

FBI director defends media impersonation by bureau agents

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8 November 2014

In a letter delivered to the *New York Times* Thursday, FBI director James Comey defended a 2007 sting operation in which agents fabricated an Associated Press news story and the impersonation of an AP reporter by an FBI agent.

Supposedly in an effort to locate the caller behind a series of bomb threats, FBI agents sent a link to a forged AP story to 15-year-old Josh G of Olympia, Washington, and subsequently pretended to be an AP reporter to encourage the youth to read the link and give feedback to the leading news outlet about whether the article portrayed the suspect “fairly.”

Josh G followed the link, which was embedded with a malware program known as a Computer and Internet Protocol Address Verified (CIPAV), thus allowing the FBI to determine the precise location of his computer.

Written in response to widespread criticisms of the FBI’s media impersonation tactic, “To Catch a Crook, The FBI’s Use of Deception,” Comey’s letter to the editorial board of the *New York Times*, staunchly defends the 2007 operation and the use of “deception” in general as an investigative tactic.

“We do use deception at times to catch crooks, but we are acting responsibly and legally,” Comey wrote.

Deception, Comey wrote, “has long been a critical tool in fighting crime.”

“That technique was proper and appropriate under Justice Department and FBI guidelines at the time. Today, the use of such an unusual technique would probably require higher-level approvals than in 2007, but it would still be lawful and, in a rare case, appropriate,” Comey wrote.

“Every undercover operation involves ‘deception,’ which has long been a critical tool in fighting crime,” the FBI director concluded.

According to Comey’s letter, FBI psychological analysts determined that the teenager was a “narcissist,”

and so decided that sending him a forged news story about his own alleged illegal activities would be effective.

Despite Comey’s reassurances, leading voices from the media establishment have harshly criticized the FBI tactic.

“This latest revelation of how the FBI misappropriated the trusted name of the Associated Press doubles our concern and outrage, expressed earlier to Attorney General Eric Holder,” AP editor Kathleen Carroll wrote, referring to the Obama DOJ’s secret seizure the AP’s telephone records in May 2013, a move intended to produce a “chilling effect” on investigative journalism by silencing critical journalists and intimidating their sources into silence.

“The agency’s unacceptable tactics undermine AP and the vital distinction between the government and the press,” Carroll wrote.

In a letter addressed to Comey and Attorney General Eric Holder, and co-signed by 25 news organizations, the Reporters Committee for Freedom of the Press (RCFP) condemned the FBI impersonation tactic as “unacceptable.” The RCFP wrote that media impersonation posed a threat to the First Amendment and blurred the distinction between the media and the state.

“The utilization of news media as a cover for delivery of electronic surveillance software is unacceptable. This practice endangers the media’s credibility and creates the appearance that it is not independent of the government,” the RCFP wrote.

The RCFP noted that the warrant request submitted by the FBI in relation to the tactic made no mention of the bureau’s plans to create a forged news article and impersonate media personnel, despite the fact that Justice Department regulations include a “complex set of approval and review requirements” to be met before any impersonation of media can be carried out, due to the threat posed by such operations to the First Amendment.

The FBI “seemingly failed to follow any of these procedures in the Associated Press/Seattle Times incident,” the RCFP wrote.

Given the ongoing DOJ efforts to modify warranting requirements for electronic searches by the FBI, such flagrant disregard for well-established legal and democratic principles is doubly alarming, the RCFP letter said.

“This issue raises special concerns in light of pending proposed changes to Rule 41 of the Federal Rules of Criminal Procedure. The proposed changes specifically address, among other things, the authority of magistrate judges to authorize the use of ‘remote access’ to electronic storage,” the RCFP wrote.

The RCFP demanded that the FBI release “full records of this case,” and implied that the bureau has tailored its official statements on the matter to conceal key facts about the case.

“FBI’s statements in this case have been inconsistent with the records released in response to the Freedom of Information Act,” the RCFP wrote.

The RCFP has submitted Freedom of Information Act (FOIA) requests seeking release of further documents relating to FBI impersonation of media, the letter notes.

The drive of the US ruling elite to dismantle core provisions of the US Bill of Rights is clearing the way for increasingly aggressive sting operations by DOJ, FBI and other US government “law enforcement” agencies. Last month, reports surfaced of an FBI sting operation in July that disabled Internet service to portions of the Caesar’s Palace Hotel on the Las Vegas Strip to enable agents to infiltrate the hotel while posing as repairmen.

Also last month, reports surfaced that the DEA lifted photos from a suspect’s phone and used them to create a fake Facebook profile, which agents then used to communicate with alleged members of a “New York drug ring.”



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