

## Take Obama at his word? Which one — and when?

By: Nat Hentoff June 10, 2013

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In a somersault of a speech, President Barack Obama, sounding like he did when he first ran for the Oval Office, recently declared that “a free press is also essential for our democracy. That’s who we are” (“Obama, in Nod to Press, Orders Review of Inquiries,” *The New York Times*, May 24).

He subsequently ordered a review of his Justice Department’s subpoena of the phone records of Associated Press reporters and editors during an investigation of national security leaks. This, of course, affects any of us who care about a free press.

“I am troubled by the possibility that leak investigations may chill the investigative journalism that holds government accountable,” the president orated.

It seems there are at least two Obamas -- one who is wary of press disclosures of any leaks from the White House, and another who supports freedom of the press.

Even those Americans who still trust the president must have been jarred by his choice of who would conduct this review: Attorney General Eric Holder, who oversaw the Justice Department’s undermining of press freedom.

The *New York Post*’s Michael A. Walsh reminds us of what my First Amendment hero, Justice Hugo Black, once said: “Only a free and unrestrained press can effectively expose deception in government” (“The ‘Criminal’ Press,” Walsh, *New York Post*, May 23).

Even more jarring to continuing admirers of Obama, as well as his rising number of unbelievers, were the ground rules laid out for those representatives of major news outlets who were invited to privately discuss the proceedings with the attorney general.

Dig this: The meetings, concerning the administration’s government violations of the First Amendment, were to be “off the record.”

In other words, you citizens are not entitled to know what was said. How could a journalist, a member of what constitutionalists used to call “The Fourth Estate,” attend such a gathering, only to be utterly silenced?

Refusing to attend the meetings out of self-respect were the AP (of course), CBS News, Fox News, CNN, *The New York Times* and the *New York Post*.

So what are some of the news organizations that went, thereby agreeing to classify their reactions in accordance with the very government they were investigating?

The Washington Post, The Wall Street Journal and ABC News, which, in an ironic bow to the First Amendment, “would press for the meeting to be held on the record” (“Fox News, other media outlets refuse off-record meeting with Holder,” foxnews.com, May 31).

But what if Attorney General Holder threw that demand back in ABC News’ face? Would its journalists still agree to gag their First Amendment rights at the investigation?

What all of this comes down to, as it may affect future administrations as well as generations of Americans, has been precisely underlined by Glenn Greenwald, an incisive journalist who would have given James Madison hope for the First Amendment’s future.

Writing about how “media outlets and journalists have finally awakened to the serious threat posed by the Obama administration to press freedoms, whistle blowing and transparency,” the question now, Greenwald demands, is:

“What, if anything, will they (journalists) do to defend the press freedoms they claim to value? ... Thwarting government attacks like these ... requires a real adversary posture, renouncing their subservience to government interests and fear of alienating official sources.

“It remains to be seen whether any of that will happen” (“Will journalists take any steps to defend against attacks on press freedom?” Greenwald, guardian.co.uk, May 29).

Greenwald goes on to question the future of a fundamentally free press: “If journalists aren’t willing to defend these freedoms, who do they think will?”

He then explains how the Founders made sure that our freedoms of belief and action would survive in an increasingly heterogeneous society:

“The design of the American founding was that abuses of power would be prevented only by various factions fighting for their prerogatives and against encroachment by other power factions.

“When it comes to attacks on press freedoms, it’s the responsibility of journalists, first and foremost, to fight against those attacks.”

According to The Huffington Post’s media reporter Michael Calderone, whom Greenwald cites in his commentary, some journalists don’t appear to be putting up much of a fight: “Several veteran reporters told The Huffington Post that it’s unlikely the press corps would band together in any collective action, such as walking out of the briefing room, to protest the administration’s treatment of the press” (“White House Reporters Unlikely to Stage Press Freedom Protest,” Calderone, huffingtonpost.com, May 22).

“It would be unprofessional,” CBS News radio correspondent Mark Knoller told Calderone.

As Ann Compton, the ABC News White House correspondent, explained: “White House briefings are not advocacy sessions,” later adding that the “strongest voices in journalism for protecting press freedoms remain the collective Washington bureau chiefs” and “independent

reporters' organizations, which do lobby for such issues as shield laws (protections for journalists who refuse to identify confidential sources without firm due process before a court of law).”

The Reporters Committee for Freedom of the Press, whose Steering Committee I belong to, works to do just that, representing 51 media organizations in this crisis. But the federal shield law compromise it supports still provides openings for any administration to do what Obama and Holder have triumphantly done in controlling the press.

We need a shield law with teeth!

Reporters and editors also must organize to use the First Amendment for what the Framers intended: to prevent the government from protecting itself at the expense of keeping We The People ignorant and powerless. The United States is supposed to act in our name.

We freed ourselves from King George III, and we must insist on a free press so that we can be free again. And we must make sure candidates for every office agree to protect and represent the right that constitutes the very essence of who we are as Americans: freedom of speech.

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