



THE MCCLATCHY COMPANY
Since 1857

VIA HAND DELIVERY

July 30, 2013

Hon. James R. Clapper
Director, Office of the Director of National Intelligence
Washington, DC 20511

Re: Collection and Use of Telephone Data of a McClatchy Newspapers Reporter

Dear Mr. Clapper:

As you may be aware, over the past weekend, newspapers in New Zealand published troubling reports that U.S. intelligence agencies helped the New Zealand military collect “metadata” of cellular telephone calls made by Jon R. Stephenson while he worked as a correspondent for McClatchy Newspapers in Afghanistan between January and September of last year. Those reports indicated that the metadata that the U.S. agencies helped collect covered not just calls made by Mr. Stephenson, but also calls by his “associates,” raising further the question of whether the collection also included metadata from calls made by McClatchy journalists and editors in Washington, D.C. with whom Stephenson spoke regularly by telephone while working for McClatchy.

The allegations of U.S. intelligence agencies helping to target a journalist working for a U.S. news organization contained in the reports are of course disturbing. The metadata that intelligence agencies have routinely been collecting to fight terrorism can be used to learn a great deal about a person, including their habits, their preferences and, in the case of journalists, their sources. Absent a well-founded, good faith belief that a journalist is engaged in terrorist activity, compiling and analyzing a journalist’s metadata would violate core First Amendment principles and U.S. law.

The reports out of New Zealand are thus particularly alarming in disclosing that the apparent purpose for monitoring Mr. Stephenson was the unhappiness of the New Zealand military over his reporting about possible war crimes committed by New Zealand special forces. If the reports are accurate, the U.S. Government’s facilitation of such retaliatory monitoring of a reporter would be a serious breach of both the constitutional protection of newsgathering and the statutory limits imposed on the collection and use of communications information by intelligence agencies.

President Obama has reassured the American public—repeatedly—that the data collection programs conducted by the intelligence community to search for terrorists are carefully circumscribed and not allowed to “run amok.” We, along with other members of the media, repeatedly have been assured that no queries are made against the communication information databases compiled by U.S. intelligence agencies unless there is a good reason to suspect

terrorist activity. These assurances cannot be squared with the allegations made in the reports this past weekend.

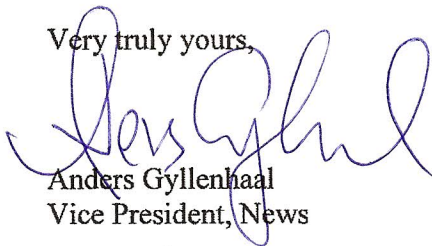
We regard any targeted collection of the metadata of our journalists as a serious interference with McClatchy's constitutional rights to gather and report the news. We therefore request clarification about whether any U.S. intelligence agencies helped in the collection, use and/or analysis of any metadata from the cellphone of McClatchy journalist Jon Stephenson, including,

- the phone numbers, email, or other accounts for which his metadata was compiled;
- the time period covered by the metadata;
- whether the metadata included locational information;
- whether metadata was separately compiled for the communications of the individuals who spoke with Mr. Stephenson, including any journalists and editors at McClatchy in the United States; and
- whether the actual content of any email or other communications was obtained.

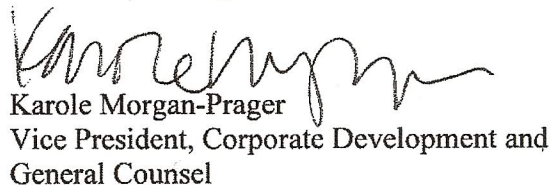
We urgently seek to know the scope of any information relating to Mr. Stephenson that may have been compiled, and, if that information was gathered, the justification for doing so.

Given the importance of this situation, we look forward to your prompt response.

Very truly yours,



Anders Gyllenhaal
Vice President, News



Karole Morgan-Prager
Vice President, Corporate Development and
General Counsel

COPIES TO:

cc: Gen. Keith B. Alexander, Director, National Security Agency
John C. Inglis, Deputy Director, National Security Agency
Lt. Gen. Michael T. Flynn, Director, Defense Intelligence Agency