



Media Reality ✓ Check

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MRC Study: ABC, CBS and NBC Paint NSA Surveillance As Criminal Scheme, Not Tool to Fight Terror

Media: Bush Is Guilty, Now Let's Begin Trial

The Senate begins hearings today on the National Security Agency's surveillance of communications between terrorist operatives overseas and those in the United States, a program authorized by President Bush after September 11. But ABC, CBS and NBC probably think the hearings are a waste of time, since they've spent the last seven weeks telling viewers the NSA program is almost certainly illegal and the President is guilty of violating the civil liberties of everyday Americans.

MRC analysts reviewed the three broadcast evening newscasts and found 69 stories on the NSA surveillance program from December 16, 2005 (the day the program was disclosed by the *New York Times*) through February 3. Key findings:

■ **Illegality.** Most network stories (57, or 83%) cast the NSA program as legally dubious or outright illegal. CBS's Bob Schieffer began the December 16 *Evening News* by presenting Bush 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."

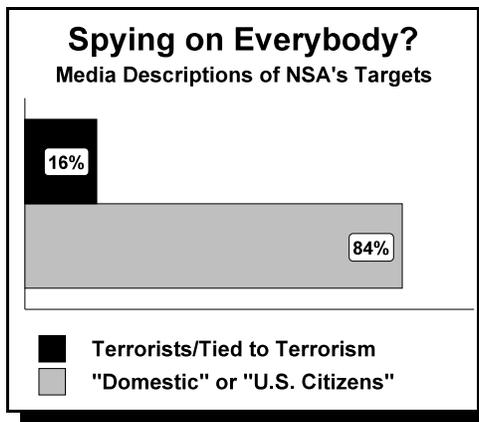
On the December 19 *World News Tonight*, ABC's Pierre Thomas similarly cast the President as acting unlawfully: "The Constitution grants the President the powers of Commander-in-Chief, but scholars argue it says nothing about unbridled presidential power to eavesdrop."

■ **Civil Liberties.** Reporters most often framed the story as about government infringing on "civil liberties" (the focus of 29 stories, or 42%), followed by concerns the President was going beyond his constitutional powers (19 stories, or 26%). In contrast, the NSA program's role in the war on terror was the focus of just seven stories (10%).

■ **Bush-Bashing Experts.** The networks ran soundbites from 56 experts, including legal experts, authors and security/wiretapping experts. (This excludes partisan actors such as President Bush or Democratic Senator Russ

Feingold, a prominent critic of the NSA program.) More than half of those (30, or 56%) condemned the ethics or legality of the NSA program, compared with just four (7%) who found the program justified, an eight-to-one disparity. The most balanced newscast: *NBC Nightly News*, which twice aired soundbites from federal judge Richard Posner arguing the surveillance was constitutionally reasonable. *CBS Evening News* was the most biased — all six of the experts they showcased condemned the NSA program.

■ **Everybody Is a Target.** Reporters offered their own description of who was targeted by the NSA surveillance program 134 times, just under twice per story. Only about a sixth of these descriptions (21, or 16%) stated that the government was focused on persons contacting suspected terrorists (12) or the suspected terrorists themselves (9). For example, NBC's Pete Williams described monitoring of "suspected al-Qaeda members" on the December 29 *Nightly News*, while over on CBS on February 2, reporter David Martin similarly described the NSA's targets as "suspected al-Qaeda operatives inside the U.S."



But most journalists portrayed the NSA as casting a wide net, targeting "Americans" or "U.S. citizens" (53, or 40%), or used terms such as "domestic" or "communications inside the U.S." (60, or 45%). ABC's Dan Harris even began the December 24 *World News Tonight* by hyping "the spying was much more widespread, with millions of calls and e-mails tracked — perhaps even yours."

One aspect of the story did not seem to trouble TV reporters: the leak of classified information to the *New York Times*. Only five network stories focused on the leak investigation, most describing it as an act of retribution from an angry Bush administration. — Rich Noyes

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