

Congressman Wants N.Y. Times Prosecuted

The exposure of U.S. surveillance of global bank data hurt security, says Rep. Peter T. King. Two senators decline to join his call for a probe.

By Faye Fiore
Times Staff Writer

WASHINGTON — The chairman of the House Homeland Security Committee called Sunday for criminal prosecution of the New York Times, saying its report Friday on U.S. government surveillance of confidential banking records "compromised America's anti-terrorist policies."

Interviewed on "Fox News Sunday," Rep. Peter T. King (R-N.Y.) said the newspaper compromised national security when it exposed a Treasury Department program that secretly monitored worldwide money transfers to track terrorist financing. The program, instituted after the Sept. 11 attacks, bypasses traditional safeguards against government abuse.

Similar reports were published the same day by the Los Angeles Times and other news outlets.

"By disclosing this in time of war, they have compromised America's anti-terrorist policies," said King, referring to New York Times reporters and editors. "Nobody elected the New York Times to do anything. And the New York Times is putting its own arrogant, elitist, left-wing agenda before the interests of the American people."

Calling the report "absolutely disgraceful," King said he would call on Atty. Gen. Alberto R. Gonzales to begin a criminal investigation of the newspaper.

The Bush administration urged the New York Times and the Los Angeles Times not to publish their reports, but the editors of each newspaper concluded that it was in the public interest to go forward.

"One of the most hotly debated issues in the country right now is the conduct of the war on terror," Los Angeles Times Editor Dean Baquet said Sunday. "It is our job to publish what we know about the government's role, to offer the public what it needs to know to participate in that debate."

Officials at the New York Times had no immediate comment on King's statements.

Senators from both parties declined to join the Long Island congressman's call for an investigation and defended the role of newspapers as guardians against government

abuse.

"We have seen the newspapers in this country act as effective watchdogs," Senate Judiciary Committee Chairman Arlen Specter (R-Pa.) said on the same program.

"I don't think that the newspapers can have a totally free hand. But I think in the first instance, it is their judgment...."

"I think it's premature to call for a prosecution of the New York Times, just like I think it's premature to say that the administration is entirely correct."

On CNN's "Late Edition," Sen. Joseph R. Biden Jr. (D-Del.) said that although he would have preferred the New York Times not publish the information, "the truth of the matter is, they've uncovered an awful lot of things that the government has been doing that doesn't make sense as well."

Both senators cited Thomas Jefferson's maxim: "Were it left to me to decide whether we should have a government without newspapers, or newspapers without a government, I should not hesitate a moment to prefer the latter."

According to the reports in the New York Times and Los Angeles Times, the financial tracking program was part of an aggressive post-Sept. 11 effort to gather intelligence, tapping into the world's largest financial communication network for information on bank transfers.

The network — run by the Society for Worldwide Interbank Financial Telecommunication, or SWIFT — carries up to 12.7 million messages a day. Those messages typically include names and account numbers of bank customers — private citizens and huge corporations alike — that are sending or receiving funds.

To gain access to the information, the Bush administration used administrative subpoenas, which are not subject to independent governmental reviews designed to prevent abuse.

The SWIFT program is part of the administration's broad expansion of anti-terrorism intelligence-gathering methods, which also include warrantless surveillance of some phone calls and e-mails into and out of the U.S. The New York Times first reported on that program, run by the National Security Agency, late last year.

On Sunday, Specter indicated that Congress and the White House were nearing agreement on a proposal to submit all such eavesdropping to the secret federal court that considers intelligence matters.

"We're getting close with the discussions with the White House, I think, to having the wiretapping issue submitted to the Foreign Intelligence Surveillance Court," he said. "That would be a big step forward for the protection of constitutional rights and civil

liberties."

The White House had initially argued that the president could approve warrantless surveillance in terrorism cases under his powers as commander in chief, but critics contended that the Federal Intelligence Surveillance Act, passed in 1978, required communications surveillance in the United States to be approved by the secret intelligence court.

The Washington Post June 27

<http://www.washingtonpost.com/wp-dyn/content/article/2006/06/26/AR2006062600563.html>

Surveillance Disclosure Denounced

'Disgraceful,' Says Bush of Reports

By Peter Baker
Washington Post Staff Writer

President Bush offered an impassioned defense of his secret international banking surveillance program yesterday, calling it a legal and effective tool for hunting down terrorists and denouncing the media's disclosure of it as a "disgraceful" act that does "great harm" to the nation.

The president used a White House appearance with supporters of troops in Iraq to lash out at newspapers that revealed the program, which has examined hundreds of thousands of private banking records from around the world. His remarks led off a broader White House assault later amplified by Vice President Cheney and Treasury Secretary John W. Snow.

"What we did was fully authorized under the law," Bush said in an angry tone as he leaned forward in his chair and wagged his finger. "And the disclosure of this program is disgraceful. We're at war with a bunch of people who want to hurt the United States of America, and for people to leak that program, and for a newspaper to publish it, does great harm to the United States of America."

Bush denied overstepping his bounds by not seeking court or congressional approval for the program in the nearly five years since it was established following the attacks of Sept. 11, 2001. "What we were doing was the right thing," he said. "Congress was aware of it, and we were within the law to do so."

Critics said Bush was trying to divert attention from his own actions. Bush, Cheney and other Republicans "have adopted a shoot-the-messenger strategy by attacking the newspaper that revealed the existence of the secret bank surveillance program rather than answering the disturbing questions that those reports raise about possible violations of the U.S. Constitution and U.S. privacy laws," said Rep. Edward J. Markey (D-Mass.).

Under the program, U.S. officials tapped records of the Society for Worldwide Interbank Financial Telecommunications, or SWIFT, an international banking cooperative owned by nearly 8,000 banks in more than 20 countries. The Treasury Department used administrative subpoenas that do not involve a judge to search for terrorist transactions and hired Booz Allen Hamilton Inc. to verify that the data were properly handled.

The New York Times, Los Angeles Times and Wall Street Journal first reported the program on their Web sites Thursday night. The Washington Post confirmed the story and reported it in its Friday editions. But the New York Times was the focus of White House ire because it led the way in investigating and because it disclosed the National Security Agency telephone surveillance program last year.

"Some of the press, in particular the New York Times, have made the job of defending against further terrorist attacks more difficult by insisting on publishing detailed information about vital national security programs," Cheney said at a Republican fundraiser in Nebraska.

Referring to the NSA program, he added: "What is doubly disturbing for me is that not only have they gone forward with these stories, but they've been rewarded for it, for example, in the case of the terrorist surveillance program, by being awarded the Pulitzer Prize for outstanding journalism. I think that is a disgrace."

Neither Bush nor Cheney raised the prospect of investigating journalists, as proposed by Rep. Peter T. King (R-N.Y.), who called on the Justice Department to prosecute the New York Times for "treasonous" action.

An investigation into how the information was revealed would normally follow such a disclosure. But officials denied that the rhetoric was an attempt to intimidate the media.

"It's not designed to have a chilling effect," White House press secretary Tony Snow said. "If the New York Times wants a spirited debate about it, it's got it. But certainly nobody is going to deny First Amendment rights. But the New York Times and other news organizations ought to think long and hard about whether a public's right to know, in some cases, might overwrite somebody's right to live."

A spokeswoman for the Times had no comment yesterday, pointing instead to an open letter by Executive Editor Bill Keller on Sunday. Keller noted that the Framers intended an independent press as a check on government abuse of power, and "rejected the idea that it is wise, or patriotic, to always take the President at his word, or to surrender to the government important decisions about what to publish."

Keller said he took seriously the government's private entreaties not to publish but decided that printing the story was in the public's interest. He argued that terrorist financiers knew the international banking system is being monitored and said administration officials seemed more worried that bankers would back out of the system.

The argument that disclosure would change terrorist tactics, he wrote, "was made in a half-hearted way."

John Snow fired back yesterday in a letter to Keller, accusing him of "breathtaking arrogance" for presuming to know what terrorists know or do. "Your charge that our efforts to convince The New York Times not to publish were 'half-hearted' is incorrect and offensive," the Treasury secretary wrote.

Unlike the NSA program, the banking surveillance has not triggered broad outrage among congressional Democrats. Jim Manley, a spokesman for Senate Minority Leader Harry M. Reid (D-Nev.), said that "it doesn't seem to be based on the same shaky legal analysis" as the NSA program. But he added that Reid, who was briefed on it for the first time a few weeks ago, is concerned that "the administration has continued to ignore its duty to keep Congress informed."

Sen. Charles E. Schumer (D-N.Y.), a Bush critic, issued a tempered statement yesterday: "Allowing law enforcement to examine bank records in order to stop the flow of money to terrorists makes a lot of sense, and this program appears to allow for just that. The real question here, as with so many other programs run by this Administration, is whether they are obeying the laws we have on the books to protect Americans from unnecessary invasions of their privacy."

The New York Times June 27

<http://www.nytimes.com/2006/06/28/world/europe/28secure.html>

Damage Study Urged on Surveillance Reports

By **SCOTT SHANE**

WASHINGTON— Senator Pat Roberts, the chairman of the Senate intelligence committee, asked the director of national intelligence on Tuesday to assess any damage to American counterterrorism efforts caused by the disclosure of secret programs to monitor telephone calls and financial transactions.

Mr. Roberts, Republican of Kansas, singled out The New York Times for an article last week that reported that the government was tracking money transfers handled by a banking consortium based in Belgium. The targeting of the financial data, which includes some Americans' transactions, was also reported Thursday by The Los Angeles Times and The Wall Street Journal.

In his letter to John D. Negroponte, director of national intelligence, Mr. Roberts wrote that "we have been unable to persuade the media to act responsibly and to protect the means by which we protect this nation."

He asked for a formal evaluation of damage to intelligence collection resulting from the revelation of the secret financial monitoring as well as The Times's disclosure in

December of the National Security Agency's monitoring of phone calls and e-mail messages of Americans suspected of having links to Al Qaeda.

In London, meanwhile, a human rights group said Tuesday that it had filed complaints in 32 countries alleging that the banking consortium, known as Swift, violated European and Asian privacy laws by giving the United States access to its data.

Simon Davies, director of the group, Privacy International, said the scale of the American monitoring, involving millions of records, "places this disclosure in the realm of a fishing exercise rather than a legally authorized investigation."

The Belgian prime minister, Guy Verhofstadt, has asked the Justice Ministry to investigate whether Swift violated Belgian law by allowing the United States government access to its data.

The American Civil Liberties Union has condemned the program, and a Chicago lawyer, Steven E. Schwarz, filed a federal class-action lawsuit against Swift on Friday alleging that it had violated United States financial privacy statutes.

President Bush, Vice President Dick Cheney, Treasury Secretary John W. Snow and numerous Republicans in Congress have vigorously defended the financial tracking program as legal and valuable and condemned its public disclosure. They have suggested that the articles might tip off terrorists that their money transfers could be detected. Representative J. D. Hayworth, Republican of Arizona, circulated a letter to colleagues on Tuesday asking that The Times's Congressional press credentials be suspended.

Tony Snow, the White House spokesman, said any effort to measure damage to intelligence collection would take some time. "It's not as if the terrorists are going to say, 'Oops! Going to stop doing that,' " Mr. Snow said at a briefing. "But I think it is safe to say that once you provide a piece of intelligence, people on the other side act on it."

The electronic messaging system operated by Swift, the Society for Worldwide Interbank Financial Telecommunication, routes nearly \$6 trillion a day in transfers among nearly 8,000 financial institutions.

At a confirmation hearing on Tuesday for Henry M. Paulson Jr., the nominee for Treasury secretary, Senator Max Baucus, Democrat of Montana, asked whether the monitoring might violate the Fourth Amendment's protection against unreasonable searches. "I think you'll agree that we could fight terrorism properly and adequately without having a police state in America," Mr. Baucus said.

Mr. Paulson did not express an opinion on the propriety of the Swift monitoring but pledged to study it. "I am going to, if confirmed, be all over it, make sure I learn everything there is to learn, make sure I understand the law thoroughly," he said. Democratic staff members said they had pressed Treasury officials in recent days for a fuller accounting of which members of Congress were briefed on the program and whether notification requirements under the International Economic Emergency Powers Act, invoked by President Bush days after Sept. 11, were met.

Treasury officials have told Congressional staff members that they briefed the full intelligence committees of both houses about a month ago, after inquiries by The Times, according to one Democratic aide who spoke on condition of anonymity. Some members were told of the program several years ago, but the Treasury Department has not provided a list of who was informed when, the aide said.

Democrats said they hoped to get a clearer idea of the legal foundations for the program, how it was monitored, and how long it will be allowed to continue under the president's invocation of emergency powers.

Representative Carolyn B. Maloney, a New York Democrat who serves on the House financial services committee, said Tuesday: "The administration is basing its actions on a 1970's law that never envisioned a state of perpetual emergency. It wasn't meant to become the status quo. That is why Congress needs to look at its current use."

Victor Comras, a former State Department official who served on a United Nations counterterrorism advisory group, pointed out on The Counterterrorism Blog that a 2002 United Nations report had noted with approval that the United States was monitoring international financial systems.

While providing no details, the report mentioned Swift and similar organizations, saying "the United States has begun to apply new monitoring techniques to spot and verify suspicious transactions."

Dan Bilefsky contributed reporting from Brussels for this article, and Carl Hulse and Eric Lichtblau from Washington.

The Washington Post June 29

<http://www.washingtonpost.com/wp-dyn/content/article/2006/06/28/AR2006062802180.html>

Bush Seeks to Use Media Leaks to His Advantage

Attack on Newspapers Continues as Some Democrats Accuse White House of Trying to Divert Attention

By Charles Babington and Michael Abramowitz
Washington Post Staff Writers

President Bush rallied Republicans with another attack on the media last night, in remarks that highlighted efforts at the White House and on Capitol Hill to gain momentum from recent disclosures about classified programs to fight terrorism.

Senior administration officials say the president was outraged by articles in the New York Times and other newspapers about a surveillance program in which the U.S. government has tapped international banking records for information about terrorist financing. But his comments at a Republican fundraiser in a St. Louis suburb yesterday, combined with new moves by GOP congressional leaders, showed how both are working

to fan public anger and reap gains from the controversy during a midterm election year in which polls show they are running against stiff headwinds.

Democrats, for their part, denounced Republicans for trying to divert attention from issues such as the Iraq war and high gasoline prices, and some terrorism experts said the White House is exaggerating the damage.

Republican House leaders introduced a resolution yesterday condemning leakers and calling on the media and others to safeguard classified programs. For the second time this week -- at an event on behalf of [Sen. James M. Talent](#) (R-Mo.) -- Bush attacked newspapers for disclosures he said make it harder for his administration to thwart terrorists.

"This program has been a vital tool in the war on terror," the president said, receiving a standing ovation. "There can be no excuse for anyone entrusted with vital intelligence to leak it and no excuse for any newspaper to print it."

Hours before Bush spoke, Democrats denounced what they saw as a White House-inspired campaign.

"This is all so people don't realize what else is going on," especially in Iraq, said Rep. Rahm Emanuel (Ill.), who is heading his party's efforts to regain control of the House in the November elections. "This is disingenuous of both the White House and House Republicans."

The White House dismissed such claims. "This is not press-bashing. This is a clear disagreement about a decision to reveal a classified program," White House counselor Dan Bartlett said in an e-mail exchange. "Are we supposed to just sit back and take it?"

Last week, the New York Times, Wall Street Journal and Los Angeles Times reported that the banking surveillance program used a new interpretation of the Treasury Department's administrative authority to bypass traditional banking privacy protections, sweeping up large numbers of international money transfers in a bid to identify terrorist funding operations. The Washington Post quickly matched the reports, which were posted on Web sites Thursday night.

There is growing debate about whether the disclosures aided terrorists or added to the government's burden. Victor Comras, a retired diplomat and consultant on terrorism financing, said he finds it "doubtful" that the disclosure had much impact because many terrorists have taken steps in recent years to mask their transactions, aware they might be under surveillance.

"I can understand why people are upset when any classified information is leaked, but I wouldn't call this a major damage to our national security or to the war on terror," Comras said in an interview. "A terrorist would have to be pretty dumb not to know that this was happening."

Administration officials disputed such claims, saying there is a big difference between a terrorist thinking the government may be watching him and knowing exactly what the government is doing to monitor financial flows. In a letter to the New York Times posted on the Treasury Department's Web site, outgoing Secretary John W. Snow wrote, "In choosing to expose this program, despite repeated pleas from high-level officials on both sides of the aisle, including myself, the Times undermined a highly successful counter-terrorism program and alerted terrorists to the methods and sources used to track their money trails."

The House GOP resolution, scheduled for a vote today, takes aim at the media and at government workers who may have shared classified information. Republicans said the resolution will allow their members to register support for Bush's anti-terrorism efforts and the anger that many feel toward news organizations. They said it also is designed to force House Democrats to stand with the media or Bush's criticism of it -- a choice many would prefer to avoid.

The House action came a day after several GOP senators criticized the media -- the New York Times, in particular -- and suggested that reporters and editors should be prosecuted for disclosing classified information. Members of both parties agreed that the uproar would help the administration, at least temporarily, frame the national debate on terms that resonate favorably with its conservative electoral base.

The House resolution does not mention any news organization by name, a decision that resulted from closed-door GOP discussions in which some urged colleagues not to overdo media-bashing. It defends the legality and effectiveness of the financial transactions-monitoring program. It states that the House "expects the cooperation of all news media organizations in protecting the lives of Americans and the capability of the government to identify, disrupt, and capture terrorists by not disclosing classified intelligence programs such as the Terrorist Finance Tracking Program."

A House Democratic staff member said the phrase appears to infringe on the First Amendment's protection of a free press. Democrats were drafting an alternative resolution last night but privately conceded that Republicans probably would not allow a vote on it.

The GOP resolution, sponsored by Rep. Michael G. Oxley (Ohio), also states that "the disclosure of the Terrorist Finance Tracking Program has unnecessarily complicated efforts by the United States Government to prosecute the war on terror and may have placed the lives of Americans in danger both at home and in many regions of the world." It "condemns the unauthorized disclosure of classified information by those persons responsible and expresses concern that the disclosure may endanger the lives of American citizens."

<http://www.washingtonpost.com/wp-dyn/content/article/2006/06/29/AR2006062901904.html>

House GOP Chastises Media

Resolution Condemns Disclosure of Bank-Monitoring Program

By Charles Babington
Washington Post Staff Writer
June 30

Newspapers have criticized politicians for decades, but House Republicans turned the tables yesterday. Over most Democrats' objections, the House voted to condemn the news media's disclosure of a secret program that monitors international bank transactions, endorsing President Bush's assertion that major newspapers have acted disgracefully and undermined vital anti-terrorism efforts.

The GOP-crafted resolution, approved 227 to 183, also condemned the unidentified sources who leaked information of the program. It said the House "expects the cooperation of all news media organizations" in protecting the government's capability "to identify, disrupt, and capture terrorists."

The House vote was the latest volley in a Republican campaign accusing the New York Times and other news outlets of endangering national security by disclosing classified programs, including the warrantless surveillance of Americans' phone calls and the collection of phone data from U.S. residences and businesses. The resolution forced Democrats -- who were allowed to offer no amendments or substitutes -- either to side with language that strongly defended Bush's controversial surveillance initiatives or to appear to be defending news outlets accused of aiding terrorists.

If publication of the bank-monitoring program goes unpunished, "What won't be leaked, and what won't be published?" asked Rep. David Dreier (R-Calif.) during the debate.

But Rep. Alcee L. Hastings (D-Fla.) chastised the Republicans. "You know better than to seek to amend the First Amendment," which protects a free press, he said. He noted that Republicans have vilified the Times, which has a liberal editorial page, but barely mentioned the Wall Street Journal, whose editorial page is conservative.

Last week, the Times, the Journal and the Los Angeles Times reported that the program bypassed traditional banking privacy protections in order to track vast numbers of international money transfers in a bid to spot terrorist funding activities. The Washington Post quickly matched the reports, and all four papers had extensive articles on June 23.

The House resolution did not name any publication, and sources said it was milder in its criticisms than some GOP members had wanted.

The resolution, sponsored by Rep. Michael G. Oxley (R-Ohio), said that "the disclosure of the Terrorist Finance Tracking Program has unnecessarily complicated efforts by the United States Government to prosecute the war on terror and may have placed the lives of Americans in danger both at home and in many regions of the world." It "condemns the unauthorized disclosure of classified information by those persons responsible and expresses concern that the disclosure may endanger the lives of American citizens."

Rep. Maurice D. Hinchey (D-N.Y.) said the resolution "attempts to intimidate the press and strengthen the hands of this despotic administration, which continues to violate the law. . . . Freedom of the press is essential to a functioning democracy."

But Rep. Peter T. King (R-N.Y.) said the New York Times reporters and editors who handled the banking story "are co-conspirators with the leakers," and should be hauled before a grand jury and forced to name their sources. If there is another terrorist attack on the United States, King said, "the blood will be on their hands."

In the Senate, John Cornyn (R-Tex.) introduced a similar resolution "condemning the damaging leaks and subsequent publication of vital national security information about the Terrorist Finance Tracking Program" and the National Security Agency's warrantless wiretaps of Americans' international phone calls and e-mails. It was unclear if or when the Senate would take up the measure.

Rep. J.D. Hayworth (R-Ariz.) continued to gather signatures on a letter urging House leaders to revoke the credentials that allow New York Times reporters to move about the Capitol.

The Associated Press

<http://www.chron.com/disp/story.mpl/ap/nation/4017672.html>

Worldwide, Journalists and 'Leakers' Feel Heat

By CHARLES J. HANLEY

AP Special Correspondent

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NEW YORK — Headline by headline, a trickle of news leaks on Iraq and the antiterror campaign has grown into a steady stream of revelations, and from Pennsylvania Avenue to Downing Street, Copenhagen to Canberra, governments are responding with pressure and prosecutions.

The latest target is The New York Times. But the unfolding story begins as far back as 2003, when British weapons expert David Kelly was "outed" as the source of a story casting doubt on his government's arguments for invading Iraq, and he committed suicide.

And it will roll on this fall, when Danish journalists face trial for reporting their government knew there was no evidence of banned weapons in Iraq.

In London's Central Criminal Court, too, accused leakers will be in the dock this fall, for allegedly disclosing President Bush talked of bombing al-Jazeera, the Arab television station. The British government threatens to prosecute newspapers that write any more about that leaked document.

Media advocates are alarmed at what they see as a mounting assault on press freedom in country after country, arguing it is potentially chilling the pursuit of truth as U.S. and European leaders pursue wars on terror and in Iraq.

"It's grotesque that at a time when political rhetoric is full of notions of democracy and liberty that we should have this fundamental right of journalists to investigate and report on public interest matters called into question," Aidan White, general-secretary of the Belgium-based International Federation of Journalists, told The Associated Press.

But others counter that national interest requires stopping leaks of classified information, and that some media reports endanger lives by tipping terrorists to government tactics.

"We cannot continue to operate in a system where the government takes steps to counter terrorism while the media actively works to disclose those operations without any regard for protection of lives, sources and legal methods," Sen. Pat Roberts said in Washington.

The Kansas Republican was reacting to a June 23 report by the Times _ and other papers _ detailing a U.S. government program that taps into a huge international database of financial records to try to track terror financing.

Some Republican lawmakers called for criminal investigations of the journalists responsible and of the government insiders who leaked the information.

Investigations are already under way in other U.S. cases, reaching back to 2003, when whistleblower Joseph Wilson questioned a Bush administration claim about Iraq's supposed nuclear program. Times reporter Judith Miller spent three months in jail in that complex case last year, as investigators sought whoever leaked the name of Wilson's CIA-agent wife.

The Washington Times says the Justice Department is also investigating New York Times and Washington Post reporters _ the Times for disclosing in 2005 that the government was monitoring Americans' phone calls without court warrants and the Post for reporting that the CIA was operating secret prisons for suspected terrorists in eastern Europe. The CIA in April fired a top analyst as an alleged source for the reports on covert prisons.

Just as the stories cross borders, so do the crackdowns.

Swiss investigators are looking for the leaker of an intelligence document attesting to the CIA prison network and are weighing criminal charges, under secrecy laws, against three journalists at the weekly SonntagsBlick who reported the story.

In Britain, revelations and retributions have filled news columns and airwaves since the U.S.-British invasion of Iraq in 2003, when the British Broadcasting Corp., citing an unidentified government source, said allegations of Iraqi weapons of mass destruction _ now known to have been false _ had been "sexed up."

In July that year, bioweapons expert David Kelly informed superiors he was the BBC's source. He expected confidentiality, but his identity was disclosed and he was compelled to testify, under harsh questioning, before two parliamentary committees. Within days, Kelly killed himself.

In 2004-05, at London's Daily Telegraph and then at The Times, correspondent Michael Smith reported on leaked memos from Prime Minister Tony Blair's government indicating the Bush administration was long committed to invading Iraq, and weapons intelligence was "fixed" around that aim. Smith says he has been investigated under Britain's Official Secrets Act, but neither he nor any leaker has been charged.

For David Keogh, a former British Cabinet Office spokesman, and Leo O'Connor, an ex-Parliament aide, the outcome was different.

Both are charged under the secrecy act in the alleged leaking of a classified memo about a Bush-Blair meeting in 2004 at which Blair was said to have argued against a Bush suggestion of bombing al-Jazeera's headquarters in Qatar. Keogh and O'Connor face up to two years in prison if convicted this fall.

After London's Daily Mirror reported on that memo last November, Britain's attorney general warned other editors they could face prosecution if they divulged any more of the leaked document.

Across the North Sea, Michael Bjerre and Jesper Larsen of Berlingske Tidene, a major Danish daily, face two years in prison at their trial this fall _ the first such prosecution of journalists in Denmark's modern history.

They reported in 2004 that before joining the Iraq invasion, the Danish government was told by military intelligence there was no firm evidence of banned weapons in Iraq, a finding the Danes presumably based on U.S. and British information.

Because it involved going to war, "the articles published were obviously in the public interest," the newspaper's chief editor, Niels Lunde, told AP.

The Danish leaker, a former intelligence officer, was convicted and jailed for four months last year. Now "the court must decide whether the penal code provision banning publishing secret information applies to these journalists," said prosecutor Karsten

Hjorth. The government contends the leak damaged its intelligence relations with other nations.

Elsewhere:

_Two journalists in Romania face up to seven years in prison for possessing classified documents about the Romanian military's operations in Iraq and Afghanistan, even though their newspapers never published the information.

_A German parliamentary report May 26 disclosed Berlin's foreign intelligence agency had been illegally spying on German journalists since the 1990s to find the sources of leaks.

_De Telegraaf, the Netherlands' biggest paper, had to go to court to win a ruling last month ordering the Dutch secret service to stop wiretapping calls of two reporters who obtained leaked information about official corruption.

"Systematic surveillance is becoming one of the most worrying features in relations between authorities and media worldwide," said the journalist federation's White.

Even whistleblowers who don't divulge state secrets can feel the heat _ like Australia's Rod Barton.

After the Canberra government dismissed what he privately reported about phony weapons "intelligence" and prisoner abuse in Iraq, the former Iraq weapons inspector went public last year with the information. Soon Barton's government contract work evaporated, he was "disinvited" from official functions, and former colleagues were ordered to shun him.

"Although there is still freedom of speech, it is not entirely free. There is a price," he told AP.

The campaign to criminalize publication of classified information was reviewed by Scott Sherman in "Chilling the Press," The Nation, July 17: <http://www.thenation.com/doc/20060717/sherman>