

A Young Reporter Considers Secrecy vs. the Public's Right to Know

JORDAN GASS-POORE¹ on 5 September, 2013 at 05:00



As this year's president of the [Texas State University Chapter of the Society of Professional Journalists](#) I had the opportunity to attend the national organization's [Excellence in Journalism convention in Anaheim, Calif.](#) late last month with a fellow officer and our adviser.

The blue skies and mild weather may have helped me temporarily forget that I was missing class at Texas State, but it wasn't enough to prevent me from popping out of sessions early to conduct phone interviews, hitting my laptop's keyboard like a flea in a circus to make deadline, and obsessing over my Fall 2013 schedule. I made my planner black and blue during those five days.

One of the sessions that kept me in my chair was a panel discussion of the proposed **Free Flow of Information Act**, a federal shield law which would provide legal protection for journalists against the government if told to reveal confidential sources or other information. This is similarly in line with the protection priests, attorneys, doctors and psychologists are granted with the ability to “provide some confidentiality to conversations.”

Various versions of the law have languished in Congress for more than seven years.

According to the **Society of Professional Journalists**, the District of Columbia and 49 states have some level of protections for journalists from local and state agencies.

I contacted Texas Senators John Cornyn and Ted Cruz via email to help garner support for the proposed Free Flow of Information Act.

A state shield law was enacted in 2009, signed by Gov. Rick Perry as **House Bill 670**, to provide “qualified privilege” for journalists in both civil and criminal cases.

Even though no legal protections exist at the federal level, the government still needs a convincing argument to force journalists to turn over their notes, recordings and/or sources, e.g. a possible national security risk.

The proposed Free Flow of Information Act is really about protection for sources and the public’s right to fair and balanced reporting.

SPJ endorsed this legislation, first introduced in the U.S. Senate on May 18, 2006, along with many other journalism organizations in the country.

The bills were reintroduced in the U.S. Senate and House of Representatives as the “Free Flow of Information Act of 2013” and **S.987** in May, amid controversial **National Security Agency leaks by Edward Snowden** that included disclosure that journalists at the Associated Press and Fox News reporter James Rosen were tracked and monitored.



*Jim Avila, senior
national correspondent
for ABC News.
Courtesy photo.*

Jim Avila, senior national correspondent for ABC News, told audience members at the session, “Journalism, The Department of Justice and National Security: When The Watchdogs Are Being Watched”, that some people believe the government should not have any secrets, a stance he didn’t necessarily agree with.

Lucy Dalglish, dean of the University of Maryland’s Phillip Merrill College of Journalism, expressed similar sentiments and added that technological advances have “the government scared to death.”

She believes the days of “traditional” journalism, where a reporter and his or her editor would contact White House representatives to inform them that they have sensitive information in an effort to minimize harm that may result because of its publication, are gone.

Now journalists, like Wikileaks’ Julian Assange, who Dalglish said thinks “all secrets are bad,” are forcing the government to be more aggressive in its actions against journalists.

Avila, White House correspondent for Fusion, surprised some audience members with his remarks about Pres. Obama and his search for “control.”

“... Not having that control irks him,” he said.

Avila continued by saying that the Obama Administration has no problem going after people like Snowden, who have signed an oath not to expose classified information, but believes “No Drama Obama” is conflicted about going after journalists because he has yet to prosecute one ... he’s only spied on them.

“Nothing gets out there that they don’t want to get out there,” he said.



*This year’s Excellence in
Journalism venue: the Anaheim
Marriott. Photo by Jordan Gass-
Poore’.*

Prior to the SPJ convention I reached out to journalists in the San Antonio and Austin areas to see if the NSA leaks and AP phone records being confiscated had or could affect them and other journalists, and to ask if they are taking any new precautions.

The response was underwhelming; no one seemed particularly fearful.

When I brought this to Dalglish's attention, she said journalists in Texas are "much less likely to get sucked up into it," but to be mindful when covering cases that could wind up in federal court.

So, I called Eli Dourado, co-founder of [WCITLeaks](#), an online platform for anonymously leaked information from the 2012 [World Conference on International Telecommunications](#).



Dourado said he had no firsthand information about WCIT when he created the website, in one day, to host one document.

WCITLeaks received its first major leak the day of its launch, a draft of the new treaty that contained options for revisions to each provision, some of which addressed the Internet, he said. There are currently around 140 documents posted on the website.

Even though WCIT is over, Dourado said he has made a conscious decision to maintain the website.

"It sort of took on a life of its own," he said.

While at the convention in Dubai, Dourado remembered how formal it was, but at the same time was aware that he may have been making other delegates nervous – he had spent the past six months trying to expose the meeting.

Then a version of a multi-regional proposal that addressed aspects of Internet nationalization and security in Russia, China, Saudi Arabia, the United Arab Emirates, Algeria, Sudan and Egypt was posted on WCITLeaks.

An Egyptian delegate sent a tweet to WCITLeaks shortly thereafter to say that the country never supported the proposal, but instead supports "the concepts of free Internet and has exerted all efforts to develop the Internet and its wide spread among its citizens."

"Egypt had a holy shit moment," Dourado said.

It's this kind of reaction I hope to illicit from my sources and readers.

To find out how I can best protect confidential sources or other information, I called Frank LoMonte, executive director of the Student Press Law Center.

LoMonte recommended I secure my information by keeping it off university servers and hard drives, as well as avoiding correspondence through my ".edu" email account.

"99.9 percent of cases are never going to be a concern for being monitored," he said. "For that one in a thousandth situation, you need to be confident that you can't be tracked or monitored."



Dean Lucy Dalglish, Philip
Merrill College of
Journalism. Courtesy photo.

Jordan Gass-Poore' is an English/mass communication senior at Texas State University- San Marcos. She began her work as a paid intern for The Rivard Report in June 2013. Her previous and current intern experience includes the [New Braunfels Herald-Zeitung](#), [The Austin Chronicle](#), [Slackerwood](#) and the [Austin American-Statesman](#), among others. If she's not writing or sitting outside of her favorite local coffee shop drinking a Shyster (a delicious espresso-sugar-dairy concoction), you can catch her

watching episodes of her favorite television series, "Battlestar Galactica." Contact Jordan via jgasspoore@gmail.com or follow her on Twitter [@jgasspoore](https://twitter.com/jgasspoore).

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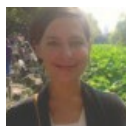
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JORDAN GASS-POORE'

A former Rivard Report intern, Jordan Gass-Poore' is now interning at The Los Angeles News Group in California. She is an English/mass communication senior at Texas State University. She has also worked as a paid intern for LMG Communications. AT&T is a client of LMG Communications. Jordan's previous and current intern experience includes the New Braunfels Herald-Zeitung, The Austin Chronicle, Slackerwood and the Austin American-Statesman, among others. Contact Jordan via jgasspoore@gmail.com.

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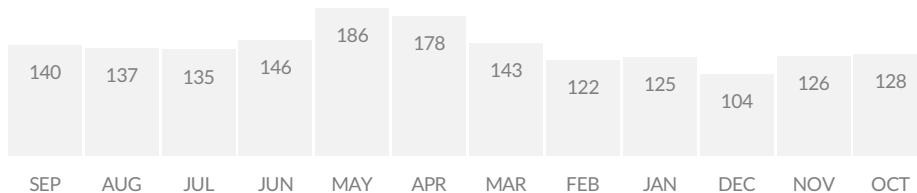
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