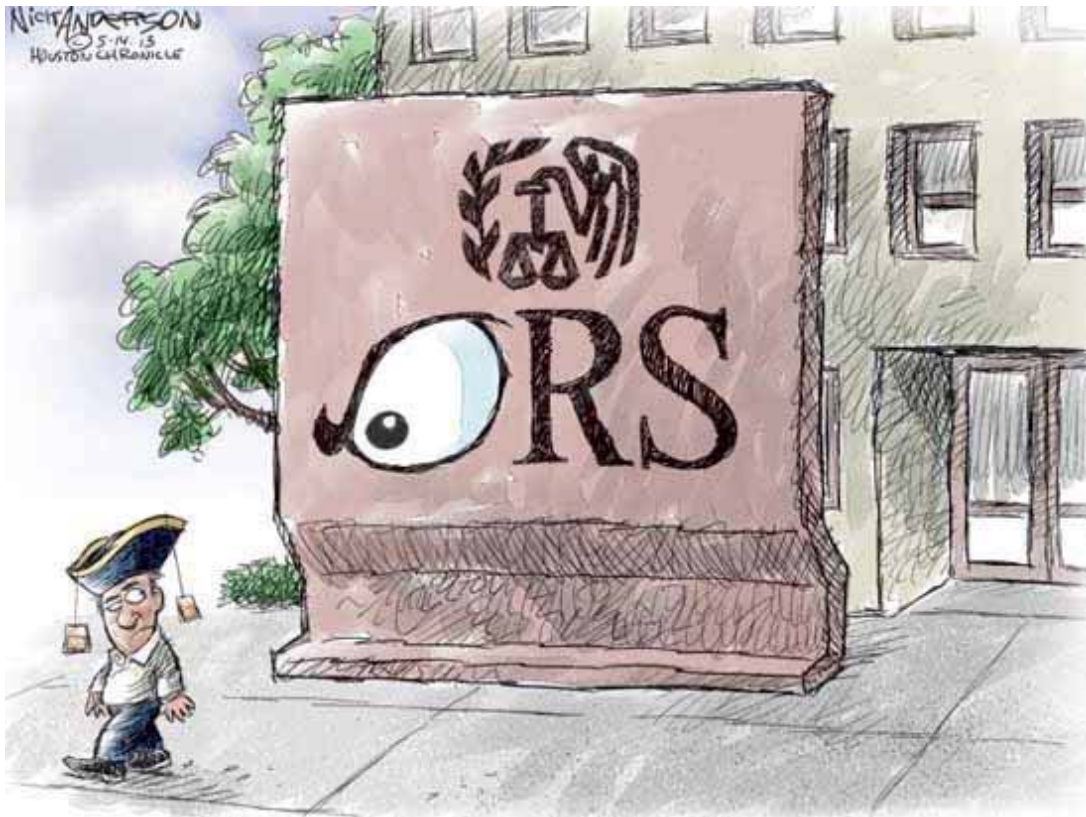
Will Obama recognize that all this threatens his often-stated but unfulfilled goal of making government more transparent and accountable? None of the Washington news media veterans I talked to were optimistic.

“Whenever I’m asked what is the most manipulative and secretive administration I’ve covered, I always say it’s the one in office now,” Bob Schieffer, CBS News anchor and chief Washington correspondent, told me. “Every administration learns from the previous administration. They become more secretive and put tighter clamps on information. This administration exercises more control than George W. Bush’s did, and his before that.”

Leonard Downie, a former executive editor of The Washington Post, is the Weil family professor of journalism at the Walter Cronkite School of Journalism at Arizona State University. This article is based on his report “The Obama Administration and the Press,” forthcoming Thursday from the Committee to Protect Journalists.



“Audit him—but make it look like an accident.”



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AND LEAVE IT AT THAT....THAT SEEMED TO WORK PRETTY WELL FOR YOU!"





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