



SHUTTING DOWN THE PRESS, AND UNEQUAL JUSTICE

Founding Values: Common Defense; Equal Justice. Constitutional Principles: Rule of Law; Freedom of the Press. Institutional Norms: Executive Constraint; Administrative Neutrality.

BOTTOM LINE

On January 14, 2026 the FBI searched the home of Washington Post reporter Hannah Natanson and seized her phone, two laptops, a recorder, a hard drive and a smartwatch, though agents told her she was not a target. Two federal judges have since ruled that the Privacy Protection Act of 1980 bars the government from searching the material, a statute the DOJ left out of its warrant application. The courts enforced the statute, but no court can enforce the norms that were broken. Congress should reintroduce a federal shield law and require certification of Privacy Protection Act compliance in any warrant touching a journalist.

NARRATIVE

On January 14, 2026, FBI agents executed a pre-dawn search warrant at the home of Washington Post reporter Hannah Natanson, seizing her phone, two laptops, a recorder, a hard drive, and a smartwatch. The warrant was tied to a criminal investigation of Aurelio Perez-Lugones, a Pentagon contractor charged with unlawfully retaining national defense information. It coincided with a grand jury subpoena served on the Post newsroom. Investigators told Natanson, who covers the federal workforce reductions, that she was not a target. This is the first time the DOJ has [raided a journalist's home](#) in a national security leak investigation. Attorney General Bondi framed it as targeting a reporter “obtaining and reporting classified and illegally leaked information,” though Perez-Lugones had not yet been indicted for leaking to the media. The law and the norms part company here. The First Amendment bars prior restraint: in the [Pentagon Papers](#) case the Supreme Court refused to enjoin (block in advance) the press, while leaving open whether a journalist could be prosecuted afterward. No court has ever upheld such a conviction. The [Privacy Protection Act of 1980 \(PPA\)](#) is a statute a journalist can sue under, and it is what the judges enforced. The Justice Department’s own [media rules](#) are policy: they call warrants against reporters “extraordinary measures,” to be used only “after all reasonable alternative attempts have been made.” That said, a new unofficial posture was set early in the administration when on February 15, 2025, the President wrote on his own social media accounts, and the White House repeated on its official X account, “*He who saves his Country does not violate any Law.*” Read as overriding guidance, it tells executive branch officials who believe they are protecting national security that media rules and other legal limits do not bind them. This pressure from the top places, at the very least, oath-taking officials in an ethical quandary, and, at most, 1st Amendment protections at risk.

A magistrate judge [blocked the government](#) from examining the devices and ordered independent judicial review, citing the PPA, which the DOJ had omitted from its warrant application. The government argued the Espionage Act stripped her of PPA protection; the court disagreed, holding that such a reading would render the statute a nullity. On May 4, 2026, [a district judge affirmed that ruling](#). The courts did their job, but stopped short of returning the devices, allowing time for the court to review the contents. Contrast this case with the March 2025 [Signal chats](#), in which senior officials shared strike timing with an uncleared journalist on a commercial app not authorized for sensitive communications, and shortly after, the Defense Secretary sent the same launch times in a [second chat](#) that included his wife and brother. The Pentagon has declined to reveal the security clearances, if any, of his family members at the time. The Pentagon’s Inspector General reviewed the matter and found that his messages “created a risk to operational security that could have resulted in failed U.S. mission objectives and potential harm to U.S. pilots,” but the Pentagon did not conduct a [damage assessment](#), which former defense officials said such a breach would routinely trigger, and the DOJ did not open a [criminal investigation](#). The same month an Air Force colonel pleaded guilty to texting classified operational plans to an uncleared person, and faces up to ten years. Natanson has been without her devices, containing notes on more than 1,200 confidential sources, for eight months and counting, even though the appeal ended in May and the magistrate judge wrote that, had the PPA been disclosed, the court “may well have rejected the search warrant application.”

FINDINGS

PROXIMATE CAUSE	CONTRIBUTING CAUSE(S)	ROOT CAUSE(S)
- The FBI executed a search warrant at the home of a Washington Post reporter, seizing her phone, two laptops, a recorder, a portable hard drive, and a smartwatch. Agents told her she was not a target. - The Attorney General characterized the reporter as a	- Freedom of the Press violated: The DOJ rescinded a Biden-era policy protecting journalists from compulsory process in leak investigations. - Executive Constraint ignored: The magistrate judge called the omission of the Privacy Protection Act (PPA) from the search warrant application “a matter of significant concern,” writing that had the PPA been disclosed, the	The administration treats a reporter covering the federal workforce reductions not as part of a specially protected civic institution performing a constitutional function, but as a political foe to be managed by tools of law enforcement.

conduit for illegal leaks, despite the absence of any charges against her and the fact that no court has upheld the conviction of a journalist for publishing leaked material. The broad scope of the seizure far exceeded the stated warrant purpose: the reporter’s devices contained communications with more than 1,200 confidential government sources across all her reporting. The court found the government had effectively “seized the newsroom.”	court “may well have rejected” the application and sent the government to a subpoena. - Administrative Neutrality violated: The March 2025 Signal chats, in which senior officials sent strike timing to uncleared people on a commercial app not approved for sensitive communications, drew an Inspector General review but no criminal investigation and no damage assessment — a stark contrast to the pursuit of the Post reporter. - Chilling effect on the 1st Amendment: the district judge wrote that the court could not ignore “the harassing and chilling effects such a seizure could have on a reporter, particularly one focused on Executive Branch conduct.”	- The administration repeatedly targets critical journalists as “fake news,” “treasonous,” and “enemy of the people.” It has filed defamation lawsuits, revoked clearances and press access, defunded public broadcasting, and threatened FCC licenses. - Officials who take the President’s February 2025 words, “He who saves his Country does not violate any Law” as guidance are being pressured to put their mission before their oath.
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Norm Erosion: Executive Constraint: Traditionally, the executive branch does not, as the first step in an investigation, turn law enforcement on journalists doing constitutionally protected work. **Administrative Neutrality:** the government searched a reporter’s home over documents she was not charged with taking. Meanwhile the disclosure of strike timing to an uncleared journalist drew an Inspector General review, but no criminal investigation and no damage assessment. Enforcement that is intense for critics and slack for allies is not neutral.

Levitsky and Ziblatt, in *How Democracies Die* (2018), identify executive constraint and administrative neutrality as the two most critical norms, and warn that courts cannot enforce norms because they are norms, not laws. Here the remedy must come from legislators, states and, finally, from voting citizens.

RECOMMENDATIONS		
LEGISLATORS AND JURISTS	GOV’T EXECUTIVES	CITIZENS
- Reintroduce and pass a bipartisan federal shield law barring compelled disclosure of confidential sources and seizure of newsgathering materials. - Require that the DOJ explicitly certify compliance with the PPA in every warrant application involving a journalist or newsroom, and that the issuing court acknowledge that certification. - Hold hearings requiring the Attorney General to testify on the legal basis for rescinding the journalist protection policy and why the Signal chat drew no criminal investigation while a reporter’s home was searched. - Other judges should treat this court’s reading of the PPA as a model and go further: a PPA order barring a search should be paired with <u>prompt</u> return of the journalist’s property.	- Restore DOJ policy protecting journalists from compulsory process. Guidelines existed under both parties for decades: senior DOJ approval before targeting journalists, and PPA reference and narrow scope on any warrant. Rescinding them chills source-based reporting. - Apply leak enforcement evenhandedly. Sensitive disclosures by officials on unsecured commercial platforms should draw the same investigative effort as suspected disclosures to reporters.	- Read the First Amendment and the Privacy Protection Act of 1980. Press freedom protects the public’s right to know what its government is doing. - Support the independent press financially. Outlets funded by subscribers rather than government favor withstand pressure better. - Ask your representatives whether they support a federal shield law and what they have done about the Natanson search. Apply Robb Willer’s principle by speaking across partisan lines about why source-based reporting serves shared values: honest government and accountability. - Visit AstronautsForAmerica.org for The Candidate Integrity Pledge. - Challenge your local school board to improve civics education at all levels. - Vote!

Key Sources: *First Amendment*, U.S. Constitution; *New York Times Co. v. United States*, 403 U.S. 713 (1971); *Bartnicki v. Vopper*, 532 U.S. 514 (2001); *Privacy Protection Act of 1980* (42 U.S.C. § 2000aa); 28 C.F.R. § 50.10, DOJ news media policy; *In re Search of the Premises of Hannah Natanson*, No. 1:26-sw-00054 (E.D. Va.), Porter, Mag. J. (Feb. 24, 2026), *aff’d*, Trenga, D.J. (May 4, 2026); *Reporters Committee on the search and rulings* (2026); *The Hill*, second judge bars DOJ (May 2026); *Department of Defense Inspector General*, DODIG-2026-021, *Signal review* (Dec. 2025); *CNN*, no damage assessment (Dec. 2025); *AP on the second Signal chat* (Apr. 2025); Poynter, *2025 attacks on the press*; Willer, *Stanford*, moral reframing (2017); Levitsky and Ziblatt, *How Democracies Die* (2018)

Appeal to Our Crewmates: This “Failure Is Not an Option” briefing is one of a series by Astronauts For America, distilling our “America, We Have a Problem” series briefings into cause factors and actionable recommendations. We are not constitutional scholars; we defer to experts and use primary sources: court decisions, congressional records, peer-reviewed scholarship and news reporting rather than commentary or opinion. Please use the “Contact Us” feature on our website to tell us what we can do to help our democracy keep faith with our American ideals.