WAR, TERRORISM, AND NATIONAL EMERGENCIES

What should be the role of media in the midst of war, terrorism, or national emergency? At first blush this seems a simple proposition; the answer would assuredly be to cover the news completely and well so the public can be fully informed and thus able to cope with the situation, whether an overseas war or an act of domestic terrorism. But what should the media reveal and what should they withhold to best serve the public interest? Even in a democratic society, this is a matter of much debate. When should full public disclosure give way to secrecy? Should the government ever forbid publication of information in the interest of national security? What do people really need to know, anyway?

These are important questions and they yield different answers depending on the nature of the emergency—an unanticipated domestic attack, as in the case of 9/11 when the World Trade Center and Pentagon were attacked by terrorists using hijacked airplanes; or a war, anticipated or not, such as the Iraq War of 2003, the Persian Gulf War of 1991, or even earlier wars such as Vietnam, Korea, or the granddaddy of them all, World War II. And in such situations do the rules of impartial reporting hold, or do they give way to a policy of "support our side, no matter what"?

In general, the media in the United States and other democratic states assume that there will be no "prior restraint" of publication; that is, free media can gather information and publish whatever they like, subject to post-publication review should they defame people, violate privacy, or appropriate intellectual property. But in the case of war, even in the United States, where government censorship or intrusion on the free flow of information is only rarely invoked, the Supreme Court in the 1931 case of *Near v. Minnesota* invoked an exemption for prior restraint or government censorship in times of war when the movement of troops, naval vessels, and eventually airpower might be compromised by advance publicity. In times of war from the U.S. Civil War forward, the government has tightened controls over the flow of information from outright censorship to strict rules for

reporters covering the battlefield—or embedded with troops, which has been the case in the Iraq War.

Most of the guidelines for the media associated with war have involved clear rules of engagement and identifiable parties. There were visible combatants—"our side" versus "the enemy." In most instances, from the Crimean War of the 1850s to the Iraq War, "the first casualty," in the words of historian Phillip Knightley, is "truth." It simply falls victim in high-stakes wars to a desire to support and defend the homeland. And that's true on both sides. One major exception to this was the Falklands War of 1982, which pitted Argentina against the United Kingdom in a conflict involving the Falkland Islands, which the South American nation sought to recover. For both sides the war was potentially lethal and there was much discussion about how much information should be revealed and in what manner. Departing from tradition on these issues, the BBC attempted to provide a relatively neutral, unbiased report for its respected world service. Almost immediately, the British government cried foul, arguing that the BBC had an obligation to support the British cause no matter what. In the early days of the Iraq War of 2003, there was no such problem as U.S. broadcasters and other media people spoke about "our side" and "our troops." The emphasis was on "us" versus "them," or "our side" versus "the enemy," even though the United States began the war with a preemptive strike against Iraq. Later in the conflict, when prisoner abuse at the Abu Ghraib prison in Iraq was revealed, some critics were livid that the media had made the dramatic revelations. During war there is always a concern that the media do not (or perhaps cannot) express empathy for both sides. Thus our troop losses—casualties and fatalities—are charted in precise numbers while the losses of the other side are covered only vaguely, if at all.

Terrorism has long been on the media's agenda but publications, conferences, and various efforts to guide such coverage were intensified after the attacks of 9/11 on the United States. In 2004, the 9/11 Commission, a bipartisan group that looked into the causes and consequences of that national emergency, praised the news media for immediate and continuous coverage that was said to reduce anxiety and provide the American people with valuable intelligence (of the nonmilitary kind) that helped them decide what to do in their daily lives in the midst of a continuing threat. This eventually became part of the war on terrorism. Although there are no general rules for all occasions, the prevailing view is that more, rather than less, publicity amid war, terrorism, and national emergency is preferable to a regime of censorship that breeds suspicion and fuels fear. Not everyone agrees, of course, and many specific circumstances can be cited in which an exception to this view seems warranted.

CHALLENGE

Dennis: *News and information media should be mostly unconstrained, even during wars and national emergencies.*

The battle between secrecy and publicity is, of course, a venerable one, dating back to the Greeks and Romans. How much information to impart against what to withhold? With some exceptions, I say the more the merrier. That depends, of course, on a responsible, sensible media and I realize that one cannot talk about "the news media" as though they were a monolith. There will always be reckless, self-serving, even truly hateful individuals who will sometimes do the wrong thing. The question, then, is how much should media policy be based on the worst-case scenario. During the 9/11 emergency and its aftermath, people needed as much information as possible to know what to do—whether to flee from their homes to safer locales. They needed to be fully informed about every detail available, whether from official sources or elsewhere. In the case of 9/11, in my opinion, the media took a national leadership role, with the network anchors and others actually doing what a president might have done in the past. It was nearly three days before President Bush had a comforting and expansive statement for the public; meanwhile, the anchors calmly tried to parse information and make sense of the situation. Eventually figures such as New York's Mayor Rudy Giuliani became national figures as interpreters of the events, but many have forgotten that they were largely unable to do this in the first hours after the attacks. It was news reports integrated from many sources and personal observations, plus e-mail messages and even news from abroad, that initially calmed and comforted the American people.

Given the massive number of information sources, it would have been a fool's errand to try to put a lid on information or to censor what was known about the terrorists and the possibility of subsequent attacks. The media reasoned—rightly, I think—that more information was better and that people could make up their own minds. This prevented mass panic and generally calmed a terrorized nation. At the same time, we miss the point if we think that the 9/11 terrorists engaged in such wholesale killing for anything other than massive publicity. That they killed thousands of people and did extraordinary economic damage, not to mention a very real bruise to the national psyche of Americans, was almost beside the point in their quest to make a statement, to create images of terror that would have fallout everywhere. That's what terrorism is about— harnessing the oxygen of publicity to truly frighten and, yes, terrorize people.

In such a situation, should we be leery of what the media publish and broadcast? Judgment calls will probably always be made by sensitive editors who put

the national interest above instantaneous revelation, but in most instances we have generally benefited from full, detailed information presented with dispatch. For example, since 9/11 is it not unusual to get news reports about the location of nuclear plants and their readiness for terrorism or problems in and around the nation's ports, railroads, buses, subways, or other public transportation systems. We've also seen stories about how vulnerable our airports and airlines are—even with intensive scrutiny and billions of dollars in security expenses. Does this do a disservice? Does such coverage play into the hands of terrorists? Only minimally, I think. Much of the information published is already accessible on hundreds of Websites and other expert sources. Thus, in putting the public front row center, the media offer these reports with the hope they will goad the government into action. The same is true for coverage of inadequate troop strength and material support in the Afghanistan and Iraq wars. Does this tip off the enemy and lead to more deaths? No one knows, but the probability that such information will inform public policy and help solve problems seems to trump the fear of terrorists' misusing the information.

The same arguments, I might add, can be used with regard to some provisions of the U.S. Patriot Act of 2001, which restricts the free flow of information and some personal liberties and rights. These restraints on freedom and others on the press explicitly are potentially dangerous, I believe, not so much in the short run but for the precedent they set. Whether the media allow terrorism to control their agendas will determine whether we really have any measure of freedom of expression. As said before, careful and thoughtful leadership is needed in the media community. Of course, there will always be some reprehensible conduct in the media among sensation-seeking outlets and those that are simply lazy, irresponsible, or reckless. As long as we reward such conduct by fueling ratings and circulation, we can expect to see more of it.

Having written extensively about the media and war in other venues and having read most of the war coverage literature, I don't think there is much new to say. In my view, the news media should have the fullest possible access to cover a war wherever and whenever they want. This access should be subject to information about how dangerous an assignment is for the individual and some consideration of the consequences of the coverage for the immediate combatants and the public. Good judgment should prevail. Having said that, I believe the "embedding" of journalists in the Iraq and Afghanistan wars truly compromised media independence. Embedded journalists are nothing new— Ernest Hemingway traveled with troops and even wore a U.S. army uniform in World War I—but in the modern era, being on a leash, constrained to do only what military commanders permit, sets a dangerous precedent and compromises freedom of the press. I have no problem with some agreements between the military and the media, but they ought to be fully transparent, with the news media making the judgment call about what gets published except in extreme circumstances. Military leaders and government officials have shown

for centuries that in times of emergency they can't always be trusted. The media, on the other hand, have a long and mostly honorable record of doing the right thing. And in national emergencies, from the assassination of President Kennedy to the Iraq War, they did what some said would never happen—suspend advertising and offer 24-hour coverage for days to serve the public interest. This act of good faith ought to buy a lot of public confidence and a franchise for freedom of the press, even in times of emergency. In an earlier essay, Professor Merrill promoted professionalism as the answer to a freer and more democratic media. Here is a chance to make that work.

ARGUMENT SUMMATION: *News and information media should be mostly unconstrained, even during wars and national emergencies.*

The age-old conflict between publicity and censorship during wars and national emergencies has often resulted in constraints on the media that later are shown to be dangerous to freedom of expression and the public interest. Thus in most instances, even national emergencies like 9/11, the media should be left alone to do their work. Free media have mostly proven themselves responsible and have taken a leadership role in national emergencies, even before public officials get to the scene or have much information to offer. Similarly in times of war, with some judgment calls to protect troops and naval and air operations, the media should have maximum access, subject to good judgment and honest communication on both sides, to carry out their function as the eyes and ears of the people. A few bad apples should not the bushel spoil for the rest of the media in those rare instances in which reckless journalists do the wrong thing. Most do the right thing—and deserve the fullest consideration for the good of society.

RESPONSE

Merrill: *News and information media should be constrained, under some circumstances, during wars and national emergencies.*

Professor Dennis argues that openness is good and secrecy is bad and who could disagree with that? Generally, he's right and history bears this out, but it only takes minor slippage by sloppy, reckless, or truly malevolent media organizations, some of them lurking on the Internet, to cause great damage. I'm a

little surprised that someone who witnessed 9/11 from his base in New York City as Dr. Dennis did would so quickly say "anything goes" to people covering highly sensitive and potentially explosive situations. Although of course I don't want to see government censorship bureaus and the monitoring of everything reporters do, I think there has been some highly questionable coverage from 9/11 forward that can only help the enemy, whoever that is. Terrorism has been likened to piracy because it owes little allegiance to governments and passes easily over and around national borders. Controlling such a menace is daunting and the media also have a role to be vigilant. After all, one of the famous Lasswell functions of the media is "surveillance of the environment," and what could be more compelling and a greater public service than trying to help the citizenry avoid the perils of terrorism? So, unlike Dennis, I'm skeptical that it is necessary to list the locations of all the nuclear power plants and to engage in extensive coverage of their vulnerability. If the media discover this, I think that like any citizen they have an obligation to report it first to the authorities— say, Homeland Security—and only secondarily to publish it. In any case, many of these stories make some great leaps of logic and often assume that less is being done than is actually the case. These stories might be more nuanced than they are.

As my colleague has stated, the 9/11 Commission in its report praised the media in their handling of the aftermath of the disaster, if not its pre-9/11 coverage. That's fine; as we've known for a long time, the news media are truly the masters of disaster, as one critic described radio during dangerous storms. I also believe that the media's role is more than that of providing cold, hard information—that there is a human dimension too. The media should comfort the public, calm fears, and try to prevent disasters and panic. For the most part they've succeeded admirably at that. In a situation in which no one has all the answers and there is major uncertainty, it behooves the media to listen to authorities and to accede to their requests to slow the publication of a story if it can be shown to truly benefit the public. That's why thoughtful reporters often accompany the police on raids, for example, in order to both cover the story and take no chances about tipping off the criminals. The same analogy holds for terrorists and others who perpetrate national emergencies. Responsible information, professionally gathered, should be the rule—nothing less, nothing more.

As for the coverage of war, again there is a long history of restraint on the free flow of information for very good reasons—the lives of the troops, the element of surprise in attack, and so on. At times, in dangerous war zones, there need to be rules both to facilitate reporters' getting information for the public and to protect them from undue harm. The military authorities are in a position to have superior information and access to intelligence that will ultimately benefit the public in determining what happened. Done properly and well, compacts between the press and the military as well as the diplomatic corps are essential to assure full and accurate information. Of course the press should be

vigilant in not being misled or deceived; that's always part of the reporter's antenna, and ought to be.

Professor Dennis's crabbed view of the embedded reporters is simply silly. They can choose not to go. They go with the troops to be closer to the action and to actually get a more human, and yes, more empathic, sense of the action on the ground as it affects the people in combat—on both sides, I'd add. I think, though, that is it is difficult to have neutral reportage from a war zone. The reporters most interested in being there are generally from the country or countries involved and are covering the action from the point of view of their side of the action. The same is true on the other side; Arab networks such as Al-Jazeera, for example, demonstrate this quite well. I do agree with him on neutral reportage in the sense that sometimes neutral parties during a war can offer a more balanced view for the long haul. However, such parties usually have little interest in being there, so that possibility is often forgone.

My view is that history shows us that some sensible information policies, even constraints, are commonplace during wars and national emergencies and for the most part have not prevented the media from calling things as they are, or were, when necessary. Even the eminent Phillip Knightley knows that although the first casualty of war may be "truth," that's a short-term effect, not a lasting one, because historians can always correct the record later.

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The reality of an advanced information society is that the media must cooperate to some degree with authorities to get information when covering wars or national emergencies. There may be good reason to slow or even withhold certain information from the reach of terrorists, for example, as the events of 9/11 and the war on terrorism have demonstrated. Similarly, there is ample historical precedent for certain restrictions on the media in time of war. These range from battlefield rules on information access and publication to the embedding of troops under military supervision. Historically, this has not seriously compromised either the eventual outcome of war or an honest assessment of it. Nothing is perfect, but the media are necessarily dependent on government and the military for some information during national emergencies and wars, and sensible agreements among all parties are essential to serve the public interest.

SEARCH ONLINE!

Use the following terms and phrases to search for more information on InfoTrac College Edition: *media and war, media and terrorism, national emergencies, 9/11 effect, Iraq War, war on terrorism, Patriot Act, unanticipated domestic emergencies, media–military relations.*

TOPICS FOR DISCUSSION

1. What kinds of constraints do the media face during times of war, terrorism, or national emergency?
2. What is your recollection of media coverage of 9/11? What about the Afghanistan and Iraq wars?
3. What exactly is the war on terrorism and what is the role of the media in it, if any?
4. What are the dangers of too much "prior restraint" of publication? Too little?
5. Should there be general rules affecting the media in time of war or do they need to be rewritten with each war?

TOPICS FOR RESEARCH

1. Do a study of media coverage of war, selecting two or three wars for comparison and contrast.
2. Consider media criticism of war coverage: What are its main features and what do media critics see as the main problems of access to information?
3. It is said that 9/11 "changed everything." Did it change the news media in their handling of terrorism and related issues?
4. How do the media cover disaster? What is their role and how well or poorly do they fulfill it?
5. Do a report on images of war and national disasters, considering the way that media cover these conflicts visually.

FURTHER READING

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