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## Sound the alarm on these intruders

**Opinion by Kevin R. Kemper**

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During the past two weeks, the Maricopa County Attorney's Office and Sheriff's Office have attempted to search some of our personal information through secret grand jury subpoenas issued to the owners and employees of the alternative newspaper Phoenix New Times.

All citizens, regardless of political party, ought to be alarmed.

The government has been trying to search your most intimate details. Your civil liberties and rights are under attack. And until we open our government to accountability and demand honesty, until we support a watchdog press with real bite, the attacks will grow worse and more frequent.

New Times owners Jim Larkin and Michael Lacey turned on the light for all of us by releasing to the public a copy of a secret grand jury subpoena to the paper. The subpoena essentially demanded three things — everything produced by New Times in its relentless investigation of controversial Maricopa County Sheriff Joe Arpaio, internal documents about how New Times does its journalism, and personal information about those who have visited its Web site, [www.phoenixnewtimes.com](http://www.phoenixnewtimes.com). **Ongoing battle**

Federal and state laws generally protect information gathered by reporters in this state; otherwise, sources would not tell anything to reporters, lest they feel the retribution of the government. In the past few weeks, the U.S. House and Senate have been moving forward the Free Flow of Information Act, which codifies (albeit imperfectly) First Amendment guarantees that journalists can protect the identity of their sources. The Bush administration has threatened a veto, claiming that it has to keep people from leaking government information to the press.

So, during this time of war against terrorism, there is a battle over whether journalists or government officials control the information you need to make informed choices.

But, in eighth-grade civics, I learned that the people are the government; so information in the government belongs to the people. And, the people do not have to give unnecessary personal information to the government, lest the government use that information to control the people.

Now, the government wants all kinds of information about you.

The Maricopa County Sheriff's and Attorney's offices were searching for those who have visited New Times' Web site since Jan. 1, 2004. They want to know which browser and operating system you use, "contents of electronic shopping carts" from other Web sites, the Web site you visited before you reached New Times, et cetera, ad nauseam.

Suppose that you toured the classifieds linked at [www.phoenixnewtimes.com](http://www.phoenixnewtimes.com) for a hot date, or that you read the alternative weekly's pungent columns for their particular political viewpoints. You would not want the government to know those kind of intimate details. **A matter of timing**

Larkin and Lacey have been accused of violating two Arizona statutes during this mess.

First, the grand jury and those county officials were investigating whether the paper had violated a likely unconstitutional state law by publishing the home address of Arpaio on its Web site, even though it's public record. It was no accident that sheriff's deputies from Arpaio's office were the ones who arrested Larkin and Lacey.

Law enforcement officials want to protect their families and their own lives by keeping private where they live. But Arpaio's request came during the paper's investigation into whether he had inappropriately profited from real estate while serving as sheriff.

Secondly, releasing that confidential grand jury subpoena may have violated Arizona law. That's why the newspaper's owners were arrested Oct. 18.

I believe in the rule of law, and the violation of an unjust law and acceptance of the punishment is a grand form of civil disobedience. I applaud Larkin and Lacey for their courage and hope that other journalists will emulate their example. Also, I am grateful that Maricopa County Attorney Andrew Thomas quickly dropped the charges.

But I am most concerned that this kind of incident will become all too common in this age of aggressive governance, anemic journalism and apathetic citizenship.

Citizens have been more interested in the late Anna Nicole Smith's affairs or the winning lottery ticket than in news about what our government does.

Some news organizations are cutting back investigative journalism because they claim that readers demand something different, or because the liability insurance premiums are too high, or profits are too low, or because they don't care, either. Apparently, New Times cares. But that, sadly, is the exception, not the rule across U.S. journalism.

Arpaio may indeed be a clean sheriff who emphasizes law and order. Arizonans want less crime and more safety. But there have been too many allegations of improper treatment of prisoners and inappropriate use of resources and positions of authority for the Maricopa County Sheriff's Office to get by without a good housecleaning.

Someone is trying to search us, despite constitutional guarantees against unreasonable search and seizure.

As for me, I will turn on the light, and then kick the intruder out of my home. And I will thank the journalists who have warned me about the dangers and took some heat for me so I can protect my life, liberty and property.

Imagine you are in your dark bedroom late at night, and then a neighbor calls to tell you that someone is trying to break into your house.

You are afraid of who that person might be, or what that person might do to you, or what that person might find in your closet. So you hesitate to turn on the light. Something must be done.

The neighbor, by informing you, may have saved your life.

Now, imagine that person searching your house is a law enforcement official, and now you aren't sure how to react. Maybe he's there to protect you from those he says might hurt you. Maybe not.

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