



# SPECIAL REPORT

## AN IN-DEPTH STUDY, ANALYSIS OR REVIEW EXPLORING THE MEDIA

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# The Media vs. The War on Terror

## How ABC, CBS, and NBC Attack America's Terror-Fighting Tactics as Dangerous, Abusive and Illegal

### EXECUTIVE SUMMARY

In the five years since al-Qaeda terrorists killed nearly 3,000 Americans on September 11, 2001, both international critics and domestic groups such as the American Civil Liberties Union have suggested that the American government's tactics in the War on Terror are as frightening as terrorism itself. These mostly liberal critics portray the Bush administration as trampling on the civil rights of ordinary Americans, abusing the human rights of captured terrorists and acting without regard to the rule of law.

Unfortunately, the broadcast networks are using this Bush-bashing spin as the starting point for much of their coverage of the War on Terror. An analysis by the Media Research Center finds network reporters are presuming the worst about the government's anti-terror efforts, and permitting their coverage to be driven by the agenda of leftist groups such as the ACLU and the Center for Constitutional Rights. While some on the Left have claimed the media were enthusiastic boosters of the Bush administration in the days after 9/11, the MRC found that network reporters began to question the idea of a vigorous War on Terror within days of the attacks.

MRC analysts analyzed 496 stories that aired on ABC's *World News Tonight*, the CBS *Evening News*, and NBC *Nightly News* between September 11, 2001 and August 31, 2006. They examined all evening news stories about three major elements of the post-9/11 war on terrorism: the treatment of captured terrorists at Guantanamo Bay (277 stories); the National Security Agency's program to eavesdrop on suspected terrorists calling to or from the U.S. (128 stories); and the USA Patriot Act (91 stories). Major findings:

- Most TV news stories about the Patriot Act (62%) highlighted complaints or fears that the law infringed on the civil liberties of innocent Americans. This theme emerged

immediately after the law was first proposed in September 2001, less than a week after the 9/11 attacks. Only one report (on NBC) suggested the Patriot Act and other anti-terrorism measures “may not be enough.”

- ABC, CBS and NBC heavily favored critics of the Patriot Act. Of 23 soundbites from “experts” (such as law professors or ex-FBI agents), 61 percent faulted the law as a threat to privacy rights. Of 19 soundbites from ordinary citizens, every one condemned the Patriot Act, despite polls showing most Americans support the Patriot Act and believe it has prevented new acts of terrorism.

- Most of the network coverage of Guantanamo Bay focused on charges that the captured al-Qaeda terrorists were due additional rights or privileges (100 stories) or allegations that detainees were being mistreated or abused (105 stories). Only 39 stories described the inmates as dangerous, and just six stories revealed that ex-detainees had committed new acts of terror after being released.

- Network reporters largely portrayed the Guantanamo inmates as victims, with about one in seven stories including the word “torture.” The networks aired a total of 46 soundbites from Guantanamo prisoners, their families or lawyers, most professing innocence or complaining about mistreatment. Not one report about the Guantanamo prisoners included a comment from 9/11 victims, their families or lawyers speaking on their behalf.

- Most network stories (59%) cast the NSA’s post 9/11 terrorist surveillance program as either legally dubious or outright illegal. Exactly half of the news stories (64) framed it as a civil liberties problem, while 38 stories saw the President provoking a constitutional crisis with Congress and the courts. Only 21 stories (16%) focused on the program’s value as a weapon in the War on Terror.

- ABC, CBS, and NBC were five times more likely to showcase experts who criticized the NSA’s surveillance program. Of 75 total soundbites, 41 of them (55%) condemned the program, compared to just eight (11%) from experts who found it worth praising. The *CBS Evening News* has so far refused to show any pro-NSA experts.

The debate is not about whether reporters can challenge a President and his policies during a time of war. Of course they can. But the networks have chosen to highlight the complaints of those who paint the Bush administration as a danger equal to or greater than the terrorists themselves. Reporters could have spent the past five years challenging the administration with an agenda most Americans share, demanding that the government do everything within its lawful powers to protect the public and prevent another attack. Instead, liberal reporters have opted to join the ACLU in fretting that the War on Terror has already gone too far.

# The Media vs. The War on Terror

## How ABC, CBS, and NBC Attack America's Terror-Fighting Tactics as Dangerous, Abusive and Illegal

BY RICH NOYES  
RESEARCH DIRECTOR

In the five years since al-Qaeda terrorists killed nearly 3,000 Americans on September 11, 2001, both international critics and domestic groups such as the American Civil Liberties Union have suggested that the American government's tactics in the War on Terror are as frightening as terrorism itself. These mostly liberal critics portray the Bush administration as trampling on the civil rights of ordinary Americans, abusing the human rights of captured terrorists and acting without regard to the rule of law.

Most conservatives and everyday Americans see it differently. They regard the terrorists themselves as the most dire threat and expect the entire government — the Bush administration, the Congress, the courts, the military, and law enforcement — to use every available means to capture or kill the terrorists and prevent another attack on the U.S. homeland. Recalling previous wars in American history, they do not consider the steps taken thus far in the War on Terror to be injurious to American democracy or the rule of law — but fear that the continual criticism of the government's tactics will breed a mindset of timidity and doubt at a time when circumstances demand clarity, toughness and resolve.

Unfortunately, the broadcast networks have used liberals' Bush-bashing spin as the starting point for much of their coverage of the War on Terror. An analysis by the Media Research Center found network reporters often presumed the worst about the U.S. government's anti-terror efforts, and permitted their coverage to be driven by the agenda of leftist groups such as the ACLU and the Center for Constitutional Rights. While some on the Left have claimed the media were enthusiastic boosters of the Bush administration in the days after 9/11, our analysts found that network reporters began to question the idea of a vigorous War on Terror within days of the attacks.

During live coverage just two days after the attacks, ABC's late Peter Jennings suggested the United States might no longer be a free country. "Much of the evidence now being obtained in this investigation is being obtained under something called the Foreign Intelligence Surveillance Act,

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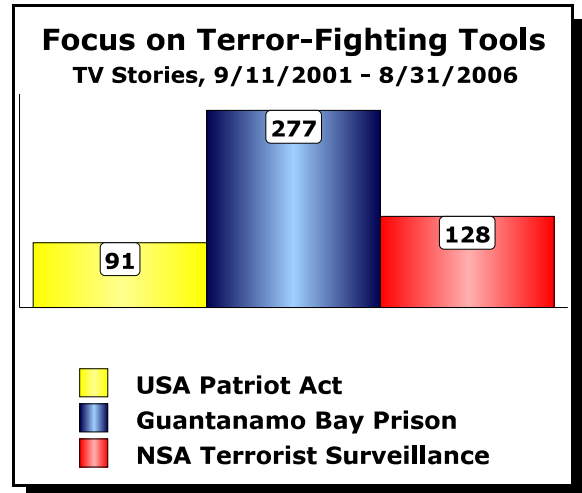
which is pretty much equivalent, I think some people believe, to martial law," Jennings told former Clinton Justice Department official Eric Holder.

"As a result," Jennings wondered, "do you believe that civil liberties have effectively been suspended in the country?"

This view of an out-of-control government became the standard media template in the ensuing five years. In coverage of the USA Patriot Act, a law designed to give federal law enforcement added tools to investigate and thwart the activities of terrorists inside the U.S., the media cast it as unconstitutional snooping into the lives of ordinary

Americans. After the U.S. military moved several hundred al-Qaeda and Taliban prisoners to a prison facility in Guantanamo Bay, Cuba, the networks repeatedly broadcast unverified claims that the detainees had been tortured, and touted a campaign to give those captured on a foreign battlefield access to U.S. civilian courts. And after the *New York Times* revealed the National Security Agency (NSA) was monitoring international calls to and from the U.S. involving terrorist suspects, the networks skewed their coverage in favor of critics who painted the surveillance as an unwarranted breach of Americans' civil liberties.

These conclusions come from the Media Research Center's analysis of 496 stories about the War on Terror that aired on the ABC, CBS and NBC evening newscasts from September 11, 2001 through August 31, 2006. Analysts examined all stories about three main topics in the media's coverage of the War on Terror: the Patriot Act, which was the focus of 91 stories, the first of which appeared just a few days after the terrorist attacks; the Guantanamo Bay prison, which was discussed in 277 stories beginning just before the first prisoners arrived in January 2002; and the NSA's surveillance program, which was not known before the *New York Times* published details on December 16, 2005, but has since been featured in 128 network TV stories.



### ***USA Patriot Act: Targeting Suspected Terrorists or Everyday Americans?***

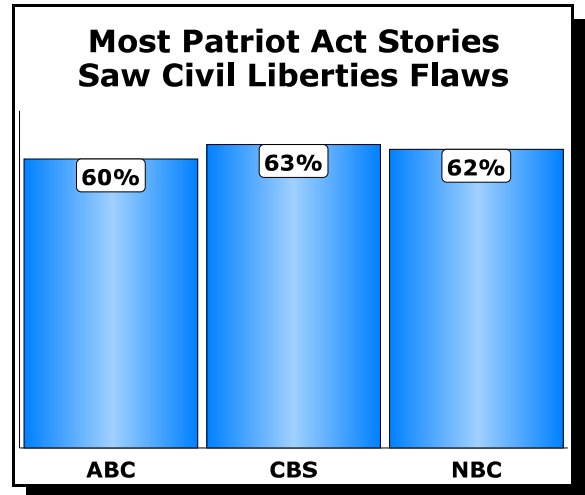
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Weeks before it was signed into law, the broadcast networks painted the USA Patriot Act as a threat to the civil liberties of ordinary Americans. Interestingly, no network evening newscast contained either "Patriot Act" or "USA Patriot Act" – the latter an acronym for the law's official name, the "Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001" – until months after it was enacted. Instead, reporters covering the congressional debate over the Patriot Act adopted less boosterish terminology, as CBS's Bob Schieffer did on October 2, 2001, when he blandly described "a wide-ranging plan to strengthen the anti-terrorism laws."

Contrary to the myth that reporters were little more than cheerleaders for the Bush administration during those first weeks after 9/11, all three evening newscasts aired complaints about the Patriot Act. On September 17, 2001, the day Attorney General John Ashcroft sent his

proposal to Congress, ABC reporter Pierre Thomas was ready with a soundbite from a critic. "Civil libertarians worry that constitutional rights may be jeopardized," Thomas intoned, before quoting David Cole, identified on-screen as a professor with the Georgetown University Law Center.

"What history shows us is that we have responded in times of fear by overreacting, by giving the government too much power," Cole claimed. Before becoming a member of Georgetown's faculty, Cole worked for the far-left Center for Constitutional Rights, where he continues to serve as a volunteer attorney. Cole also regularly writes a column for the far-left magazine *The Nation*, where he has vociferously attacked the Bush administration's policies. Yet in the eight times ABC's *World News Tonight* presented Cole to comment on various aspects of the War on Terror, they merely labeled him as a "constitutional scholar" or "civil libertarian," never once calling him a "liberal."



The other networks also emphasized critics. On the October 6, 2001 *NBC Nightly News*, reporter Dan Abrams insisted that "while most of the Attorney General's proposals will likely be adopted, the debate has led many to re-examine portions of the Constitution, a document designed to protect even the most unpopular people and ideas." He ran a soundbite from the ACLU's Nadine Strossen suggesting that the law would be a threat not just to aspiring terrorists, but everybody: "We have real concern that Americans not be panicked into too quickly giving up precious freedoms."

For the next five years, network reporters would return to the "endangered civil liberties" topic in a majority of their stories about the Patriot Act (56 out of 91 stories, or 62%). The networks presented fears about a police state as valid and reasonable, perhaps even an admirable early warning. On the July 4, 2003 *CBS Evening News*, fill-in anchor John Roberts claimed that "as Americans celebrate their independence today, concern is growing that civil liberties are threatened as never before by the Patriot Act." The following story by reporter Lee Cowan touted "an unlikely revolutionary, soft-spoken librarian Marilyn Sotirelis."

Ms. Sotirelis was celebrated for "quietly leading a charge against the U.S. Justice Department." Rather than cooperate with a possible request from the FBI for records pertaining to a valid terrorism investigation, Cowan saluted how some libraries were taking "drastic measures, shredding all their check-out records." He fawningly asked Sotirelis, "Do you feel like you're on the front lines of defending democracy?" She replied, "In a way, yes. But librarians always are."

On October 4, 2004, the *CBS Evening News* promised a story explaining where candidates George W. Bush and John Kerry stood on the Patriot Act. But reporter Wyatt Andrews spent most of his time on the story of a woman who objected when the FBI asked her for records on Iraqi refugees. "Mary Lieberman saw exactly how the Patriot Act might be abused when she was the director of a church-based group in Knoxville helping Iraqi refugees," Andrews began. "Under the Patriot Act, the FBI has broad powers to go after terrorists, but Lieberman says she felt a chill for Americans."

"It just felt like this overbroad fishing expedition," Lieberman told CBS. After explaining that President Bush wanted to keep the law as is, while Kerry was in favor of letting some parts of it expire, Andrews returned to his "Big Brother" theme: "What frightens Mary Lieberman is the secrecy the FBI has under the Patriot Act. When agents want personal records for a certain time, the person being investigated cannot be told."

"I was really scared, not just for these clients, but just for my country," Lieberman professed. After that, were audiences supposed to agree with Bush or Kerry?

Out of 91 stories on the Patriot Act, only five noted that there have been no violations of civil liberties in the years since the law was enacted. Citing a Justice Department memo on the September 18, 2003 *World News Tonight*, Peter Jennings revealed that "the FBI has never used a provision of the law which gives it more power to obtain business records, including credit card statements and even library records, in terrorism investigations." So much for the "revolutionary" librarian "leading a charge" against the FBI.

And only NBC's Pete Williams on September 10, 2003, told viewers that some of the supposedly controversial elements of the Patriot Act – including the provision for "delayed notification," where a warrant can be executed to search a home or business and the subject only told about it after the fact – were already legally-approved techniques for anti-drug and mob cases prior to the Patriot Act becoming law.

All of the networks favored experts, mostly lawyers or law professors, who disapproved of the Patriot Act. Of 23 soundbites from experts, 61 percent faulted the law as a threat to privacy rights. ABC's John Cochran on August 23, 2003 highlighted the opposition from conservatives, including Larry Pratt, Executive Director of the Gun Owners of America. "This is an amazingly dictatorial, totalitarian bill," Pratt told ABC. "The Attorney General should be ashamed of himself. We're fighting terrorism, not the American Constitution."

In the last five years, a Nexis search shows that ABC's *World News Tonight* (*World News with Charles Gibson* since July) has not given Pratt, who is primarily an advocate for gun owners, an opportunity to talk about citizens' right to own firearms or his opposition to gun control.

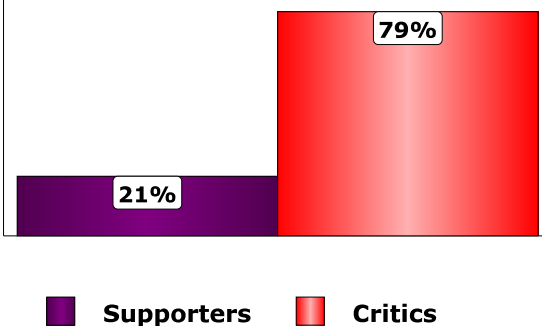
Of the minority of experts (39%) who praised the Patriot Act on-air, most called it an effective tool for law enforcement. ABC's Pierre Thomas filed an unusually positive story on December 21, 2005, with two former FBI officials warning of the dangers if the law, whose renewal was then being debated in Congress, was allowed to lapse.

### Indulging Liberal Paranoia

"Across the country, librarians and bookstore owners are worried that reading the wrong book could turn their customers into suspects....Bookstore owner Neil Coonerty is among those who joined a growing campaign against some provisions of the USA Patriot Act....Just around the corner at the public library, the shredder starts up at the end of every day, destroying records of reference requests and Internet usage....Head librarian Anne Turner has put up signs warning patrons the FBI could be watching."

— Reporter John Blackstone on the *CBS Evening News*, April 26, 2003.

### Seeking Out Patriot Act Critics Soundbites from Experts/Citizens





If the Patriot Act lapsed, "it would be more difficult for intelligence agents and law enforcement to share information about terrorism suspects without a court order," Thomas explained, summarizing the views of experts. Additionally, "FBI agents would lose authority to wiretap every telephone a terrorism suspect may use, and would have to get a warrant every time a suspect changes phones."

Thomas then ran a soundbite from former FBI agent Chris Kerr, upset at the delay in the Patriot Act's renewal: "Congress is appearing to give far more protection to terrorists and threats to the American people than small-time drug dealers."

Of the 19 ordinary citizens who made it onto the network evening newscasts, all of them were critics like the librarian and charity worker cited above, even though the networks' own polls showed that the public largely approved of the Patriot Act. On-air stories acknowledging the public's backing of the Patriot Act were few and far between. Back on June 9, 2005, ABC anchor Elizabeth Vargas briefly noted that "a new ABC News/*Washington Post* poll shows that almost 60 percent of Americans favor extending the act."

For the July 6, 2003 *Evening News*, CBS's Jerry Bowen reported on a town where an ex-hippie city councilman had pushed through a resolution "that fines city officials who voluntarily cooperate with federal investigators." Wrapping up the story, which only included comments from those against the Patriot Act, Bowen admitted the law's critics were outnumbered, but tried to drape them in the cloak of patriotism: "The act is part of the law of the land, with the vast majority of Americans who support it and the vocal minority who criticize it both claiming to be patriots in the post 9/11 world."

Only one story, a May 20, 2002 *Nightly News* report by David Gregory, suggested that the Patriot Act might be insufficient to combat the actual threat posed by an enemy like al-Qaeda. Gregory recounted: "Congress passed the so-called Patriot Act, which gives law enforcement better tools, like the authority to conduct roving telephone wiretaps to more easily follow suspected terrorists from city to city. Still, officials warn, it may not be enough....Critics argue the improvements are dangerously overstated."

If the networks had wished to accurately reflect public opinion, their coverage would have included more citizens who support the Patriot Act. But by handing the microphone only to those who charged the Patriot Act was an unwarranted invasion of privacy, reporters showed they were more interested in manipulating public opinion than reflecting it.

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### ***Guantanamo Bay: Presenting al-Qaeda Prisoners As the Real Victims***

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The immediate military reaction to the terrorism of 9/11 were attacks on al-Qaeda facilities in Afghanistan and on the extremist Taliban government that hosted Osama bin Laden's terrorist network. Within weeks, the Taliban had fled and a new, pro-American leader had been installed

#### **Despite Bad Press, Public Supports Patriot Act**

"Overall, would you say the Patriot Act is a good thing for America, or a bad thing for America?"

<b>Good Thing</b>	<b>53% ✓</b>
<b>Bad Thing</b>	<b>30%</b>

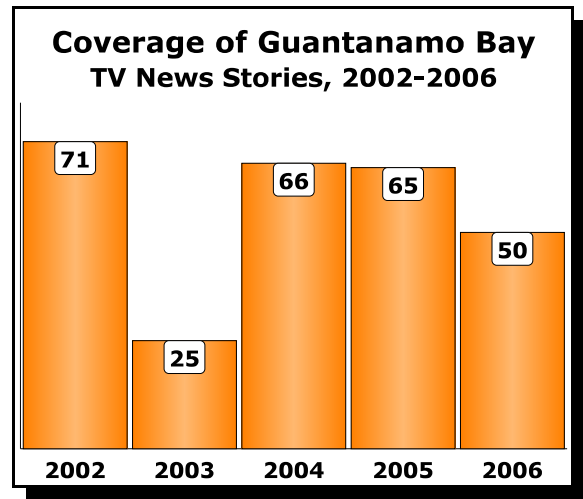
"Do you think the Patriot Act has helped prevent terrorist attacks in the United States or not?"

<b>Has Helped</b>	<b>59% ✓</b>
<b>Has Not Helped</b>	<b>29%</b>

*Results of a Fox News/Opinion Dynamics poll of 900 registered voters, January 10-11, 2006.*

in Kabul, and the U.S. had hundreds of al-Qaeda and Taliban prisoners who could potentially provide valuable intelligence about the enemy. On January 10, 2002, less than four months after September 11, military police began transferring captured enemy combatants to a newly-established prison facility at Guantanamo Bay, Cuba.

For most of 2002, the networks covered Guantanamo as a military story, largely focusing on the preparations and security measures. Network reporters frequently stressed the danger posed by the new inmates. On the night the first plane of prisoners left Afghanistan, CBS's Lee Cowan reminded viewers: "The last time this many detainees were together in one place, it was a disaster. In November, hundreds of al-Qaeda and Taliban members turned on their captors at a prison in the northern city of Mazer-e Sharif, the same uprising that killed CIA operative Mike Spann, the first combat casualty of the war in Afghanistan."



After 2002, however, the networks shifted their coverage away from the challenge the detainees presented to their military guards. Just 39 stories mentioned the dangers posed by the Guantanamo prisoners (14% of the total). Far more stories focused on charges that the captured al-Qaeda terrorists were due additional rights or privileges (100 stories, or 36%) or allegations that detainees were being mistreated or abused (105 stories, or 38%). (Some stories included more than one topic.)

The networks passed along unverified complaints of prisoner mistreatment, casting the American jailors as the real bad guys. Ten months after the prison opened, ABC's Peter Jennings introduced a story about "one of the first and only prisoners released from the U.S. naval base at Guantanamo Bay." This was important, Jennings insisted, because "human rights organizations have complained the U.S. is violating the prisoners' rights and acting without regard for international law."

Reporter Bob Woodruff narrated the November 19, 2002 segment about the released prisoner, Mohammed Sagheer who, Woodruff related, "says he had only gone to Afghanistan last year as part of an Islamic teaching group. But swept up in the chaos of the war, he was handed over to the U.S. and flown to Cuba, blindfolded and tied." A translator conveyed the man's anti-American allegations: "We once gave a call for prayer, and after that, we were punished. This was a difficult time. They beat us, they hit us on the head, grabbed us by the neck. Some people were unconscious, and they were taken to the hospital."

Although there was no proof besides the man's words, Woodruff betrayed no skepticism. He even passed along the ex-inmate's fear of air conditioning: "He says those who defied the rules were placed in solitary confinement — small, air-conditioned cells. Sagheer, who had never seen air conditioning before, thought it was a kind of torture." Sagheer, via the translator, filled in the blanks: "There was a small window in the roof and a light, and they pumped cold air from a hole in the ceiling. This was the punishment. The air was very cold." ABC provided no rebuttal to Sagheer's claims of harsh treatment.



Only six stories pointed out how some of the Guantanamo detainees had convinced the U.S. they were no threat, only to rejoin al-Qaeda's fight. On October 21, 2004, NBC's Lisa Myers described the hunt for one of Pakistan's "most-wanted militants, this man, Abdullah Mehsud, a feared Taliban commander allegedly tied to al-Qaeda." Myers reported that Mehsud had taken Pakistani and Chinese hostages, one of whom was killed in a subsequent gun battle.

"The Mehsud story is more than a bit embarrassing for the United States. Until last March, Mehsud was in prison in Guantanamo Bay," Myers explained, adding, "some villagers now consider Mehsud a hero because he seems to have outwitted the Americans, tricked them into releasing him."

The following month, on the November 8, 2004 *CBS Evening News*, Sheila MacVicar reported similar boasting by ex-inmates. Discussing the al-Qaeda fighters launching attacks on the border between Pakistan and Afghanistan, MacVicar revealed that "at least some of those now fighting have been in U.S. custody elsewhere, including Guantanamo Bay. One has even bragged he duped U.S. interrogators there."

Despite the knowledge that detainees had used deception to win their way back into battle against the U.S., network reporters exhibited amazingly little skepticism of their claims of innocence and torment at the hands of their American captors. On September 12, 2002, referring to the observance of the 9/11 anniversary, ABC's Jennings oddly observed: "It was a somber day for U.S. soldiers at Guantanamo Bay in Cuba, obviously. But for nearly 600 prisoners, it was another day. They have no calendars, and nobody told them it was the first anniversary."

The following year, ABC's *World News Tonight* weirdly chose the second anniversary of the September 11 attacks to offer a sympathetic view of the prisoners. "There have been 31 suicide attempts to date," reporter Claire Shipman fretted. "Letters home obtained by ABC News show despair. One Kuwaiti prisoner writes [that] he wants, quote, 'to die, as I cannot stand this place.'...Prison guards have told us that it's the uncertainty of their fate that is the worst punishment for prisoners here."

Lawyers for the Guantanamo inmates were frequently invited to make their case against the Bush administration and the military's handling of the prisoners. Anchoring the June 10, 2006 *CBS Evening News*, Mika Brzezinski interviewed a lawyer for the prisoners, Joshua Denbeaux. No one from the other side appeared on CBS, and Brzezinski mainly lobbed softballs, such as, "You were there as recently as last week. Is the situation getting worse, or is the mentality changing among the prisoners?"

Denbeaux portrayed the prison as a desperate place. "Four and a half years of incarceration, most of the time usually solitary incarceration, without any contact with your loved ones, your family, your friends or the outside world whatsoever, your mentality is changing," he argued. "It's a miserable place. It's the stench of human despair. There is no hope. One of my clients would

### **CBS Anchor: Guantanamo Bay Prison Is "A Cancer"**

"This [Guantanamo Bay prison] is just a boil. It's a cancer. This thing is not doing anybody any good....They had a showing up here in New York before Memorial Day, this film about John McCain when he was [tortured] in the North Vietnamese prison camp. And to see what those people did to him, it just, it made me rethink this whole thing about how we treat these prisoners in Guantanamo.... We need to think about what separates us from the people who are trying to take our freedom away from us....I don't want my kids to think this is how Americans are."

— *CBS Evening News* anchor Bob Schieffer, *MSNBC's Imus in the Morning*, June 9, 2006.

rather die than stay there.” But a British reporter found two ex-detainees who enjoyed their stay at Guantanamo Bay. (See text box.)

On a few occasions, prisoners were able to use the networks to get their anti-American message out. “For the first time today, we heard the voice of a prisoner from Afghanistan being held at Guantanamo Bay in Cuba. He yelled out to a Canadian radio reporter who was on a Pentagon bus tour,” ABC’s Peter Jennings relayed on March 12, 2002. He then played the man’s claims, which were yelled in broken English: “We are in a hunger strike. We been on a hunger strike for fourteen days and nobody care. We need the world to know about us. We are innocent here in this camp. We got no legal rights, nothing. So can somebody know about us? Can you tell the world about us?”

Eight days later, ABC’s Martha Raddatz filed another report about the prison. “The only real connection between the outside world and the prisoners: one voice,” she suggested, then ran a portion of the same clip: “We are innocent here in this camp. We got no legal rights, nothing.”

Detainees, their families, and lawyers accounted for 46 evening news soundbites. Discussing the Guantanamo prisoners, attorney Bill Goodman of the Center for Constitutional Rights complained on the June 11, 2006 *NBC Nightly News*: “These people’s rights are being violated in the grossest way imaginable, in that they are being held — they have been taken from their families, they have been taken from their countries, they’ve been drugged, put on planes, and held without real charges.” None of the networks sought out survivors or family members of those killed on September 11 to lend their voices to the debate about Guantanamo Bay.

One of the key arguments of the inmates’ lawyers was that justice and fairness required that the detainees be granted access to U.S. civilian courts. The networks implicitly bolstered this claim by focusing far more heavily on the legal issues related to Guantanamo than the military or security issues related to the detainees. Of the 79 soundbites from independent experts (not including lawyers identified as working for the detainees or representatives of the government), 65 were from law professors or other legal experts (82%). Just seven were retired military or other anti-terrorism or security experts, a nine-to-one disparity.

A few of the legal experts argued that al-Qaeda terrorists operated outside of the recognized rules of war and had thus sacrificed their rights. The June 15, 2005 *CBS Evening News* ran a clip of former Attorney General William Barr at an earlier Senate hearing: “I hear a lot of pontificating about the Geneva Convention, but I don’t see what the issue is. The Geneva Convention applies to

### An Angle the Networks Missed

“Asadullah strives to make his point, switching to English lest there be any mistaking him. ‘I am lucky I went there, and now I miss it. Cuba was great,’ said the 14-year-old, knotting his brow in the effort to make sure he is understood....

“Tracked down to his remote village in southeastern Afghanistan, Naqibullah has memories of Guantanamo that are almost identical to Asadullah’s. Prison life was good, he said shyly, nervous to be receiving a foreigner to his family’s mud fortress home. The food in the camp was delicious, the teaching was excellent, and his warders were kind. ‘Americans are good people, they were always friendly, I don’t have anything against them,’ he said. ‘If my father didn’t need me, I would want to live in America.’

“Asadullah is even more sure of this.

‘Americans are great people, better than anyone else,’ he said, when found at his elder brother’s tiny fruit and nut shop in a muddy backstreet of Kabul. ‘Americans are polite and friendly when you speak to them. They are not rude like Afghans. If I could be anywhere, I would be in America. I would like to be a doctor, an engineer...or an American soldier.’” (last ellipses in original)

— *The Guardian’s James Astill in a March 6, 2004 story about two of the youngest detainees released from the U.S. military prison at Guantanamo Bay, Cuba.*

signatory powers. Al-Qaeda hasn't signed it. They're not covered by the Geneva Convention. Period."

While 13 of the legal expert talking heads, like Barr, agreed with the Bush administration's handling of Guantanamo, nearly three times that number (38) attacked the legality of the detainees' treatment. Among all 79 expert talking heads, the percentage was nearly identical – 19 percent supported the handling of Guantanamo, 58 percent opposed, with another 23 percent offering neutral information.

Besides lawyers for the detainees, the networks highlighted international critics who claimed the U.S. military was abusing the prisoners' human rights. On NBC's *Nightly News*, June 9, 2006, anchor Brian Williams argued that "the prison has become symbolic, and it's considered a problem for the U.S. Very few know what goes on inside the place they call 'Gitmo.' There have been allegations of torture and abuse of the holy Koran, and prisoners who have been there for years face an unclear future."

The subsequent report from Pentagon reporter Jim Miklaszewski highlighted a hostile report from the group Amnesty International: "Opened in January 2002 to hold al-Qaeda and Taliban prisoners from the war in Afghanistan, Guantanamo has since become a symbol of prisoner abuse...The heat was turned up recently when Amnesty International compared Guantanamo, where detainees have no legal rights, to Soviet concentration camps." He then ran a soundbite from Irene Khan, the group's General Secretary: "Guantanamo has become the gulag of our times."

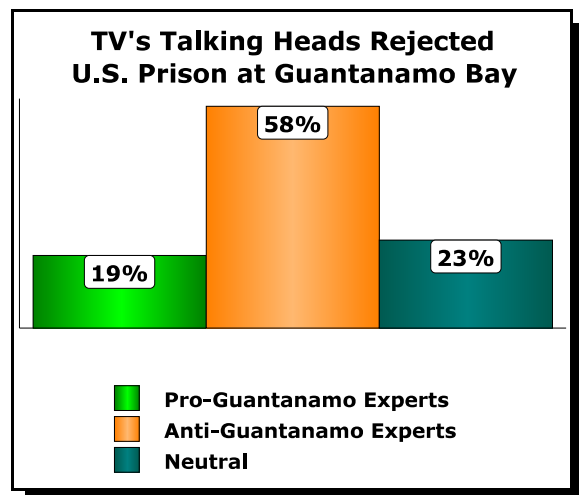
While NBC took Amnesty International's report as a serious repudiation of America's human rights record, even the liberal *Washington Post* had to scoff at the group's claim of an American "gulag." In a May 26, 2005 editorial, the *Post* declared: "It's always sad when a solid, trustworthy institution loses its bearings and joins in the partisan fracas that nowadays passes for political discourse....Turning a report on prisoner detention into another excuse for Bush-bashing or America-bashing undermines Amnesty's legitimate criticisms of U.S. policies and weakens the force of its investigations of prison systems in closed societies."

On the February 16, 2006 *CBS Evening News*, anchor Bob Schieffer suggested a report by the United Nations was another damning indictment: "Today, United Nations investigators leveled the most withering criticism yet of the U.S. prison for terror suspects at Guantanamo Bay, Cuba. The UN Secretary-General, Kofi Annan, said eventually the United States should just shut it down."

### Gitmo, So Hard to Understand

"Finally this evening, Guantanamo Bay. We were away from the broadcast last night in order to visit Camp Delta at Guantanamo.... We were taken to see the hospital where some of the men clearly get better care than where they came from. The biggest health issue here is mental. Isolation and uncertainty have led to numerous attempted suicides. And at any time of the day or night, the detainees may be interrogated, a subject of enormous controversy in itself. There is no thought here of rehabilitation. Some of these men may be here for years, and as of now, they have no appeal. Hard place to photograph. Harder place for many people to understand."

— ABC's Peter Jennings on *World News Tonight*, April 22, 2004.



Reporter David Martin quoted from the report: "Inmates are held under conditions that violate international law and are subjected to interrogation techniques that, quote, 'amount to torture.'" Only later in Martin's story did the U.S. get to respond, in a pair of soundbites from White House Press Secretary Scott McClellan: "The UN team that was looking into this issue did not even visit Guantanamo Bay. They did not go down and see the facilities." Martin then returned to Kofi Annan demanding that the prisoners be either charged with a crime or released.

Three days before Martin's story aired, NBC's Lisa Myers covered the same story, but was noticeably more skeptical of the UN accusers. Like Martin, she cited the report's anti-American conclusions and noted that the investigators had not visited the prison. Unlike Martin, she introduced a soundbite from Republican Senator Lindsey Graham: "A senator who once criticized abuses at Gitmo says there have been significant reforms." Senator Graham had nothing but praise for the U.S. military's effort: "Our treatment of detainees is a model for running a military prison."

Then Myers ran a soundbite from an NBC military expert, retired General Barry McCaffrey, who argued that the inmates are exactly where they belong: "Many of them are extremely dangerous people. More than a dozen that we've released already have gone back to attacking U.S. forces."

And Myers herself concluded with a jab at the UN's record on human rights: "This report now must be considered by the UN Commission on Human Rights, which critics say has a questionable track record. They know that three years ago, the commission was chaired by Libya, long accused of abusing human rights."

While the networks ran numerous stories recounting the supposed maltreatment of the detainees at the hands of their American guards, none of the networks bothered to mention news that there have been "hundreds" of instances when the detainees attacked U.S. military guards, using everything from rocks, utensils and even a bloody lizard tail.

The Landmark Legal Foundation used the Freedom of Information Act to get the Pentagon to release hundreds of incident reports, which were summarized by the AP's John Solomon in a July 31 dispatch (see text box).

"Lawyers for the detainees have done a great job painting their clients as innocent victims of U.S. abuse when the fact is that these detainees, as a group, are barbaric and extremely dangerous," Landmark President Mark Levin told the Associated Press. "They are using their

### What Didn't Make the Evening News

"The prisoners held at Guantanamo Bay during the war on terror have attacked their military guards hundreds of times, turning broken toilet parts, utensils, radios and even a bloody lizard tail into makeshift weapons. Pentagon incident reports reviewed by The Associated Press show Military Police guards are routinely head-butted, spat upon and doused by 'cocktails' of feces, urine, vomit and sperm collected in meal cups by the prisoners. They've been repeatedly grabbed, punched or assaulted by prisoners who reach through the small 'bean holes' used to deliver food and blankets through cell doors, the reports say. Serious assaults requiring medical attention, however, are rare, the reports indicate....Guards currently stationed at Guantanamo describe a tense atmosphere in which prisoners often orchestrate violence in hopes of unnerving their captors, especially with attacks using bodily fluids. 'I mean, seeing a human being act that way, it's terrifying....You are constantly watching before you take your next step to see if something is about to happen,' Navy Senior Chief Petty Officer Mack D. Keen told AP in an interview from Guantanamo."

— **Associated Press writer John Solomon in a July 31, 2006 dispatch.**



terrorist training on the battlefield to abuse our guards and manipulate our Congress and our court system.”

It is unfortunate that the networks gave no airtime to the Pentagon reports made public by Landmark’s efforts. It would have added some balance to five years of coverage that was too often tilted in favor of those who would paint the prisoners at Guantanamo Bay as the victims of the War on Terror, not among its instigators.

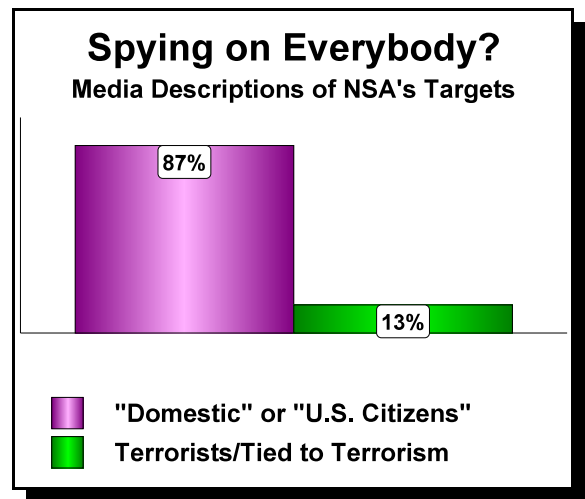
### ***The NSA Surveillance Program: “Big Brother” Strikes Again***

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All three broadcast networks jumped on the December 16, 2005 revelations in the *New York Times* that the National Security Agency (NSA) had been monitoring suspicious phone calls and e-mails to and from the United States. That night, ABC’s *World News Tonight* began their broadcast with the words “Big Brother” beside a picture of President Bush; anchor Bob Woodruff teased, “Big Brother, the uproar over a secret presidential order giving the government unprecedented powers to spy on Americans.”

CBS anchor Bob Schieffer began the *Evening News* by presenting the President as tilting toward criminality: “It is against the law to wiretap or eavesdrop on the conversations of Americans in this country without a warrant from a judge, but the *New York Times* says that is exactly what the President secretly ordered the National Security Agency to do in the months after 9/11.”

The NSA program that the *Times* disclosed is aimed at uncovering plots similar to 9/11, where terrorist operatives were present in the United States weeks and months before the actual attack. The program only focused on calls in which one party was outside the U.S. As General Michael Hayden, director of the NSA when the program began, explained at a January 23 National Press Club speech: “This is hot pursuit of communications entering or leaving America involving someone we believe is associated with al-Qaeda.”



The networks were far less interested in the program’s value to disrupting potential terror plots than stressing the hypothetical dangers to Americans’ privacy. Most stories stressed topics that troubled liberals: the potential for violating Americans’ civil liberties (64 stories, or 50% of the total) and questions about whether the President had exceeded his constitutional powers (38, or 30%). Relatively few stories (21, or 16%) discussed the value of the surveillance program in the overall War on Terror.

In describing the program, reporters presented it as affecting nearly everybody. ABC’s Dan Harris began the December 24, 2005 *World News Tonight* by hyping how “the spying was much more widespread, with millions of calls and e-mails tracked — perhaps even yours.” When they described the program, reporters most often said it targeted “Americans” or “U.S. citizens” (phrasing used 82 times, or 37% of all descriptions), or used terms such as “domestic” or “communications inside the U.S.” (113 times, or 50% of all descriptions).

Much more rarely, reporters explained that the NSA's goal was to monitor terrorists (11 descriptions, or 5% of the total) or those suspected of being in league with potential terrorists (18, or 8%). For example, NBC's Pete Williams described monitoring "suspected al-Qaeda members" on the December 29, 2005 *Nightly News*, while over on CBS on February 2, 2006, reporter David Martin similarly described the NSA's targets as "suspected al-Qaeda operatives inside the U.S."

The network coverage, particularly during the first few days, portrayed the NSA revelations as a Bush administration scandal. In the seven days after the *New York Times* revealed its existence, the three networks ran a combined 23 stories about the NSA program, more than one story per night. Reporters portrayed the program as evidence of transgression, not an effort at protection. "Tonight, President Bush [is]...under fire for authorizing the National Security Agency to spy on Americans," CBS's John Roberts claimed on the December 18, 2005 *Evening News*.

"The revelations about spying have overshadowed the President's recent efforts to explain his Iraq strategy," ABC's Martha Raddatz asserted on the December 19, 2005 *World News Tonight*, leaving aside the fact that it was the media who opted to focus on the NSA program and thus "overshadow" the other news. "You can expect the White House to continue to try and get the message out about Iraq," Raddatz told anchor Elizabeth Vargas, "but this spying story is not going away."

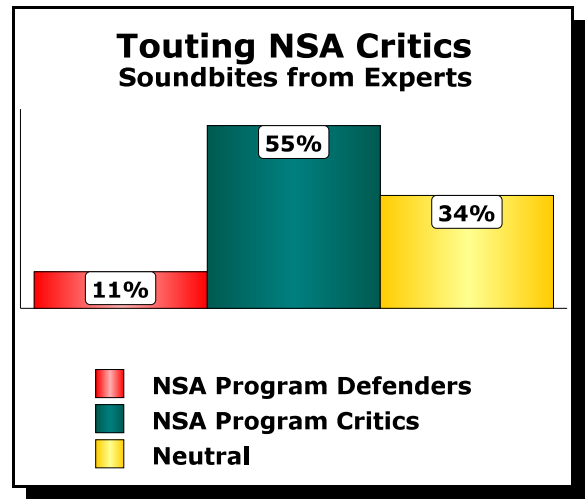
Most (59%) of the networks' NSA stories cast the program as either legally dubious or outright illegal. On the December 19, 2005 *World News Tonight*, ABC's Pierre Thomas cast the President as acting unlawfully: "The Constitution grants the President the powers of Commander-in-Chief, but scholars argue it says nothing about unbridled presidential power to eavesdrop."

That same night, CBS's John Roberts noted, "President Bush insists both the Constitution and congressional authorization for the war on terror give him the power to circumvent the courts when eavesdropping on suspected terrorists, and he is determined to keep doing that. But many legal scholars believe the program is utterly and completely illegal." Roberts then quoted the ubiquitous Georgetown law professor David Cole, who again was not identified as a liberal.

"I think their opinion is ludicrous," Cole told CBS.

The supposedly independent experts cited in NSA stories were as lopsided as those found in the networks' coverage of the Patriot Act and Guantanamo Bay. More than half (55%) echoed Cole, arguing against either the ethics or legality of the NSA program, compared with just 11 percent who defended the program. (The remaining 34% conveyed neutral information.)

The *NBC Nightly News* was the most balanced, airing six soundbites from pro-NSA experts, including two clips from federal judge Richard Posner arguing the surveillance was constitutionally reasonable. Nevertheless, NBC's experts still tilted three-to-one against the NSA program. ABC ran just two soundbites from pro-NSA experts, compared to 13 that faulted the program, while the *CBS Evening News* failed to show any pro-NSA experts.





The NSA story entered a new phase on May 11, 2006, after *USA Today* ran a lengthy front-page story claiming three major phone companies had supposedly turned over huge volumes of customer billing records so that the NSA could construct a computerized database to track which numbers a terrorist suspect might be calling. As with the *New York Times* revelations in December, all of the broadcast networks led their evening newscasts with the story, portrayed it as a scandal for the administration, and again suggested that ordinary Americans were the target.

“Does the government need to know who you’ve been talking to on the phone?” CBS anchor Bob Schieffer asked on the May 11 *Evening News*. “Then why is it collecting millions of our phone records?” CBS’s on-screen graphic read “Your Phone Records.”

ABC anchor Elizabeth Vargas suggested the disclosures should make Americans doubt the War on Terror: “We begin with a revelation that may change the way Americans think about phone calls and about the war on terrorism. Today we learned that since the attacks of September 11, the government has been collecting tens of millions of phone records. This includes phone calls to and from citizens who are not suspects in any crimes.”

NBC’s Brian Williams highlighted the “outrage” at the NSA database: “Just hours after critics started to roar in outrage, by mid-day the President himself felt the need to defend his government’s policy.”

Over the next five days, ABC, CBS, and NBC ran 17 stories on the database aspect of the NSA’s surveillance program. ABC actually aired the least coverage, cutting back after the network’s own polling found strong support for the program. On the May 12, 2006 *World News Tonight*, anchor Elizabeth Vargas explained, “An ABC News/ *Washington Post* poll finds that Americans overwhelmingly support the surveillance of phone records as a way to protect them against a potential terrorist strike. They’re in favor of it by a margin of nearly two to one.”

ABC’s chief Washington correspondent George Stephanopoulos told Vargas that the results were astounding: “When I was speaking to opponents of the program today, they were really surprised that more Americans didn’t share their outrage. But our poll shows that two-thirds of Americans [66%] wouldn’t be bothered even if the NSA was collecting their own phone records. And it also shows that a majority of Americans, 51 percent [versus 47%], think that President Bush has done a good job of protecting privacy rights over these four years.”

### **No Mentioning *USA Today*’s Retreat on Key Fact**

“The National Security Agency has been secretly collecting the phone call records of tens of millions of Americans, using data provided by AT&T, Verizon and BellSouth, people with direct knowledge of the arrangement told *USA Today*. The NSA program reaches into homes and businesses across the nation by amassing information about the calls of ordinary Americans — most of whom aren’t suspected of any crime. This program does not involve the NSA listening to or recording conversations. But the spy agency is using the data to analyze calling patterns in an effort to detect terrorist activity, sources said in separate interviews.”

— **Opening of *USA Today*’s May 11 front-page story by Leslie Cauley that triggered heavy coverage by ABC, CBS and NBC.**

**vs.**

“Based on its reporting after the May 11 article, *USA Today* has now concluded that while the NSA has built a massive domestic calls record database involving the domestic call records of telecommunications companies, the newspaper cannot confirm that BellSouth or Verizon contracted with the NSA to provide bulk calling records to that database. *USA Today* will continue to report on the contents and scope of the database as part of its ongoing coverage of national security and domestic surveillance.”

— **“A Note to Our Readers” published in *USA Today* June 30. None of the three broadcast evening newscasts mentioned the newspaper’s backpedaling.**

After all the sound and fury, *USA Today* eventually confessed in a June 30 “Note to Readers” that they “cannot confirm that BellSouth or Verizon contracted with the NSA to provide bulk calling records to that database.” (See text box.) While all three networks touted the paper’s May 11 front-page story, none bothered to note how the newspaper had to backpedal on a key fact.

While the networks presented the actual NSA program as of dubious legality, they had almost nothing to say about the legality of the leaks to the *New York Times* and *USA Today* that exposed the classified information. Just five network stories (4%) focused on the potential illegality of the leaks to the media, or the decisions of the two newspapers to publish government secrets.

Indeed, when network reporters mentioned the leak investigations, they portrayed it as part of an attack on the news media. “A federal probe of a *New York Times* report threatens to further chill the President’s relationship with the news media,” CBS’s Joie Chen argued on the December 31, 2005 *Evening News*.

In contrast to the skeptical approach CBS took with the NSA program, Chen sought an expert to assure viewers that the media were on solid ground. “Some legal experts question whether the leakers did anything wrong,” she suggested, followed by a soundbite from attorney Floyd Abrams, who often argues on behalf of news media clients: “I think it is patriotic at the end of the day to expose potential wrongdoing, even if it’s by our own government.”

Chen asserted: “The Justice Department probe is already raising hackles with critics, who charge the administration is just following its usual strategy, that is, ‘attack the messenger.’ In addition, there’s some concern that going after and trying to expose whistleblowers and reporters they tell stories to is actually going to keep others from coming forward.”

Apparently, the possible illegality of divulging government secrets to the *New York Times* does not trouble network reporters. But those same journalists seem to regard the government’s monitoring of overseas phone calls involving potentially dangerous terrorists as a great threat to the public — greater, presumably, than the danger posed by damaging the government’s anti-terrorism efforts by disclosing them to the world.

### ABC Found Wide Support for the NSA’s Phone Record Database

“What do you think is more important right now — for the federal government to investigate possible terrorist threats, even if that intrudes on personal privacy; or for the federal government not to intrude on personal privacy, even if that limits its ability to investigate possible terrorist threats?”

<b>Investigate</b>	<b>65%</b> ✓
<b>Not Intrude</b>	<b>31%</b>

“Its been reported that the National Security Agency has been collecting the phone call records of tens of millions of Americans.... Would you consider this an acceptable or unacceptable way for the federal government to investigate terrorism?”

<b>Acceptable</b>	<b>63%</b> ✓
<b>Unacceptable</b>	<b>35%</b>

“If you found out that the NSA had a record of phone numbers that you yourself have called, would that bother you, or not?”

<b>No</b>	<b>66%</b> ✓
<b>Yes</b>	<b>34%</b>

*Results of an ABC News/Washington Post poll of 502 adults, May 11, 2006.*

## ***Conclusion: It's Not the Criticism, It's the Biased Agenda***

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Network reporters know well that they have great influence over the daily dynamic of national politics. That's not to suggest a dark conspiracy, but to recognize a fact. The questions that reporters ask government spokesmen in briefings, or ask themselves in editorial meetings, suggest the topics for that night's evening newscast, or the next morning's newspapers. Once published, news stories evoke reactions from both politicians and the public, reactions which can — if reporters are still interested — keep the cycle alive for another 24 hours.

Journalists can be more influential than any government official in setting the political agenda. Reporters recognize this when they congratulate themselves for performing their "watchdog" function, forcing issues into the public discussion when politicians or officeholders would prefer otherwise.

As it relates to the War on Terror, the networks have certainly not shrunk from their role as watchdogs, as their newscasts frequently highlighted critics of the U.S. government's terror-fighting tactics, criticism which reporters themselves have sometimes joined. But as this report has demonstrated, the agenda of that criticism has been dominated by the complaints of liberals and civil libertarians who argue that the government has been too heavy-handed.

Pointing out that TV's news agenda is biased is not the same as suggesting that network reporters must not criticize the President or government during wartime. But when the networks favor critics of a certain ideological flavor, that bias will inevitably tug the public debate in the direction of those critics. In coverage of the Patriot Act, the Guantanamo Bay prison, and the NSA surveillance program, the networks all highlighted critics who argued that the government's tactics went too far. Indeed, many civil libertarians have complaints about the government's anti-terror tactics. It's fair enough to include that point of view in the coverage.

But there is also a broad swath of Americans, as the polls cited in this report indicate, whose primary concern is not that the pre-9/11 concept of civil liberties are perfectly preserved, but rather that the War on Terror is fought effectively and successfully. An impartial news media would spend at least as much time confronting government officials about whether domestic law enforcement or the military and intelligence services abroad were using all of the available tools to disrupt dangerous terrorist networks and prevent another attack on the homeland.

This report found some possible avenues for reporters to explore. A handful of network stories mentioned that inmates who had been released from the Guantanamo Bay prison had resumed committing acts of terrorism, even boasting about how they had duped the U.S. military. Reporters could challenge government officials about whether their process for evaluating the detainees was too lenient, and ask what steps would be taken to ensure that any inmates released in the future would not pose a danger. That's at least as important as exploring whether inmates deserve a chance to make their case in a U.S. civilian court.

When its role in the War on Terror was mentioned in news stories (which wasn't often), the NSA's terrorist surveillance program was portrayed as a crucial method of detecting future threats. But the great majority of network coverage focused on complaints it violated everyday citizens' right to privacy, and perhaps exceeded the President's constitutional authority. Yet none of the networks made much of an effort to inform viewers of the progress of congressional action aimed at resolving those constitutional and civil liberties questions so that the NSA could continue to keep tabs on suspected terrorists. Since the networks spent so much airtime on charges that the

NSA program was flawed, wouldn't it be equally important to hold Congress accountable for finding a way to ensure that the program remained in America's terror-fighting arsenal?

The debate is not about whether reporters can challenge a president and his policies during a time of war. Of course they can. But the networks have chosen to highlight the complaints of those who paint the Bush administration as a danger equal to or greater than the terrorists themselves. Reporters could have spent the past five years challenging the administration with an agenda most Americans share, demanding that the government do everything within its lawful powers to protect the public and prevent another attack. Instead, liberal reporters have opted to join the ACLU in fretting that the War on Terror has already gone too far.

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