

NSA reforms don't protect journalists

By Cora Currier, Columbia Journalism Review

Last week the Obama administration set forth a proposal to reform one part of the National Security Agency's surveillance program: the indiscriminate collection of American phone records.

Under the president's proposal, the government would no longer collect call data in bulk but would be allowed to ask for it from phone companies with court approval, and only for numbers linked to terrorism.

But the White House proposal leaves plenty of room for reporters' information to be caught up in the NSA's—albeit smaller—dragnet: The government would still be allowed to collect data for numbers “two hops,” or degrees of separation, from the targeted number, down from three. And once the government has that data, there are few restrictions on what they can do with it. In other words, the proposed reforms don't appear to do anything to address journalists' concerns about this administration's crackdown on national security leaks.

“Journalists are at risk if they communicate by phone with potential NSA targets – or even if they simply talk with others who happen to speak with those targets,” said Patrick C. Toomey, an attorney with the American Civil Liberties Union's National Security Project, in an email.

For example, Katherine Hawkins, a researcher who has studied Guantanamo Bay prison, noted in August that it was no stretch of the imagination to think that former Guantanamo detainees might be NSA targets. The relatively small community of lawyers, rights activists, and any of the journalists who

cover Guantanamo Bay (myself included) would then be easily within “two hops,” even if they’ve never spoken to the target.

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