

Enemy Media

Written by

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The Nation - Patricia J. Williams - It's one thing for our State Department to plant phony stories in the media or jam broadcasts in Cuba. It's quite another when conservative policy analyst Frank Gaffney bolsters George Bush's grudge against Al Jazeera by arguing that it was "imperative that enemy media be taken down."

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Killing the Messenger

Patricia J. Williams

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My goodness, but wasn't it just yesterday we were busy debating right-wing ideologues about how "absolute" the First Amendment is? How worried we were about imposing "speech codes" on frat boys who hurled racist invective and published posters full of equal-opportunity insult? Was it really so very long ago that we of the politically correct groupthink were being denounced for questioning the Dartmouth Review for quoting Hitler on its masthead? Of course, for all the cries of "absolute" free speech and press, the First Amendment is not, never has been, without boundary. Perjury, conspiracy, libel laws -- these are all limits, as is the need for national security, particularly in wartime. Nevertheless, I had thought of freedom of speech and the press as such secure tenets of the American enterprise that we would always adhere to them in principle, even if the balancing of knowledge and privacy, speech and harm, would be a matter of eternal contention.

These days, however, I get the sense that a rather solid bloc of the current Administration would rather chuck it all, in favor of the cold efficiency of what Vladimir Putin so enthusiastically urges for Russia, to wit, a "dictatorship of law." I hadn't a clue as to what that term might mean until I started pondering the brouhaha, much more publicized in Britain than here, about a memo detailing an alleged conversation between President Bush and Prime Minister Blair at the peak of the first American assault on Falluja, in 2004. According to an exclusive in Britain's Daily Mirror, Bush wanted to bomb the Qatar headquarters of Al Jazeera, but Blair dissuaded him. The British Attorney General has brought charges against two government employees implicated in the leak of the memo and after the story ran in the Mirror, the government invoked Section Five of the Official Secrets Act, promising to prosecute any journalist who published its contents. This attracted even more attention -- not simply because it implied that there was truth

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to the story but because targeting the media is an unprecedented use of the Official Secrets Act.

For now, I don't want to join the speculation about whether the memo is being suppressed because it's sensationally true or because it's sensationally false. Rather, what gets me is a debate on the BBC that I almost slept through. Proper British accents had been droning on about tabloid versus credible sources. What woke me up was the flat mid-Atlantic intonation of a man named Frank Gaffney, an American policy analyst who jumped right in to defend bombing the media: He called Al Jazeera an "instrument of enemy propaganda" that was "actively aiding our foes." It was, he insisted, "appropriate to talk about what you do to neutralize it." Al Jazeera was "squarely in the target" and "fair game."

Gaffney, it turns out, has been urging this course for a while now. In 2003 he published a piece on the Fox News website urging that the United States take "comprehensive action against Al Jazeera and Al Arabiya" for their "incessant drumbeat of Muslim victimization, anti-Western vituperation and approval for acts of violence." He counseled that they be "taken off the air, one way or another," that it was "imperative that enemy media be taken down." Those "who will decry this as censorship," he wrote, "should be reminded of President Bush's injunction shortly after we were attacked.... In the War on Terror, you are either with us or with the terrorists."

It's one thing to plant stories and mount disinformation campaigns as a way of winning hearts and minds, as our State Department seems bent on doing. It's one thing to jam broadcasts, as we have often done with Cuban media. It's one thing to imprison journalists and their sources, as Britain seems on the verge of doing; or even, in the more extreme context of martial law, to torture them, as Jacobo Timerman described so chillingly in his slim book *Prisoner Without a Name, Cell Without a Number*. However unappetizing those strategies may be, it's quite a different species of response to propose -- never mind defend -- bombing the headquarters of a media outlet located within the borders of an ally with whom we are not at war, a media outlet staffed with civilians, serving a minimum of 50 million people throughout the Arab world. Gaffney complains that Al Jazeera has "made a fetish of broadcasting murderous attacks on Americans and their Iraqi and coalition allies, often accompanied by commentary or 'news analysis' that makes no effort to conceal that the speakers' sympathies lie with the perpetrators." Seriously: We're going to bomb away the sympathies of 50 million people?

I do not wish to put Gaffney's remarks into President Bush's mouth. The White House called the *Mirror's* story "outlandish." Yet Gaffney is no random voice. During the Reagan Administration he was the Assistant Secretary of Defense for International Security Policy, the Deputy Assistant Secretary of Defense for Nuclear Forces and Arms Control Policy, and a professional

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staff member on the Senate Armed Services Committee. The Center for Security Policy, of which he is president and CEO, is generously funded by the Sarah Scaife, John M. Olin and Lynde and Harry Bradley foundations, among others. Douglas Feith and Richard Perle are both associated with the center. It is startling, therefore, to read Gaffney's quite literal embrace of "killing the messenger." More arresting still is how similar his indictment is to the White House's condemnation of Democrats and "liberals" in our own domestic culture wars. Bill Maher, Michael Moore, Linda Ronstadt, Senators Robert Byrd and John Kerry and Representatives Barbara Lee and now John Murtha have all been denounced by Republicans as dupes of enemy propaganda. Words like "unpatriotic" and "cowardly" fly about in the halls of Congress. More than once, dissent has been cast as incitement, as sympathizing with terrorism, as treason. Treason, however, is a capital offense. I assume all this is merely polemical. Similarly, I assume that the actual bombings of Al Jazeera offices in Baghdad and Kabul by US military were, as the Defense Department has maintained, accidents. Yet there on the BBC, I heard Gaffney actually decrying disagreement as the ultimate betrayal, worthy of extinction.

Patricia J. Williams, a professor of law at Columbia University and a member of the State Bar of California, writes The Nation column "Diary of a Mad Law Professor." Her books include The Rooster's Egg (1995) and Seeing a Color-Blind Future: The Paradox of Race (1997).

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