

NATIONAL PRESS CLUB LUNCHEON WITH GARY PRUITT

SUBJECT: UNCONSTITUTIONAL SEIZURE OF PHONE RECORDS AND THE WAY FORWARD

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ANGELA GREILING KEANE: (Sounds gavel.) Good afternoon, and welcome to the National Press Club. My name is Angela Greiling Keane. I am a reporter for Bloomberg News and the 106th President of the National Press Club. We are the world's leading professional organization for journalists committed to our profession's future through events such as this while fostering a free press worldwide, and right here at home. For more information about the National Press Club, please visit our website at www.press.org. To donate to programs offered to the public through our National Press Club Journalism Institute, please visit press.org/institute.

On behalf of our members worldwide, I'd like to welcome our speaker today and those of you in our audience. Our head table includes guests of our speaker as well as working journalists who are Club members. If you hear applause in our audience, I'd note that members of the general public are also attending so it is not necessarily evidence of a lack of journalistic objectivity.

I'd also like to welcome our C-SPAN and Public Radio audiences. You can follow the action today on Twitter using the hashtag NPCLunch. After our guest's speech concludes, we'll have a question and answer period. I will ask as many questions as time permits. Now it's time to introduce our head table guests. I'd ask each of you to stand briefly as your name is announced.

From your right, Delphine Halgand, Reporters Without Borders and Vice Chairwoman of the National Press Club's Freedom of the Press Committee; Natalie DiBlasio, breaking news reporter for *USA Today*; Camille el Hassani, senior producer for

Al Jazeera English; John Donnelly, senior writer for *Congressional Quarterly Roll Call*; Chairman of the Press Club's Freedom of the Press Committee, and a member of the Standing Committee of Correspondents; Marilyn Thomson, bureau chief for Reuters' Washington bureau; Chris Isham, Vice President and Washington bureau chief for CBS News.

Skipping over the podium, Donna Leinwand Leger, a reporter with *USA Today*, Vice Chairwoman of the Speakers Committee here at the Press Club and a former Club President; skipping over our speaker momentarily, Debra Silimeo, Executive Vice President for Hager Sharp and the Speakers Committee member who organized today's event. Thank you, Debra. Marvin Kalb, Founding Director of the Shorenstein Center and a guest scholar at the Brookings Institution; Greta van Susteren, host of *On The Record with Greta van Susteren* on Fox; Marilyn Geewax, senior business editor at NPR, a member of the Press Club Board of Governors who is the liaison to our Press Freedom Committee; and Kathy Kiely, managing editor with the Sunlight Foundation. (Applause)

In May 2012, the Associated Press reported on a CIA operation in Yemen that stopped an al-Qaeda plot to detonate a bomb on an airplane bound for the U.S. A year later, in May 2013, the Justice Department notified the AP that it had secretly obtained phone records for work, home and cell phone numbers of some individual AP reporters, as well as for bureaus in New York, Washington, and Hartford, Connecticut, and the House of Representatives Press Gallery. Some 20 phone lines assigned to the AP and its journalists in April and May 2012 were tracked. The Justice Department did not explain why the phone records were seized.

Our speaker today, Gary Pruitt, the President and CEO of the AP, responded immediately. He wrote to Attorney General Eric Holder calling the seizure a "massive and unprecedented intrusion" into the newsgathering activities of the AP. Mr. Pruitt said the action interfered with AP's constitutional rights to gather and report the news. Mr. Pruitt speaks not only as the head of one of the world's largest news gathering organizations, but also as a first amendment lawyer. His career as a freedom of speech lawyer led him to a position as general counsel for the McClatchy Company, the third largest newspaper company in the U.S.

Six years later, he took a leadership position at the *Sacramento Bee*, became publisher of the *Fresno Bee* the following year; and by 1994, embarked on a series of corporate leadership positions at McClatchy. He served as McClatchy's CEO from 1996 until he became the head of the AP last year.

The AP is a not for profit cooperative owned by its member newspapers with about 3,700 employees in more than 300 locations worldwide. More than half the world's population sees news reported by the AP on any given day. When he took the helm at the AP, Mr. Pruitt probably thought his biggest challenge would be the transformation in broadcast digital and international markets. Today, his concern is far more fundamental. He says the seizure is having a chilling effect on newsgathering itself and if journalists are restricted in their ability to report the news, people will know only what the

government wants them to know. Please join me in giving a warm National Press Club welcome to the CEO of the Associated Press, Mr. Gary Pruitt. (Applause)

MR. PRUITT: Thank you, Angela. And I want to thank the National Press Club for inviting me today. And I want to thank them for the really cool cupcakes they put together with all the logos through the years of AP. I think it's really artfully done and deliciously done. And for those of you who don't want your cupcake, bring it over to the AP table. We'll bring it back to the Washington bureau, because like any good newsroom, they will devour those cupcakes. And I'm sorry for those of you watching online and C-SPAN that you're not going to get those cupcakes. (Laughter)

But before coming here today to speak, I thought it would be a good idea to get a sense of how the seizure of AP's phone records by the U.S. Department of Justice was affecting our reporting. And what I learned from our journalists should alarm everyone in this room, and I think should alarm everyone in the country. The actions of the DOJ against AP are already having an impact beyond the specifics of this particular case. Some of our longtime trusted sources have become nervous and anxious about talking to us, even on stories that aren't about national security. And in some cases, government employees that we once checked in with regularly will no longer speak to us by phone and some are reluctant to meet in person.

In one instance, our journalist couldn't get a law enforcement official to confirm a detail that had been reported by other media. And I can tell you that this chilling effect is not just at AP, it's happening at other news organizations as well. Journalists from other news organizations have personally told me it has intimidated sources from speaking to them.

Now, the government may love this. I suspect they do. But beware the government that loves secrecy too much. Today, I want to provide you on the latest news from the front on the seizure of AP's phone records by the Department of Justice, what AP is doing about it and the implications for us all. So let me recap how this all started; Angela touched on it briefly.

So on May 7th of last year, 2012, AP published a story on a foiled plot by an al-Qaeda affiliate in Yemen. Al-Qaeda was planning to use a new and more sophisticated bomb to destroy an airliner headed for the United States. Our story revealed that the CIA had thwarted this attack which was intended to coincide with the first anniversary of the killing of Osama bin Laden. Now, that's a real scoop. And it was broken, incidentally, by two longtime AP national security reporters who shared last year's Pulitzer Prize for investigative reporting.

It was not, however, a story that was a surprise to the U.S. government. As the story itself pointed out, AP had held the story for five days at the government's request because that sensitive operation was still ongoing. And then only after the administration had reassured us that the national security risk had been allayed, had past, did we release the story. AP acted responsibly. So the story was important on its own merits. That's a big

story. Americans have a right to know that such an attack was being plotted and that their government was able to prevent it.

But the story also brought into question a statement made by White House Press Secretary Jay Carney. Just two weeks earlier, Carney had said we have no credible information that terrorist organizations, including al-Qaeda, are plotting attacks in the U.S. to coincide with the anniversary of bin Laden's death. Yet, here was AP finding that, in fact, the CIA has been right in the middle of foiling exactly such a plot. It turns out that the person who was to carry the bomb was a double agent working with the CIA, the Saudis and the British.

Now, some have argued that AP got the context wrong, that this was never an al-Qaeda plot, but a CIA scheme from the outset. But I can tell you that interpretation strains credulity. This was an al-Qaeda operation. Al-Qaeda constructed the bomb and its agents were working to activate the plan.

So the story received wide attention, as you would expect. And soon after, the Department of Justice announced that it was launching a leak investigation and it reported a U.S. attorney to take it on. Now, fast forward one year. Last month on Friday, May 10th, we received a letter from the Department of Justice informing us that it had secretly seized the records for 21 AP phone lines which we now know was over a 40 day period around the same time that our story was released. So this was an unprecedented intrusion into AP's newsgathering records. We had never seen anything like this before.

And it was an intrusion by government officials that was so broad, so overreaching, so secretive, that it violated the protective zone that the first amendment provides journalists in the United States. We do not dispute that the U.S. government has the right to pursue those who leak classified information. And this administration has prosecuted leakers like no other in the country's history.

But the Justice Department has rules about how subpoenas that target the press work. And these rules, they date back to the Watergate era. And they require that any demands of the press be as narrowly drawn as possible. And they also require that news organizations be notified of a subpoena in advance, giving them the time to appeal in courts unless doing so, unless giving notice, would substantially impair the integrity of the investigation.

In the sweep up of AP's phone records, DOJ leadership violated its own rules. First, the subpoena was not focused as narrowly as possible, it was over-broad. The telephone records seized included not only the work and personal numbers of the individual AP journalists, but included general AP numbers in New York, Washington, and Hartford, Connecticut. It also included the main phone number at the U.S. House of Representatives Press Gallery, and it included ingoing and outgoing calls. And these were not just the phone lines of our investigative team, they were the general office numbers and general switchboard numbers that where more than 100 reporters work, reporters and

editors, work; thousands of phone calls were swept up by this subpoena by our own count.

Among the AP phone records taken by the DOJ was the switchboard of a number of locations-- let me stop there. While they got the switchboard numbers, they also got a broad sweep beyond just active numbers. They got the switchboard number for our D.C. bureau from more than six years ago that we had vacated that was no longer being used. They subpoenaed a line that belonged to a reporter that worked in Hartford nearly seven years ago. So we do not regard this as focused in any way, or narrowly tailored. The sweep of the records, of course, you're thinking today, that sounds kind of minor compared to what we've now learn the National Security Agency has collected. You know, after all, they've got the entire country's phone records.

But the DOJ, but this is different. The DOJ was collecting AP records. They're not collecting up these records just to load them into some database, this was a specific criminal investigation. They have a dedicated team of prosecutors pouring over these records to locate the source of AP reporting. And in doing so, they're accessing a broad swath of other newsgathering information that's protected by the first amendment against precisely this type of intrusion.

Now, the second way the Department of Justice violated its own rules was in executing the subpoena without notice to AP, which meant we could not seek judicial review. The DOJ claims the exception applied here, that if they had notified us, it would have substantially impaired their investigation. But, you know, how could that be? AP couldn't tamper with these records. We don't even have them in our possession. These records are maintained by phone service providers, by the phone carriers.

The DOJ claims that by notifying AP, if they had notified us, it would have tipped off the leaker. But the leaker certainly already knew of this investigation; it was publicly announced. The FBI Director, Robert Mueller, publicly announced this investigation nine days after our story ran. Furthermore, that kind of reasoning from Justice about tipping off leakers would apply in every single case. The press would, therefore, never be given notice, never be able to go to courts to have them involved. The exception would effectively swallow the rule.

Had DOJ come to us in advance, we could have helped them narrow the scope of the subpoena. And if DOJ and AP didn't agree, then a court could decide which was right. There was never that opportunity. Instead, the DOJ acted as judge, jury and executioner in private, in secret. The DOJ may well have been acting in good faith. I give them the benefit of the doubt. But I suspect they got so single-mindedly focused on the leak investigation that they overlooked the first amendment implications of their actions.

The DOJ has our records and they've probably already used them as part of their investigation. So we can't un-ring that bell. But I'm pleased to tell you that the Justice Department has given us assurances that our phone records have been, and will continue to be, walled off and protracted and used for no other purpose than the leak investigation.

And we appreciate those assurances from DOJ. It doesn't excuse what they did, and we want to make sure that it doesn't happen again.

President Obama has asked Attorney General Eric Holder for recommendations by July 12th on the Justice Department's regulations in this area. And to that end, Justice has been consulting with a number of news organizations and public interest groups and first amendment lawyers. Meanwhile, in Congress, there's been renewed support for a federal shield law that could protect reporters from having to reveal their sources. And this would extend to the federal realm laws that already exist in more than 30 states. The White House has expressed support for such legislation.

Now, AP believes that the following five measures are imperative to give meaning to the rights spelled out in the first amendment. First, we want the Justice Department to recognize the right of the press to advance notice and a chance to be heard before its records are taken by the government. This would have given AP the chance to point out the many failings of the subpoena. We believe notice was required under the existing regulations. Now, if DOJ sees it differently, then the regulations should be strengthened to remove any doubt.

Second, we want judicial oversight. We need to insure that proper checks and balances are maintained. In the AP phone records case, the Justice Department determined on its own that advance notice could be skipped with no checks from any other branch of government. Denying constitutional rights by executive fiat is not how this government should work.

Third, we want the DOJ's guidelines updated to bring them into the 21st century. The guidelines were created before the internet era. They didn't foresee emails or text messages. The guidelines need to insure that the protections afforded journalists encompass all forms of communications.

Fourth, we want a federal shield law enacted with teeth in it that will protect reporters from such unilateral and secret government action.

And fifth, we want the department to institutionalize formally what President Obama and Attorney General Holder have said publicly; that the Justice Department will not prosecute any reporter for doing his or her job. The department should not criminalize or threaten to criminalize journalists for doing their jobs such as calling them co-conspirators under the Espionage Act, as they did Fox reporter James Rosen.

This needs to be part of an established directive not limited to the current administration. No one in this country should ever be prosecuted for committing journalism. AP has no political dog in this fight. It's not about Democrats or Republicans. Our issue is freedom of the press and the rights instilled in the first amendment that were created to hold government accountable. If reporters' phone records are now open territory for the government to secretly monitor, then news sources will be intimidated from talking to reporters. Now, the AP's not going to be intimidated, but our sources will

be. And non-official news sources are critical to a free press and critical to holding a government accountable. Otherwise, you're just going to hear from the official sources and then the public will only know what the government wants them to know. And that's hardly what the framers had in mind when they wrote the first amendment.

Now, this month's headlines, if they show us anything, show us just how much power and information the government has and why a robust free press is more important than ever. This issue resonates far beyond America's borders. The freedom of press enshrined in the U.S. constitution has been a model and an aspiration for nations and people around the world. The DOJ's actions could not have been more tailor made to comfort authoritarian regimes that want to suppress their own news media. The United States does it, too, they can say.

It should not be this way. A free and independent press is fundamental to a functioning democracy. It differentiates democracy from dictatorship, separates a free society from tyranny. The first amendment is our collective covenant that freedom will flourish on these shores. We should all be concerned by the apparent failure by the Justice Department to recognize how its actions threaten that fundamental freedom. Thank you very much. (Applause)

MS. GREILING KEANE: Thank you. Not surprisingly from an audience of journalists, we have a lot of questions.

MR. PRUITT: I suspected.

MS. GREILING KEANE: You said in your remarks that the DOJ violated its own rules, and of course you talked about its effort right now to update those rules. Do you believe that their revisions will make a difference in how they carry out their practices?

MR. PRUITT: You know, I sure hope they do. I can tell you that over the past four decades, the greatest protection afforded reporters in this area has been through these guidelines, through these Department of Justice regulations. And so that is why the focus of AP going forward and other news organizations, that they be updated and they be improved. And so I think it was appropriate that the President asked the Attorney General to look at these regulations and come forward with improvements and recommendations so all of us in the media. And everyone in the country, should look with interest upon what happens on July 12th and what improvements and updates to what those regulations, how they are updated, and we're extremely hopeful that they can provide clearer guidance to the Justice Department and increased protection to the media especially given the strained interpretation that this Justice Department is applying to those rules.

MS. GREILING KEANE: What in the rules can guarantee that this won't happen again?

MR. PRUITT: Well, we believe that the rules were violated in this case. And the department believes they weren't. And they went ahead in secret and got their way, right? They swept up all the records and told us about them up to 90 days later. And if they can do that, then their perspective will always prevail. We need a check on that, and the check is another branch of government, the courts. And that's why we need the notice so we can negotiate with them. And that's what the rules contemplate. And only under exceptional cases can they go in secret. But under their reasoning, as I've said, every case is that exceptional case. We don't want to tip off the leaker even in a public investigation? Give me a break.

And so, we want the rules clarified so that they do-- they're clear that the press will get notice. And that DOJ cannot cite that exception to avoid it. And we think that will provide much greater protection. We could have helped them clean up this subpoena, old vacated, defunct phone numbers. We could have helped in that regard. If they didn't agree, a court could have decided. None of that was able to happen in this case because of their interpretation of the rules. I think they can be improved in a way that will improve this situation going forward for all of us.

MS. GREILING KEANE: Do you consider this administration's response to the news media any different from other administrations?

MR. PRUITT: No. (Laughter)

MS. GREILING KEANE: Then why is it getting more attention now and why are we seeing these highly publicized instances?

MR. PRUITT: Well, this administration has been more aggressive in going after leakers than other administrations. And so it has more active leak investigations going on. But, this administration came in on a platform of transparency and more access. Unfortunately, like past administrations, it hasn't fully lived up to that promise.

MS. GREILING KEANE: At any time did the federal government threaten any form of retaliation against the AP for advancing the terrorism story in question, either directly or indirectly?

MR. PRUITT: Was the question did the department of-- the federal government?

MS. GREILING KEANE: Did the government, yeah?

MR. PRUITT: No, no. Nothing like that happened. AP alone got this scoop. It was a very significant news story and obviously a sensitive news story. And AP went to the administration and talked to them about it. And the administration asked us to hold the story out of national security concerns. And we did. And AP does not want to endanger anyone's life or endanger the national security. And so we always strive to act

responsibly, and we did in this case. And only after we had heard from two parts of the government that the national security risk had passed did we run the story.

Now, the White House asked us to hold the story one more day, but not for national security reasons. They were going to announce the thwarted plot the next day and we didn't feel that we should hold the story for that reason and so we released the story. But we did not hear from either that in any way the national security was compromised, nor did we get pushback from them for running the story. We didn't hear anything until a year later when we found out that our records got swept up as part of the leak investigation. But we didn't hear any pushback from them at that time.

MS. GREILING KEANE: If the government didn't state in detail why it didn't want the story published, what did AP think was the reason at the time?

MR. PRUITT: You know, I wasn't involved in those conversations, so I can tell you that we did hear that it would-- it potentially could jeopardize safety and national security if we went with the story at that time. And that seemed right and we didn't want to jeopardize that. We didn't want to create those problems. And so we waited, and we waited until we got reassurances that security had passed, the operation was no longer under way and that then there was no security risk in running the story.

So I don't know the details of those particular conversations, but that was the judgment that was made and it was not criticized by the government or the administration at that time. As I said, they preferred that we hold it one more day because they were going to announce it. I guess they would have preferred us to wait one more day, we didn't do that but that had nothing to do with national security.

MS. GREILING KEANE: When the AP ran the story, did it have any inkling that the alleged bomber was a double agent?

MR. PRUITT: So now we're getting into some details that are very sensitive. So, AP had a sense that there was a double agent involved here but did not report that. And in part out of concern that perhaps this could be an issue and could be a safety issue. After AP released the story and it broke, the White House was very aggressive in talking about this story. John Brennan talked to the media, he was head of counterterrorism at the time before heading up CIA. And he disclosed that the CIA had internal control of the situation. That implication allowed others to draw the conclusion that there was a spy, that there was a double agent and then it was widely reported by others. And including follow-ups by the AP, that there was indeed a double agent.

But AP did not disclose the fact that a double agent was involved in its news story. The fact that the internal control only came from the administration and then was reported more widely by other news organizations.

MS. GREILING KEANE: If this was really about when the story was published, not whether, why do you think that now as Attorney General Holder has said, that they consider this now to be one of the most dangerous leaks ever?

MR. PRUITT: That's a really good question. I don't know the answer. I have that same question. Maybe he'll come here and speak and answer that question for you. (Laughter)

MS. GREILING KEANE: The invitation is pending. Has AP changed its newsgathering methods as a result of the situation with the DOJ?

MR. PRUITT: Short answer is no, but we are looking at our contracts very carefully with our phone service providers. We're making sure that we can try to get as much notice as possible of subpoenas, that we have as much knowledge of how we can protect our records. We're looking, of course, at as much encryption and security issues as we can build into our internet and our online activities. We're doing that generally because of hackers and so we're looking very vigilantly at secrecy-- I mean at protecting our newsgathering efforts and protecting anonymity of sources and protection of our records. We're probably doing that more than we've ever done before. And that is like an arms race and that will continue going on forever. I think we are having to deal with sources a little differently who are anxious about having their phone numbers associated with the Associated Press. And I will tell you that that could be going on at your news organization right now today and you don't know it, but you'll find out 90 days later, potentially. You'll get a nice surprise in the mail like we did.

And so that goes on, and so I think that there are fewer non-official sources. I think there's more reluctance on some sources. It may require more personal meetings. But we also know that the Department of Justice will-- could follow reporters and what they're doing on foot as well. So, journalism goes on but we will do our best to make sure we can protect our sources and still get the stories by every means possible.

MS. GREILING KEANE: You talked about looking at the integrity of your service provider. This questioner asks have you thought about asking your service providers to push back on the government when the company has reason to believe that a request may violate the law?

MR. PRUITT: Yes. So the phone service providers, when they get subpoenas like this from the government, they comply and they're required to comply, you know. And the government also notifies them not to notify us. So, they are not put in a comfortable position and so the answer to this is not in trying to-- and they've got to abide by the government, okay? So the answer to this is not in getting a better contract with Verizon. It can help, but that's not the answer. The answer is getting better guidelines at the Department of Justice.

MS. GREILING KEANE: What do you think about the public's reaction to all of this? Does the general public outside of the media community understand what this means?

MR. PRUITT: I think the reaction has been incredibly gratifying to this story. I got to tell you, I didn't expect it to be this big a story. I knew it would be a news story, I didn't think it would be this big a story. Now, it could have been for several reasons that it was-- oh, it's the third scandal with Benghazi and IRS and all that. There may have been a lot of reasons for it. But it got more attention than I thought it would because I thought maybe it would just be regarded as sort of a pure press issue.

But I was very pleased that the American public saw it as a broader issue, and issue of is the government harassing the media? Can this affect us? Does this affect us? Does it violate the first amendment? That is a good debate to have. That's a good issue to surface in this country. And I was very pleased that it did. I think the Justice Department, I suspect, was surprised by the reaction. And that may be the biggest protection we have against this happening again because I don't think they want that backlash again. I sure hope not, and I hope it prevents them from doing this again.

But we were pleased to see the reaction. And I do think this has gotten traction worldwide, not always to the benefit of the United States, as I said in my speech. I think some countries around the world were surprised that this could go on in the United States. And the AP is known around the world. This wasn't a local newspaper, God love local newspapers. But the Associated Press is worldwide and when countries around the world and press agencies around the world heard that the U.S. government was doing this to AP, they were shocked, they were surprised. We received an enormous outpouring of support and surprise that the U.S. government could do this.

And so we've been pleased by it. I was surprised by the-- a little surprised that it became such a major story but very pleased that it was, has been, and as I said, I'm hoping that will act as a preventative for future actions by the Justice Department.

MS. GREILING KEANE: This questioner asks how to better engage and mobilize the public. You said that they are engaged and mobilized, but everything is fleeting. The questioner notes calls for arrests of *Guardian* and *Washington Post* journalists from a few members of Congress, how do you keep this story at the forefront of public attention?

MR. PRUITT: Well, I know some of the polls show it doesn't resonate with the public like the IRS scandal does and that's not surprising. You know, come on. The IRS will resonate with everyone in a different way. But, I think it's important for the media to point out how this affects the people, not just the media. And it's not just about the media, but it is about holding the government accountable. The government has never been more powerful. Technology gives the government power that it could never dream of before. But, that's all the more reason why the press needs to be stronger as well

because we are the surrogate of the people. That's the only way the public will be informed.

And I think we have to couch our arguments and our approach and our positions in terms of the people and why it's important for them. And yes, these stories do come and go but I'll tell you something. When people sense that the government is overreaching and it offends their sensibilities, they rise up, they speak up, and that happened here. And I was wrong because I thought oh, this'll be not so big a story. Boy, I was wrong and it was great. And this did resonate. And I think this will have impact. And if this happens again, it will resonate further.

So let's hope that the silver lining from this is that we'll get better updated and improved guidelines from the Justice Department, that we'll get a shield law, that we'll get a recognition that reporters' activities are not criminalized. And that we will, therefore, have a freer society.

MS. GREILING KEANE: Should reporters be objective, impartial and neutral when it comes to covering press freedom? The questioner says is organizations-- as these organizations, should we be doing more to push back against this type of surveillance?

MR. PRUITT: AP is a nonprofit news organization. It does not endorse candidates, it doesn't have editorial positions, it doesn't express opinions. What AP does is cover the news straight, as objectively as possible, day in and day out. And we will always do that, and we should do that on every topic including press freedom issues. And if we don't, we will lose credibility.

So our stake is clear. Now, on op ed page, on editorial pages, that's different. And I think that's a place for opinions and a marketplace of ideas and arguing every which way. The Justice Department deserves their say. They disagree with me, great. You know, that's okay. We think they're wrong. And we'll state it clearly. And so I think that the media needs to speak up for itself, needs to push for a shield law, needs to push for changes in the regulations, needs to be active in that regard but should absolutely cover it straight and objectively and not lose that. Because I think that will actually erode our credibility and it will look self interested.

MS. GREILING KEANE: Wanted to follow up from train of thought from before. Questioner asks if the Department of Justice violated so many of its own rules, why did it even bother to tell AP it had done this in the first place? (Laughter)

MR. PRUITT: It had to. The law requires them to notify us after they do this. So they can sweep it up secretly, but they can wait up to 90 days before they tell us about it. So we don't know when they captured these phone toll records, we're not sure. But we know that it was-- should have been-- within 90 days of when we got the notice. So we got it on May 10th, so it was some time in the three months prior to that that they got the toll records. So they had to do it, so they knew that it would be public eventually. But it was public after they had already obtained the records and we had lost all opportunity to

try to narrow the focus of the subpoena or get a court involved to sort out how it should be-- what the proper scope of that subpoena should be. So we lost all those opportunities. We got notice. As I said, can't un-ring that bell.

MS. GREILING KEANE: Walter Pincus in his *Washington Post* column argued that because the story was a national security risk, it should not have been published. What do you think of his take on the story?

MR. PRUITT: I respect Walter Pincus as a reporter greatly. I think he's wrong on this one. I think that we were very concerned about national security and we handled it responsibly and we were not criticized by the administration in releasing the story and running the story. So do I think that they were happy we got the story? No. Did they criticize us for somehow jeopardizing national security? No. And I think if that comes up now over a year later, that's more suspicious to me. But, we did not hear that at the time. I think AP did act responsibly. The White House announced it the next day. I don't know if the White House is going to-- when and if the White House was going to announce that absent the AP story. I just don't know.

MS. GREILING KEANE: Questioner asks if revealing classified information is a crime for a government employee who's sworn to protect such information, why shouldn't it be a crime for a reporter to publish it?

MR. PRUITT: This person has an elusive grasp of the first amendment. So, government employees, it is a crime and a specific crime for government employees to reveal leaked information, classified information. This is a complicated issue, right? We all know that information in the government is over-classified. There's way too much information that's classified. A lot of information is classified that shouldn't be classified. Some information is classified just because it's embarrassing or they don't want it out. So there's a lot of over-classification that goes on. We all know it, the government acknowledges it.

And post 9/11, when one of the criticisms was that our intelligence information was siloed and that we needed to connect the dots and we needed to have a more integrated intelligence network to prevent terrorism, so we did. And maybe that's helped prevent terrorism. It could well be. But what it's meant is millions of people have access to classified information, millions. Almost a million contractors, not even federal government employees, have access to confidential information. And low level people have access to confidential information. Privates in the military can release loads of information to Wiki leaks. Government contractors that dropped out of high school can release massive amounts of information. That's going to happen. When you've got three million people having classified clearance, you're going to have leakers. It's inevitable. It's going to keep happening.

And so like I said, we don't challenge the government's right to pursue these investigations, they have that right. It's a complicated issue. We're not taking a position on that one way or the other. The administration, the Justice Department sorts that out for

themselves. They make their own determinations as to what leak investigations they're going to pursue. Our quibble in this case was how they went about it, how they conducted that investigation. And that's what we want to keep the focus on. It's a free press issue for us.

And when a journalist does his or her job-- our job is to ask questions, to find out information. And when we find out that information and we're doing our jobs, that should not be a crime. We agree with President Obama when he said that. We agree with the Attorney General when he said that. In fact, we think that should be clear in these guidelines and in their rules, that this should be something that we don't have to ask every questioner about this. We think that's embedded in the first amendment, that journalists doing their job, finding out information, that should not be a crime. In fact, that what we rely on to hold government accountable. That's what we rely on to have a free press so that we can be an informed public, so that we can have a robust debate about the marketplace of ideas.

The United States is not afraid of that. We shouldn't become afraid of that. The United States should welcome that, welcome those debates. The President said he welcomes this debate. Okay, we do, too. So let's have that debate and as a society decide on it. But you can't have the debate if you don't have information. And we need journalists to do their jobs without fear of being prosecuted for doing their jobs. Because then not only will our sources be intimidated, but the journalists will be intimidated. I don't want to live in that country.

MS. GREILING KEANE: Do you know if any of the sources for the story in question have been punished by the government?

MR. PRUITT: Do I know, I'm sorry, the--?

MS. GREILING KEANE: Whether any of the sources for the story that lead to all this have been punished?

MR. PRUITT: I don't know who the source or sources were of our story and I have no idea of their status. But the investigation is ongoing, so I know that there hasn't been any punishment, formal charges brought or anything like that. I'm sure we'll know when and if they are.

MS. GREILING KEANE: And another follow-up to the story, did your reporting do any harm to the double agent and do you care about whether it did?

MR. PRUITT: Yeah, of course we care. We don't want our reporting to jeopardize people's security, people's safety or national security. And we were very careful in this case to make sure we didn't. Again, we didn't publish the story until the administration, two parts of the government, told us that the national security issues had passed, were allayed. Only then did we run the story, release the story. And we did not reveal that the double agent was involved here. And we did not hear from the

administration or the intelligence community that there any risk to the double agent because of our story. And if there had been, I'm sure we would have heard about it. I'm sure they would have told us.

And probably that was the reason they wanted us to hold it. I don't know, but that probably was, and we did.

MS. GREILING KEANE: You mentioned the similar situation with Mr. Rosen at Fox News. How do you compare what's happened there with what's happened at AP?

MR. PRUITT: I think in some ways, I think they're similar. I think in some ways, ours is worse and in some ways, that situation is worse. I think ours was broader, you know. It was a broader sweep up of material, as far as I know. Ours was a very broad, overreaching sweeping gathering of newsgathering information in secret. I think what the Justice Department did in the Rosen case was more offensive in the sense that they put in a subpoena for a search warrant that he was a coconspirator under the Espionage Act. In other words, that he may have been violating the Espionage Act and be a criminal for his actions, which were acting as a journalist.

And as I said, we don't think people should be prosecuted for committing journalism. And so I think given the degree for what they went after and how they tracked him and the meetings he had, et cetera, I think there was more searching, a deeper investigation into his particular activities. So in that sense, it was more troubling. So I think there were two different cases, both raised substantial issues.

MS. GREILING KEANE: You're pointing to the importance of a free press and investigative journalism and the role of the press. Yet the economics of the news business today are, unfortunately, going in the other direction with less money to spend on investigative projects, fewer bureaus and so forth. What's ahead?

MR. PRUITT: Yeah, I think it has become more difficult because the economics of newsgathering have become more strained. Traditional media has less resources to devote to important newsgathering. That's the reality. But I can tell you that the work remains excellent and there are still thousands of journalists doing high quality work throughout the United States, many here in Washington. And so while I think that is a concern, I think it's of greater concern locally where local newspapers and TV stations and radio stations may have fewer resources available to cover local news, to cover local issues, to have the investigative reporting locally.

I think that's the bigger issue than it is nationally. I think there is still a strong, robust reporting going on in the nation's capital. But it is a concern. And I'm hopeful that as traditional media builds its digital revenues that it can sustain the newsgathering and investigative reporting that is so essential to the country. And I'm hopeful about that and we'll have to see how it goes. But it is something that, you know, is a concern as we see resources for newsgathering decline.

MS. GREILING KEANE: Lots of people would like to know your take on Edward Snowden. Do you consider him a whistleblower, a leaker? Where is he on that continuum?

MR. PRUITT: You know, I'm not going to speak to that because if I do that sort of becomes one of the-- what gets reported about what I said here today. And my opinion of Edward Snowden, frankly, is not that important. I don't regard it as relevant to the topic that I'm speaking to today. As I said, our quibble was how this investigation was conducted and trying to avoid it from happening again.

And my particular view of one particular person or another is not terribly relevant. I would say that I would agree with President Obama in that I welcome that debate. I think it could be a healthy debate for the country. But, our issue today, and the issue for AP-- now, AP's used to covering the news. We're used to covering the biggest news stories in the world. We're not used to being the news story. And so it's not entirely comfortable for us, but we're doing our best to cover it objectively and it's up to me, then, to speak and articulate AP's position here and what we think will happen. And I will do that, but we also understand that it's not our position to go out and mouth off about every issue.

MS. GREILING KEANE: This questioner asks whether you think major media outlets have sufficiently scrutinized the Obama Administration's targeting of whistleblowers and whether there is any corollary between that reporting or lack thereof and what we're seeing now with the media?

MR. PRUITT: I'm not sure. I think that because of the AP issue and the Fox News issue, there has been greater awareness and more focus on the Obama Administration's aggressive stance towards leakers. And I think that that is more well known and I think that it has gotten more scrutiny since then. So, I think it may not have gotten much attention before, I think it will get more attention now as a result of these cases, especially if they continue to impinge on first amendment rights.

MS. GREILING KEANE: We are almost out of time, but before asking the last question, I have a couple of important housekeeping matters to take care of. First of all, I'd like to remind you of our upcoming luncheon speakers. On July 1st, we have Carly Fiorina, the former CEO of Hewlett-Packard who currently is Chairman of Good 360. And on August 8th, we have Jim Rogers, President and CEO of Duke Energy. Second, I would like to present our guest with the traditional National Press Club coffee mug.

MR. PRUITT: Great, thank you. (Applause) Appreciate it. Thank you very much.

MS. GREILING KEANE: We've had a serious hour here. We're going to end on a more lighthearted note. We are told, our sources tell us, that you like to use rock lyrics in your speeches. You didn't do that today, but we would like to know if you could

find some lyrics that would describe that's happened with the AP and DOJ in the last month and a half? (Laughter)

MR. PRUITT: Let me think here. Do you have another last question?

MS. GREILING KEANE: That's it.

MR. PRUITT: Yeah. "Gimme Shelter." And another Rolling Stones song, "This Could be the Last Time." Thank you very much. (Applause)

MS. GREILING KEANE: Thank you, Mr. Pruitt. Thank you all for coming today. I'd also like to thank the National Press Club staff including our Journalism Institute and Broadcast Center for helping organize today's event. Finally, here's a reminder that you can find more information about the Press Club on our website. And if you'd like to get a copy of today's program, you can find it there as well at www.press.org. Thank you, we are adjourned. (Sounds gavel.)

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