



PRESS FREEDOM AND MILITARY CENSORSHIP

A Module for Democracy/Civic Mission
Classrooms

Constitutional Rights Foundation Chicago
407 South Dearborn, Suite 1700
Chicago, Illinois 60605-1119
<http://www.crfc.org> ♦ crfc@crfc.org

Adapted from: *Safety and Freedom After September 11: 2002 Illinois Youth Summit Resource Guide for Students and Teachers*. Copyright © 2002, 2006 Constitutional Rights Foundation Chicago. May be reproduced for educational use only.

Press Freedom and Military Censorship

Overview

In a democracy, citizens are confronted with policy questions relating to information, particularly information about the actions of their government. These questions are particularly difficult during wartime when secrecy about certain information is sometimes essential for victory. How important is it for people to know what the government is doing? Can the media print or broadcast all the information they receive? What press policy should the military use in wartime?

This unit focuses on the balance of press freedom and military censorship in time of war. It provides history about the relationship between the press and the U.S. military and two policies presented for how to achieve this balance. It also introduces the idea of public policy and some strategies for assessing these policies and other government policies.

Focus Questions

- § Should the government be able to review and censor news stories that discuss troop deployments or military plans?
- § Should the government be able to review and censor news stories that criticize how the President is conducting military actions?
- § Should the government be able to review and censor news stories that report on anti-war protests?
- § Should the government be able to review and censor news stories that report the names of people arrested for terrorist actions?
- § Should the government be able to stop the U.S. media from broadcasting interviews or statements by Osama bin Laden or his lieutenants?

Objectives

- < Promote an appreciation for the role that the press plays in informing citizens about current public issues.
- < Understand the competing interests of the government and the press in times of war.
- < Generate a working definition of public policy.
- < Provide tools for analyzing policy in order to form an educated decision.
- < Realize the impact of public policy and how to affect policy decisions.

Materials

A: Reading: Press Freedom vs. Military Censorship

B: Tool: Looking at Public Policy: G R A D E

C: Activity: Press Rules for the War on Terrorism: A Presidential Commission

Press Freedom and Military Censorship: Questions to Consider and Suggested Service Projects

Press Freedom and Military Censorship: Selected Community, Print, and Internet Resources

A: Reading: Press Freedom vs. Military Censorship

Much of the war on terrorism involves gathering highly sensitive information about terrorists. In addition, the U.S. and other governments are developing new strategies to contend with terrorism at home and abroad. There has been considerable discussion about what information about terrorists and the strategies to combat them should – or should not – be released to the press. Is it important for people in a democracy to know what the government is doing? Can the media print or broadcast all information they receive? What press policy should the military use in wartime?

The Constitution and Freedom of the Press

The First Amendment to the Constitution states that

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

The meaning of religious liberty and all the various freedoms known collectively as freedom of expression, however, is subject to interpretation. Ultimately, freedom of the press—and the meaning of the Constitution—has been largely determined by the U.S. Supreme Court. Over the last century, the court has developed a large body of constitutional law on freedom of the press. Although this law is complex, many basic principles have emerged. The court has ruled that the First Amendment protects against almost all prior restraints on the press. It also protects the press from being punished after the fact for what it prints. The court has rejected the English tradition that a press can be free if it is subject to punishment for what it prints. It has recognized that the threat of punishment—from imprisonment, fines, or even lawsuits—can stifle freedom of the press.

The court also has stated various reasons why freedom of expression is so important. A free press plays a watchdog role on government, exposing misdeeds, mistakes, and mishaps that officials would like to keep quiet. It also ensures that citizens have access to all points of view and can make informed political decisions. By letting every idea be examined and questioned, freedom of expression doesn't just help the democratic process; it helps scientists, inventors, and ordinary people find the truth. Further, freedom of speech and the press serves as a "safety valve," allowing people to vent their anger and frustration with government and lessening the likelihood that they will foment revolution or commit terrorist acts. Finally, freedom of expression helps people develop as individuals by allowing them to examine and express different thoughts and opinions. For all these reasons, the court has recognized that freedom of expression is one of the most basic rights of a free people.

Similarly, the court has recognized that a democratic society needs a free flow of information. James Madison, the author of the First Amendment, also recognized that a government of the people (what he called "popular government") needed information to reach the people ("popular information"). Without information, people couldn't make informed decisions. Madison once said that "a popular Government, without popular information, or the means of acquiring it, is but a Prologue to a Farce or a Tragedy; or, perhaps both." In its many rulings on press freedom, the court has interpreted the First Amendment to bar censorship except in extreme situations.

National Security and Limits on Freedom of the Press

Despite the absolutist language of the First Amendment and the high value Americans place on freedom of expression, the Supreme Court has never ruled that freedom of speech and the press are absolute. The court has stated that it looks unfavorably on censorship, but it has refused to rule it out entirely. One of the most contested areas involving censorship is national security.

In American history, there have been various attempts to limit freedom of the press on grounds of national security. These attempts have usually occurred when war threatens or when agents of some foreign power seem intent on overthrowing our republic. The limits are often on those inciting violent revolution or somehow interfering with the war effort. Proponents argue that these limits are a small price to pay for ensuring the safety of our republic. Opponents often argue that the limits are unnecessary and unduly abridge our freedom.

Press Freedom vs. the Military: Early American Models

During the short, successful Spanish-American War of 1898, reporters, if anything, led cheers for the military. Throughout World War I, journalists considered themselves part of the war effort, not independent observers. This pattern of press and military cooperation continued through World War II.

But starting with the Korean War and then Vietnam, the press took an increasingly independent and critical view of the military. In Vietnam, more than 2,000 accredited reporters roamed freely throughout battle zones interviewing ordinary soldiers rather than relying on the often rosy picture of the war presented by the Pentagon. There were few incidents of news stories endangering U.S. troops or military operations. But negative press accounts fueled anti-war feelings back home.

When the war in Southeast Asia finally ended, many in the military blamed the press for “losing Vietnam.” Some Pentagon officials resolved to restrict press coverage of future American wars. In 1983, the Pentagon barred all journalists from the initial invasion of Grenada. In 1989, the Pentagon selected a dozen reporters to cover the invasion of Panama and restricted them to an airport in Panama until nearly all fighting ended.

The Press and the Military During the First Iraq War

Throughout the Persian Gulf War of 1991, Iraqi President Saddam Hussein permitted only one foreign journalist to remain in Baghdad—CNN’s veteran war correspondent Peter Arnett. Arnett had to obey Iraqi press-censorship rules. “From the beginning,” Arnett later revealed, “I accepted the constraints that the Iraqis laid down. They said, ‘Anything you do, you put on paper. We go over it, and we alter it. We change it if we wish to, and that’s what you’re going to use.’” Once the war began, the Iraqi government selected Arnett’s reporting locations and monitored his interviews. As a result, many of Arnett’s stories dwelled on bombing damage to civilian areas and the suffering of the Iraqi people.

Many Americans, including members of Congress and even fellow journalists, severely criticized Arnett for reporting material provided or censored by Iraq. But at the same time, hundreds of American reporters sent to Saudi Arabia had to deal with attempts by the U.S. military to control information.

Policy #1: Press Pools

When U.S. military units went to Saudi Arabia in the fall of 1990, about 1,000 journalists eventually joined them. The Pentagon set ground rules for the press. It authorized about a dozen “pools,” of up to 18 reporters each, to visit U.S. military units in the field. News organizations selected reporters for each pool and military escorts accompanied them into the field. Pool reporters distributed their dispatches to their news organizations and to all other non-pool reporters who were required to remain in Dhahran, Saudi Arabia, near the Kuwait border, or in Riyadh, the capital of Saudi Arabia.

The Pentagon accredited all American journalists and required them to observe the following rules:

1. No reporters could visit any U.S. military unit or travel outside of Dhahran or Riyadh except in a press pool.
2. No pool was permitted in the field without an escort, usually a U.S. military public-affairs officer (PAO).
3. No interviews of U.S. military personnel were permitted without an escort present.
4. All pool dispatches must first pass through the “military security review system.” (PAOs at each pool location reviewed all dispatches and could delete or change any “military sensitive information.” Reporters could appeal any censorship to the military pool coordinating office in Dhahran and then to the Pentagon.)
5. Violations of the above rules could result in arrest, detention, revocation of press credentials, and expulsion from the combat zone.

The Pentagon explained that these rules protected American troops, military operations, and the journalists themselves. One high Navy official, Rear Admiral John Bitoff, remarked: “There is a clear and present danger in today’s instant-communications age, which may put our troops at risk. Our enemies are watching CNN-TV.”

Most news organizations and journalists complied with the Pentagon’s pool-and-review system. But there were many complaints—not about outright censorship, but about the military’s strict control of the press. Reporters protested that escorts intimidated soldiers being interviewed, sometimes even speaking for them. The media objected when the military kept pool reporters from visiting scenes where Americans had been killed. They

complained most often about delays in getting dispatches from the field through the military-review system. Many pool reporters writing late-breaking stories found their stories hopelessly out-of-date by the time they finally reached the United States. In some instances, stories were lost by the military-communications network.

During the war, a few reporters, called “unilaterals,” broke away from the military’s press pools and struck out on their own. Using cellular phones, they filed uncensored reports. These reports were not necessarily more critical of the military than pool reports. But they often seemed more realistic, because independent journalists usually reached battle scenes before pool reporters. Sometimes unilaterals were arrested, detained, and sent back to Dhahran by military authorities. But many managed to elude discovery, often with the help of American soldiers and officers.

When the ground war started, Secretary of Defense Richard Cheney ordered a blackout of battlefield news. “We cannot permit the Iraqi forces to know anything about what we’re doing,” Cheney warned. But the blackout failed to hold as hundreds of reporters in Dhahran broke for the desert. An ABC News team even took its own satellite dish to broadcast directly from the battlefield. This gross violation of Pentagon press rules did not seem to matter because the United Nations’ forces rolled to a dramatic victory in a ground war that lasted barely 100 hours.

A Model for Future Wars?

According to the military, control of the press is necessary, especially in this age of rapid communications. Unlike World War II and Vietnam, the press can broadcast directly from the battlefield. Within seconds, the whole world—including the enemy—can see the report. Without controls, a reporter could unintentionally compromise U.S. forces. The military views its control over the press as a matter of life and death. For the most part, Americans supported the military’s control of the press during the 1991 Gulf War: in a Roper public opinion poll conducted soon after the war, 68% of those surveyed believed military control of the news was about right, 17% wanted more control, and only 13% wanted less.

But some advocates of free expression worry that military control of the press encroaches on our basic freedoms. They make the following arguments: The First Amendment’s protection of the free press should not be thrown out whenever the military starts shooting. People in a free society should decide whether to go to war, whether to stay at war, and whether a war is just. To decide, people need information from a free press, not from a press controlled by the military. Otherwise, Americans might fight wars knowing only what the military wants them to know. And the military might not want people to know any bad news, anything critical of the military, or anything that might turn them against a war. Americans could then find themselves in the position of citizens in a military dictatorship – like Saddam Hussein’s Iraq.

Policy #2: Proposed Rules by News Media

Following the 1991 Gulf War, a committee representing most of the nation’s major news media issued a report stating that independent and uncensored reporting should be “the principal means of coverage” for all future wars and military operations. The report also proposed some battlefield press rules, including the following:

1. The Pentagon should accredit independent journalists, who must observe “a clear set of military security guidelines that protect U.S. forces and their operations.” Violators of these guidelines should be expelled from the combat zone.
2. Press pools should be used only during the first 2–36 hours of any major military operation.
3. Reporters should have free access to all major military units.
4. The military should not monitor or interfere with press interviews or any part of the reporting process.
5. Written dispatches and pictures from the field should not be subject to any “military security review.”

The press thinks these rules ensure press freedom and offer security to our military forces. The military favors rules which give it more control over the press in wartime.

Adapted from: Constitutional Rights Foundation, “Press Freedom vs. Military Censorship,” at <http://www.crf-usa.org/terror/FreePress.htm>, and “A Free Press,” in *The Challenge of Information* (1998).

B: Tool: Looking at Public Policy: G R A D E

“Public Policy is a plan of action, adopted by government, to solve a problem or reach a goal.”

In a democracy, you have a say on government policies and proposed policies. It's important that you take a critical look at them. Use the following GRADE test to evaluate a policy:

Goal. What is the policy and what is its goal? If you don't know what it's supposed to do, you can't measure its success or failure. Policies are designed to address problems. What problem or problems is this policy supposed to address?

Rivals. Who supports this policy? Who opposes it? Knowing the rivals can help you understand who the policy might affect and whether the policy favors special interest. Also, rivals are terrific sources for information. Be sure to check their facts though.

Advantages. What are the policy's benefits? What is good about the policy? Will it achieve (or has it achieved) its goal? Will it achieve the goal efficiently? Is it inexpensive? Does it protect people from harm? Does it ensure people's liberties?

Disadvantages. What are the policy's costs? What is bad about the policy? Is it inefficient? Is it expensive? Does it cause harm? Does it intrude on people's liberties? Are there any potential consequences that may cause damage?

Evaluate the alternatives. One alternative is to do nothing. Most serious problems have various policy proposals. Evaluate them. Look at their goals, advantages, and disadvantages.

Once you GRADE the competing policies, weigh their advantages and disadvantages and decide which you favor.

From: *The Challenge of Information*, Copyright © 1998, Constitutional Rights Foundation (Los Angeles)

C: Activity: Press Rules for the War on Terrorism: A Presidential Commission

Overview

In a democracy, you have a say on government policies. It's important to understand how policies work and to have the tools for assessing them.

Instructions

Divide students into groups of three or four.

Tell students to imagine that they are members of a commission appointed by the president to recommend press rules as America responds to terrorism. Explain that their commission has been presented with the two different sets of press rules featured in Reading A, "Press Freedom vs. Military Censorship."

Tell them their task is to evaluate the two policies using B, "G R A D E" and to decide which to recommend to the president. Briefly review the GRADE instrument and how it works.

Have each group assign roles: a commission **chairperson** (who leads the discussion), a **recorder** (who writes the group's answers to each GRADE test on a sheet of paper), a **reporter** (who reports the commission's findings to the class), and, if the group has four members, a **responder** (who answers any questions the class may have about the group's findings).

When the groups finish, call on reporters from different groups to answer GRADE tests for "Policy #1: Press Pool Rules." Then call on reporters to answer GRADE tests for "Policy #2: Proposed Rules by News Media."

Ask which policy the groups favored. Hold a discussion over why they favored one policy over another.

From: Constitutional Rights Foundation, <http://www.crf-usa.org/terror/FreePress.htm>

Press Freedom and Military Censorship: Questions to Consider

- § In what ways does media coverage of events like the attacks of September 11 serve the interests of the government, the media, and terrorist organizations? In what ways is such coverage against the interests of each?
- § How might the U.S. government use the media to represent the government's activities and those of terrorists in a manner that furthers the interests of the government? How might a terrorist organization use the media to further their cause?
- § How might the media's interest in publishing timely and dramatic stories influence their decisions on what to cover?
- § How has press coverage been limited during the events of prior U.S. wars?
- § Do you think the press should have access to all major military units and war zones? Should press pools be used at all times during a major military operation, used at certain times only, or not used at all?
- § What are examples of information pertaining to military operations that you believe the media should be allowed to print? What information, if any, do you believe the media should not be allowed to print?
- § What form of sanctions or punishments, if any, should the government be able to impose on media organizations that publish classified military information?
- § Read the text of the First Amendment and discuss with a partner what you believe the Framers of the Constitution meant when they crafted it. How much information about a U.S.-led military campaign do you think the U.S. public should know?

Press Freedom and Military Censorship: Suggested Service Projects

- § Invite reporters or journalism students from local colleges to visit your classroom or take part in a school assembly to answer questions regarding freedom of the press vs. national security issues.
- § Invite law professors, media representatives, and representatives from the government and/or the military for a roundtable discussion on press freedom and military censorship. Videotape the discussion for use as a teaching tool in your school and/or other schools.
- § With some students role-playing military officials from a variety of wars, and others playing the reporters who covered these battles, hold a debate or discussion that brings forth both sides of the censorship issue. Videotape the discussion for use as a teaching tool in your school.
- § Survey students in your school about the issue. Find out from them what they would like to know more about in regards to this issue. Research and publish the answers to their questions. Share the results of the opinion survey with the media and elected officials.
- § Create a newsletter or pamphlet devoted to the issue of censorship in times of war. Distribute it in your school and community. Share it through workshops at other schools.

Press Freedom and Military Censorship: Selected Community, Print, and Internet Resources

Community

Chicago Sun Times
312/321-3000

Chicago Tribune
312/222-3348

In These Times
773/772-0100

Defense Security Service, Investigative Field Office
United States Department of Defense
312/353-8020

Public Affairs Officer
United States Department of Defense
703/697-5131

Directorate for Public Communication
Office of the Assistant Secretary of Defense for Public Affairs
United States Department of Defense
703/697-5737

Print

Raphael F. Perl. *Terrorism, the Media, and the Government: Perspectives, Trends, and Options for Policymakers*, Congressional Research Service Report for Congress, October 22, 1997.

Henry Cohen. *Press Restrictions in the Persian Gulf War*, Congressional Research Service Report for Congress, April 3, 1991.

Internet

"America Responds to Terrorism," Constitutional Rights Foundation
<http://crf-usa.org/terror/America%20Responds%20to%20Terrorism.htm>

"The Return of Censorship" by Cynthia Cotts in *The Village Voice*:
<http://www.villagevoice.com/issues/0139/cotts.php>

"Media's Dilemma of Propaganda vs. News" By Thalif Deenin in *Global Policy*:
<http://www.globalpolicy.org/wtc/media/1212prop.htm>

"Censorship And The War On Terrorism" An interview with John MacArthur, publisher of Harper's Magazine: <http://www.mediachannel.org/views/interviews/macarthur.shtml>

National Coalition Against Censorship
<http://www.ncac.org/>

"Subject: Public Affairs Guidance on Embedding Media During Possible Future Operations/Deployments in the U.S. Central Commands Area of Responsibility," February 2003, U.S. Department of Defense,
<http://www.defenselink.mil/news/Feb2003/d20030228pag.pdf#search=%22Embed%20Rules%22>

Freedom of Information Program, United States Department of Defense
<http://www.defenselink.mil/pubs/foi/>

DefenseLINK, United States Department of Defense
<http://www.defenselink.mil/news/DailySummary.html>