

GOVERNMENT CONTINUES TO FREAK OUT ABOUT THE INTERCEPT, RAISE ITS PROFILE

The Intercept had a story on the content of the government's terrorist watchlist yesterday – I'll have more to say about the content later. But the government – largely National Counterterrorism Center – response to it shows the government getting increasingly unhinged about the Intercept and other journalistic models based on leaked documents.

First, in an apparent effort to shift the focus away from the 200,000 people on the terrorist watchlist with no tie to a known terrorist organization and to the fact that the watchlist has ballooned in response to the UndieBomb attempt in December 2009, NCTC gave the scoop to AP's Eileen Sullivan.

The Associated Press dropped a significant scoop on Tuesday afternoon, reporting that in the last several years the U.S. government's terrorism watch list has doubled.

A few minutes after [the AP story](#), then consisting of three paragraphs, was posted at 12:32 p.m., [The Intercept published](#) a much more comprehensive article.

NCTC even admitted they spoiled the scoop after the Intercept's John Cook called them on it.

After the AP story ran, The Intercept requested a conference call with the National Counterterrorism Center. A source with knowledge of the call said that the government agency admitted

having fed the story to the AP, but didn't think the reporter would publish before The Intercept did. "That was our bad," the official said.

Asked by The Intercept editor John Cook if it was the government's policy to feed one outlet's scoop to a friendlier outlet, a silence ensued, followed by the explanation: "We had invested some quality time with Eileen," referring to AP reporter Eileen Sullivan, who the official added had been out to visit the NCTC.

"After seeing you had the docs, and the fact we had been working with Eileen, we did feel compelled to give her a heads up," the official said, according to the source. "We thought she would publish after you."

This is bone-headed on several levels. In the future, all government agencies will get less time to comment on the Intercept's upcoming stories, which – given how much classified information they're sitting on – could really hurt their interests.

And NCTC burned Sullivan badly; she's a decent reporter, but NCTC has made it clear they consider her *their* reporter. (NSA has done this similarly but less obviously with some superb beat reporters, leaking them partial stories then exploiting those partial stories to undercut real attention on the documents.)

Then, the government gave CNN's Evan Perez an "Exclusive" to trumpet their determination that there's probably someone else leaking documents to the Intercept.

The federal government has concluded there's a new leaker exposing national security documents in the aftermath of surveillance disclosures by former NSA contractor Edward Snowden, U.S. officials tell CNN.

Proof of the newest leak comes from national security documents that formed the basis of a news story published Tuesday by the Intercept, the news site launched by Glenn Greenwald, who also published Snowden's leaks.

The Intercept article focuses on the growth in U.S. government databases of known or suspected terrorist names during the Obama administration.

The article cites documents prepared by the National Counterterrorism Center dated August 2013, which is after Snowden left the United States to avoid criminal charges.

Greenwald has suggested there was another leaker. In July, he said on Twitter "it seems clear at this point" that there was another.

Government officials have been investigating to find out that identity.

Note, there's almost certainly an error here, presumably on the part of the government. There appears to be a second NSA leaker, leaking to Jacob Appelbaum. But there's also the person who gave the Intercept the NCTC documents, which is almost certainly an entirely different person.

Of course, there's not just one new leaker. In DC there are new leakers everyday, even people who share classified documents. What Perez' sources mean is OMIGOD there's another person giving That Outlet documents.

The government has chosen to make it a Big Story that at least one more person has decided to leak the Intercept documents.

Ultimately, I think the Known and Suspected Terrorist documents the Intercept got are badly overclassified and also should be released in whole to permit debate and oversight. The documents show some good things (and some areas where NCTC has implemented questionable demands

from Congress such as that they biometric everything). They also show the system lacks controls. Absent real discussion, it appears NCTC and the rest of this bureaucracy hasn't gotten the right balance on watchlisting.

But rather than engaging in that debate, the government first tried to pre-empt it, burning Sullivan in the process, and then screaming so loud as to raise the value of such leaks.

Dumb.