Forgive Us Our Press Passes

Captain Michael T. Sherman U.S. Navy-Ret.

Follow this and additional works at: https://scholarship.law.stjohns.edu/lawreview

Recommended Citation
Available at: https://scholarship.law.stjohns.edu/lawreview/vol66/iss3/4

This Symposium is brought to you for free and open access by the Journals at St. John's Law Scholarship Repository. It has been accepted for inclusion in St. John's Law Review by an authorized editor of St. John's Law Scholarship Repository. For more information, please contact lasalar@stjohns.edu.
FORGIVE US OUR PRESS PASSES

CAPTAIN MICHAEL T. SHERMAN, U.S. NAVY-RET.*

It was the best of coverage, it was the worst of coverage. It was Saudi Arabia, and it was a seminal period in modern television coverage. The manner in which the military responded to the media during the Persian Gulf War, the public's response to the subsequent coverage, and the media's walls of outrage will be discussed passionately for many years.¹

There are incredibly ambivalent emotional responses generated in this country when we discuss the American news media. We recognize their special role in a democratic society as watchdogs of freedom, upholders of the public trust, defenders of the downtrodden, and so forth² (there was obviously a reason why Su-

---

* Captain Michael T. Sherman, U.S. Navy-Ret., is a 26-year Navy veteran of the military-media wars. His career in the Navy began with the Vietnam War and ended with the Gulf War. In between he served in ships of the Pacific Fleet, the Philippines, Hawaii, Guam, Japan, San Diego, Los Angeles, and Washington, D.C. Captain Sherman was recently the Navy's liaison to the Hollywood motion picture industry where he was technical advisor to such movies as "The Hunt for Red October," "Flight of the Intruder," and "Patriot Games." He escorted the first newsmen into Dhahran, Saudi Arabia, on August 13, 1990, and remained there to set up and run the Joint Information Bureau during Operation Desert Shield. He is credited with handling the largest contingent of media ever assembled to cover a military operation. He has lectured on the military and the media at seminars throughout the United States. Captain Sherman retired from the military in March, 1992, and now works for a major corporation in San Francisco as their director of International Public Relations.

¹ See Richard Zoglin, Volleys on the Information Front: Frustrated by Pools, Censorship and Tight-lipped Military Officials, the Media Fight for More and More Detailed-News from the Battlefield, TIME, Feb. 4, 1991, at 44 (discussing media outrage over military press restrictions); see also David Gergen, Why America Hates the Press: The Gulf War Wasn't Vietnam. You Wouldn't Have Known that from the Way Many Reporters Approached It. Now, It's Time for Serious Soul-Searching, U.S. NEWS & WORLD REPORT, Mar. 11, 1991, at 57 (discussing media coverage during Gulf War). Despite the huge popular support for the war, the media treated it like Vietnam by approaching it from an anti-war perspective. Id. This obvious bias has led to public outcries for even greater restrictions on the press in times of war. Id.

perman's secret identity was as a newsman!). We often, however, decry their unforgivable tactics, incomprehensible and reprehensible insensitivity, sometimes questionable character, and boundless enthusiasm to identify exactly what is important to us in this world. For the past two decades, the media have quietly assumed the role of keeper of the public conscience not through public mandate or affirmation, but rather through the public's tacit acceptance of the ongoing coup.

The mutually conflicting feelings about the media are especially prominent among Americans in the military who have dedicated their lives to defending the basic principles of freedom and democracy. The media's right to write is exactly what the military has sworn to uphold and defend. Simultaneously, military personnel have a sworn duty to those they command to ensure that their ultimate freedom—their right to live—is in no way jeopardized by the information published or broadcast by the media. Thus, there exists a concomitant need to protect the media's freedom to cover and document a military operation, and a military commander's freedom to wage a sensible campaign and possibly save lives in the process. As these goals are often at odds, a unique symbiotic yet adversarial relationship has developed between the media and the military.

One of the biggest problems with the military and the media, something most military will not discuss, is the exceptional opportunity the media can provide for a quick return to civilian life. Unlike most interview situations, any military person quoted by the
media instantly becomes a spokesperson for that entire branch of the service. Privates and seamen are interviewed and then re-quoted ad nauseam. Unfortunately, the military does not forgive a misquote. Many careers have been lost, sunk and made unsalvageable following an interview. Although it is easy for the journalists to make light of that possibility, the fact remains: one screw-up in the press outlives three hundred "atta-boys" from the captain! In the military, one gets graded on something called "good judgment," and speaking out in the media simply is not considered good judgment.

Accordingly, today there is a dynamic adversarial relationship between the media and the armed forces that many blame on the Vietnam War—as if thirty years was not enough time to heal. True, Vietnam War coverage outraged many veterans and civilians and continues to foster unreasonable anti-media emotions, even within the youngest military men and women whose only recollections of Vietnam exist in history books. Adversarial relationships such as those, however, existed well before Vietnam, the Civil War, and even the Revolutionary War. The conflict, though, goes much deeper than that. The military simply knows that no matter how trustworthy and honest a reporter can be, news is business. In the final analysis, the public will vote with their money and remote controls. Revenues will fall or rise on those votes and editors, publishers, station managers, and owners ultimately will decide what is printed, published or broadcast on this basis.

Since the Vietnam War, one of the major complaints from the modern military has been that the media simply cannot report news. Reporters have to be part of the story. They have to insinuate their feelings, beliefs, philosophies, ideologies, and emotions into every story. Journalism has lost its objectivity. Many, both in and out of the military, truly believe that the media lost the Viet-

---


6 See, e.g., id. Robert Asprey, an analyst and historian of the Vietnam War, speaks about the many letters he has received from military personnel reflecting their deep resentment of journalists. Id.

7 See Peter Andrews, The Media and the Military: It's Been a Long and Acrimonious Road from Bull Run to Basra. Sometimes the Press Has the Upper Hand; Sometimes the Generals Do; But the Basic Argument Never Changes, Am. Heritage, Jul.-Aug. 1991, at 78. Even during the Civil War, the media was critical of the military on both sides. Id.
Nam war for the United States, and indeed many books have been written attempting to prove or disprove this thesis. Admittedly, the media are no better or worse than any of our institutions, but they control the airwaves and printing presses. One sage military man once said, "Don't argue with the man who buys ink by the barrel, you can't win."10

The media have assumed a disproportionate role in the coverage of events, but that does not mean we always agree with their motivation and tactics. They are, in fact, coloring and flavoring the news they report. Pick up a paper and look for a good news story, one without enormously descriptive adverbs and personal insights by the reporter. It is hard to find. Watch the news and see how broadcast journalists convey their views with inflection, body language and subtle facial movements.

Many people erroneously believe that Vietnam was a "live" war. Videotapes were still being perfected in the middle to late sixties and 16mm film and 35mm still photos were still the tools of the trade during Vietnam. Film was shipped to Hong Kong, processed and sent out of the earth station to New York or the West Coast. This took many hours, if not days, especially if the film had to come out of the "boonies." As a result, the Department of Defense ("DoD") still had time to advise the next of kin when a

---


9 In support of this proposition, see Arnaud de Borchgrave & Robert Moss, The Spike (1980). De Borchgrave alleges that Communist operatives bribed a significant portion of the American Press. Id. at 6. He recounts his own experience where a KGB agent approached him offering substantial financial inducement to write articles critical of capitalism and the United States. Id. For an opposing view, see Daniel C. Hallin, The Uncensored War (1986) and Richard M. Clurman, Beyond Malice: The Media's Years of Reckoning (1988). Clurman and Hallin both feel that many factors contributed to the failure in Vietnam, with most of them being either military or political in nature.

service member was wounded or killed. Sometimes this worked, sometimes it did not, but at least DoD had the chance.

Today, the rules have changed drastically. High tech portable satellite dishes, small portable cameras, and special facsimile photographic kits are able to broadcast live or within minutes from any locale in the world.\footnote{See Rita Ciolli, Military and Media: Uneasy Partners in the Gulf, Gov. EXECUTIVE, Feb. 1991. The usual equipment carried by the Vietnam era journalist to cover the war was a typewriter. Id. Today, lightweight mobile telesystems powered by portable generators are the tools of the trade. Id. With the onset of satellites, news coverage has become instantaneous. Id.} Believe me, if it can be done in Saudi Arabia, it can be done anywhere. This means that your son, father, mother, aunt, or uncle may be the featured player on the 6 p.m. newscast as you watch them wage war. This may seem far-fetched, but you have to believe it's true. More than one network wanted to set up its satellite dishes on the front-lines to broadcast live from the Gulf War.\footnote{Id.}

The second most drastic change since Vietnam concerns the role of the journalist. There have arisen categories of journalists, specialists if you will, who do not resemble anything we would consider a balanced newsperson. The newest phenomenon is the neutral journalist. This person has no allegiance to country or state, only to his or her news organization, and even that pales when they start thinking about by-lines.\footnote{See John Corry, TV News and the Neutrality Principle, THE JERUSALEM POST, May 17, 1991 (Features Section). Perhaps the most familiar example of the neutral journalist is Peter Arnett of CNN, who covered events in Baghdad during the Gulf War. Arnett's broadcasts angered many who felt that he was spreading Iraqi propaganda, even though the broadcasts carried a disclaimer that Iraqi censors had gone over the footage. Arnett once broadcast that the Allies had destroyed an infant formula factory rather than a biological weapons plant, as the military claimed. The only possible evidence to support his statement was a sign just outside the building, indicating that it was an infant formula factory. However, the sign was in English. Barring a tourist attraction, it is hard to imagine an English sign in the middle of an Arab nation.} They refuse to be affiliated with their own governments so they can cover both sides of a conflict. They would have gleefully reported on the Allied bombing of Dresden or Berlin—reporting the Nazi point of view. And, they tell us, they will be the final arbiters of what is sensitive or classified information and when and where it should be released. They obviously have some sort of intrinsic and infallible set of criteria that allow them this luxury. This is the same group who succumbed to the pressures of the marketplace and saw fit to release the name of an
alleged rape victim because a supermarket tabloid did the same.\textsuperscript{14}

Next, there is the specialty journalist. Their shows, such as \textit{The Today Show}, \textit{Good Morning America}, \textit{Hard Copy}, \textit{Inside Edition}, \textit{Geraldo}, and \textit{Joan Rivers}, present a sensationalized focus on emotional issues without regard to journalistic principles in a desperate search for high ratings. Their presence creates a huge challenge to the military when trying to respond to the hundreds of legitimate hard news agencies.

The VIP journalist, such as Dan Rather, Barbara Walters, and Peter Jennings, is another phenomenon. Does his or her presence change the event and make the news? The Heisenberg uncertainty principle in physics postulates that the presence of the observer changes the nature of the observed.\textsuperscript{15} This certainly applies to the media.

Finally, there is the expert analyst. Where did these guys come from, where did they go, and what was their agenda? General Perry Smith (one of the few good analysts working for CNN during the war) in his inevitable book exposed one such prominent military analyst, Ed Luttwak.\textsuperscript{16} According to General Smith, Luttwak duplicitously predicted high American casualties in a broadcast, a prediction he knew was incorrect.\textsuperscript{17} Luttwak reportedly hoped to encourage General Schwarzkopf to continue the air bombardment

\textsuperscript{14} \textit{See Andrew Bilski, A Seaside Sex Scandal: A Possible Rape Victim Is Publicly Named}, \textit{Maclean's}, Apr. 29, 1991, at 28. Patricia Bowman's name first appeared in London's \textit{Sunday Mirror} and then the supermarket tabloid \textit{The Globe}. \textit{Id.}

\textit{NBC News} and \textit{The New York Times} were the first major American media organizations to mention her name. \textit{Id.} There was a public outcry in some sectors of the population and there were criminal charges filed against \textit{The Globe} for violating Florida's "rape shield law" which forbids public disclosure of an alleged rape victim's name. For a complete discussion of the circumstances surrounding this incident, and the constitutional questions associated with the protection of rape victims' privacy rights, see Gary Giampetruzzi, \textit{Note, Raped Once, but Violated Twice: Constitutional Protection of a Rape Victim's Privacy}, 66 \textit{St. John's L. Rev.} 151 (1992).

\textsuperscript{15} \textit{See Squeezed Light}, \textit{Sci. Am.}, Jun. 1986, at 69. This is actually a corollary of the uncertainty principle. \textit{Id.} The principle states that pairs of "complimentary" variables cannot be measured simultaneously in atomic systems. \textit{Id.} For example, knowledge of the precise location of an electron prevents acquiring knowledge of its velocity and vice versa. \textit{Id.}


\textsuperscript{17} \textit{See Joel Achenbach, War Almanac-The Experts, In Retreat; After-the-Fact Explanations for the Gloomy Predictions}, \textit{Wash. Post}, Feb. 28, 1991, at D1. The book exposed many predictions made by the "so-called" military experts as inaccurate. \textit{Id.} at D1. Quoting Luttwak, "If tens of thousands of Marines on the ground were inexcusably sent into a frontal attack against the Iraqi minefields, entrenched infantry, dug-in tanks and ample artillery now in Kuwait, many would die." \textit{Id.} at D1.
rather than initiate an early ground campaign. If true, such action creates an abomination of the media process. It puts the news media in the role of military policy maker rather than legitimate analyst. This is not the role of the media.

Saudi Arabia was not only a place to view the new range of weaponry, but also a place to view the new face of journalism. Evolving since Watergate, new principles, new techniques, new equipment, and old ideas made for an interesting media melange. The face of journalism was changed forever as the media met high tech with high tech, or "1-V-1" as the aviators like to say, and advanced into the desert brandishing their checkbooks. Money buys high tech and the media used their money with an economy unmatched by salary disputes. They purchased "fly-away" satellite dishes, cellular telephones, laptop computers, and facsimile photographic units enabling them to shoot color images over international satellite telephone lines in minutes.

As the media flexed their newfound muscles, they introduced truly live battlefield coverage of the Gulf War. Thereafter, not surprisingly, live coverage of a rape trial in Florida received higher ratings than most miniseries, and 700 newsmen arrived in Indianapolis to cover the jury selection for Mike Tyson's rape trial. This nation is suffering from "medius non-interruptus," and it is not pleasant.

Neither advanced technology nor the new role of journalism, historic as each might have been, can be considered a totally constructive societal force. On the one hand, an important aspect of warfare, the moral responsibility for killing, has been placed in the hands of computers. While on the other, the introduction of the media onto the field of battle has created unique and impossible situations for military commanders.

---

18 Id. at D1. Luttwak "was trying to push a specific position, that the military should rely on air power and not ground forces." Id. Luttwak said, "As an advocate, you only make forecasts when they are conclusive to your advocacy." Id. at D12.
19 See supra note 11.
20 See James Endrst, Was Smith Trial More Than Good TV?, HARTFORD COURANT, Dec. 13, 1991, at D1. The entire William Kennedy Smith trial seemed like nothing more than a TV mini-series with all the requisite elements: sex, violence, power, and ruined lives. Id. Perhaps that explained the widespread public fascination with the trial. Id.
21 See James Grass, Jury Selection Begins in Tyson Rape Trial, GANNETT NEWS SERV., Jan. 27, 1992 (describing media rush to jury selection).
For seven and a half months, world focus and opinion was centered daily on Saudi Arabia where every movement, utterance, and issue was subjected to immediate and microscopic news media analyses. Each picture, word, video and audio tape was scrupulously studied and analyzed by every military and pseudo-military expert in the world. The media had doctors, lawyers, diplomats, military experts and even a few cooking critics analyzing everything the military did or did not do.

While the weapons were designed for many battlefields, no one could have written a meaner, nastier scenario than a war in the middle of the Saudi desert in August, the hottest month of the year. In August, camels bake, humans stay indoors in air conditioned comfort, and even golfers play only in the early hours. But during that period, the largest movement of troops and equipment began as the Desert Shield forces moved into position to defend Saudi Arabia and prepare for a possible thrust into Kuwait to retake the country.

During the military build-up from August to December, by my own account more than 2,500 journalists and media technicians registered with the U.S. military and Saudi Arabian officials, matching the military build-up with their own incredible logistics. But, there were never 2,500 at a single time. Most stayed for a month or so and were then relieved. This placed a burden on the military, since it had to re-orient the media replacements as to what was going on. This became a never ending cycle.

In terms of total numbers of media personnel at one time, approximately 800 was the highest total. However, literally thousands of additional journalists were clamoring to be allowed into Saudi Arabia to cover the build-up and imminent war. More than 1,400 reporters, editors, producers, photographers, and technicians registered with the military in Saudi Arabia by February, 1991.

The initial coverage of Desert Shield was handled by the DoD media pool, a contingent of seventeen journalists who pooled copy, video, and still pictures to share with the world’s media. 

---

23 Statement of Pete Williams, Assistant Secretary of Defense for Public Affairs, before the Committee on Governmental Affairs, U.S. Senate, Washington, D.C. (Feb. 20, 1991) (on file with author); see also Pete Williams, View From the Pentagon; Let’s Face It, This Was the Best War Coverage We’ve Ever Had, WASH. POST, Mar. 17, 1991, at D1 (listing number of reporters at over 1,600 on the eve of the ground war).

this was satisfactory to some, it seems that the relentless pressures of the media marketplace demanded that by-lined material be produced by every organization. The old adage, "it's no good if I didn't do it," had full effect. Moreover, the financial capabilities of the media allowed them to send anyone anywhere to acquire that coverage. As a result, the local correspondents from San Jose, San Antonio, Norfolk and Miami were right behind the network anchors. The increasing influx of these news people in the weeks that followed led to the establishment of the Joint Information Bureau in Dhahran.25

From the military's standpoint, it was clear that the media were critical of our efforts.26 Media representatives have called Public Affairs Officers (PAOs) "monitors" and "censors," and have accused the military of controlling the news.27 Did we impede access and censor the news media? Did we do our jobs? Did the PAOs, journalists, and broadcasters understand their mission and accomplish it? Did we help the media or hinder it? Are we guilty of suppression and censorship, stupidity and short-sightedness?

response to the Gulf conflict, the Pentagon ordered six press officers to accompany a seventeen member press pool to Dhahran, thereby initiating media coverage in the Gulf. Id.; see also War in the Gulf; Censors Screen Pooled Reports, N.Y. Times, Feb. 11, 1991 at A12 (discussing how information obtained by pool reporters is reviewed by military censors before distribution); Williams, supra note 23, at D4 (discussing development of the DoD media pool to "ensure initial coverage of the U.S. buildup").

25 See Molly Moore & Howard Kurtz, Sweating Out the Gulf Story; In Saudi Arabia, the Media Find Heat but Little Hot News, WASH. POST, Sept. 18, 1990, at B1 (describing Joint Information Bureau as "makeshift public affairs shop in the back corner of a massive hotel ballroom"); Schmeisser, supra note 24, at 21 (explaining how Assistant Secretary of Defense, Pete Williams, set up Joint Information Bureau in Saudi Arabia).


27 See, e.g., Walter V. Robinson, Information: Media, Military in War Over Words; War in the Middle East, BOSTON GLOBE, Jan. 23, 1991, at 4. Only pool reporters had access to American soldiers and pilots. Id. Further, such reporters had to be accompanied by military escorts. Id. This was a war in which the military had the right to censor its product. Id.

However, there was no censorship of the Gulf Crisis. See generally Williams, supra note 23. To the contrary, the final decision to publish or broadcast was up to the journalists, not the military. Id.

The rules for press coverage were solely intended to protect the U.S. troops, not to sanitize military operations. Id.
Did we recognize and assist the radio, TV, photographers, videographers and newspapers in acquiring their necessary by-lines? Did we support the troops? Did they get enough information? Did their families know and understand why they were in the desert?

There must be answers to these questions. Ask the public and you will get one answer; ask the media and you will get another; ask the military and yet another answer will be rolled out. As with any controversy, it is a matter of perspective. From the military side, it was dealing with the incredible number of news media that ultimately covered the war. We could not believe how quickly they could be assembled, outfitted, and dropped into our midst, with orders to commit news every day. Consider the fact that every continent in the world had a news representative somewhere in Saudi Arabia and few nations were not represented. There were enough microwave dishes to pop popcorn in Cairo.

From the first seventeen members of the DoD national news media pool we escorted into Saudi Arabia, the number quickly grew to 350 in ten days, and to 900 by December. Despite controlled entry, by January 15th, there were over 1,400 news media and support personnel in Dhahran and Riyadh combined. Had there been an open door policy governing access to Saudi Arabia, we estimate at least 10,000 news media would have been involved. I believe that to be a reasonable estimate since during the 1984 Olympics in Los Angeles, for example, there were 9,400 sports journalists registered. This influx was unprecedented in Saudi Arabia which had historically never issued more than twenty-two news visas a year to allow journalists into the kingdom. Consequently, there was no infrastructure or organization to support such numbers.

Additionally, we saw enormous amounts of money spent by news organizations to support their coverage. CNN spent $12 million covering the build-up alone, and CNN, NBC, and CBS each spent $1.5 million a week during hostilities. NBC-TV computed the loss of advertising revenue and war coverage costs to be $37

\[\text{See Peter Braestrup, Censored: Persian Gulf War Press Coverage Limited, THE NEW REPUBLIC, Feb. 11, 1991, at 16 (stating that there were over 500 journalists and TV technicians in Riyadh and Dhahran); Statement by Pete Williams, supra note 23, at 7.}\]

Press passes

million for the first month of hostilities. Print media, like the Washington Post, paid $10,000 a week for each correspondent, not including satellite charges. National Public Radio estimated its cost at about $325,000 a month to cover the crisis. The Associated Press, which added twenty-two correspondents to the forty-four already in the region at the start of the war, estimated its war cost to be between $500,000 and $600,000 a month.

This well-armed media force created a multitude of issues, some legitimate and some illegitimate. The initial coverage centered on the introduction of men and equipment to Saudi Arabia. Next, focus shifted to the “how do they cope” phase: how do the women cope in a man’s world, how do the weapon’s cope, can they withstand the heat and sand? Thereafter, the news coverage targeted the real issues: could we really drink eight gallons of water a day, where would we get it, and, obviously, where did we put it? The media then tackled food, MRE’s, medical facilities, mail, ships, weapons, light weight uniforms versus heavier uniforms, gas masks, and protective clothing.

20 Avis, supra note 29, at 18.
21 Id.
22 Id.
23 See, e.g., Juan Waite, “Desert War:” What it Takes; Air Battle Only Way to Win, Experts Say, USA Today, Aug. 8, 1990, at 1 (reporting on troops and equipment arriving in Gulf).
24 See, e.g., Susan Page, Steps Toward War, Newday, Nov. 24, 1990, at 3 (Nassau ed.) (unique issues of desert warfare such as effect on sand).
27 See, e.g., Robert Costello, Stalemate is Path to Victory; Persian Gulf: Wars are Won Without A Shot Being Fired, L.A. Times, Nov. 27, 1990, at B7 (describing U.S. supply of food to troops); Page, supra note 34, at 3 (reviewing unique effects of desert warfare on food delivery).
29 See, e.g., Waite, supra note 33, at 1 (discussing mail delivery to troops).
30 See, e.g., id. (discussing troops and ships).
31 See, e.g., Costello, supra note 37, at B7 (describing how military put in place enough weapons in short time).
32 See, e.g., Waite, supra note 33, at 1 (discussing special uniforms utilized by the British).
33 See, e.g., Simon, supra note 36, at E12 (indicating profits made by manufacturers of gas masks).
34 See Patrick Sloyan, Chilling ‘Worst Case’ in Gulf; Biological and Nuclear Attacks
We went through the hysteria of whether women can serve alongside men, whether they can work in Arabia and whether they will be up to the tasks? Not surprisingly, the answers were all an emphatic "yes."

There was a glut of stories on how we treated the Saudis, how they treated us, how Saudis treated our women, and how the women treated the Saudis. There was also coverage of how we treated each other, how the Saudis treated Saudis who dealt with us, how the Saudis were treating the media, how the treatment of Saudis was being treated in the media, and, finally, the media covered how the media were treating each other in Saudi Arabia.

We went through stories on whether this was an offensive or defensive operation and whether we had the men and equipment to perform either task efficiently. We had to describe how we ensured that no camels were killed in gunfire exercises, and what we would do if they were injured.

We took the media up in planes, out on ships, and into the desert at least a thousand times with the tanks, HUMMV's, Bradley fighting vehicles, and the grunts. The media were also taken on amphibious exercises, live gunfire exercises, night vision

---


47 See generally Don Kowet, *Are the Media Inventing a New Anti-War Movement?*, WASH. TIMES, Nov. 23, 1990, at B1 (discussing whether media added to war by representing obscure groups); Moore & Kurtz, *supra* note 25, at B1 (noting effect of heat on reporters covering the story and their equipment); *What Other Newspapers are Saying*, CM. TwB., May 18, 1991, at C19 (reporting on what other news organizations were reporting).

48 See generally Amy Wallace, *Gulf Crisis Spurs Crisis of Morals*, L.A. TIMES, Nov. 27, 1990, at B1 (analyzing whether conscientious objector status related to offensive type operation); David Firestone, *U.S. Churches Saying No to Gulf War*, NEWSDAY, Nov. 25, 1990, at 4 (reviewing moral urgency of whether Gulf War was necessary to avoid deaths).

49 See, e.g., James LeMoyne, *Confrontation in the Gulf: War May be at Hand, but Bedouins Find Their Desert Peaceful*, N.Y. TIMES, Sept. 29, 1990, at 5 (describing how military performed operations around camels).


52 See, e.g., LeMoyne, *supra* note 49, at 5 (story written while with tanks in desert).
goggle exercises, and aerial refueling operations.\textsuperscript{53} And yet the media proclaimed that they did not have the access they needed to tell the story.\textsuperscript{54}

Of paramount importance to the military, however, was the preservation of the security and integrity of the operation so as not to endanger U.S. or coalition military personnel. The needs of the military and the coalition governments had to be balanced with the public's right to know. This was done by security review of news stories and pictures, both still and electronic.\textsuperscript{55} It is to the credit of the escort officers that very few violations occurred with little impediment to reporting.\textsuperscript{56}

Contrary to reports, the majority of the journalists were responsible, patriotic men and women who were concerned with the safety of the troops. The accidental release of information which occurred from time to time, I believe, was inadvertent in nature and reflected the immediacy of the event, or in some cases, the ignorance of the reporter concerning military operations.\textsuperscript{57}

We saw first-hand the incredible pressures that the competitive news marketplace puts on news teams, producers, directors, and editors.\textsuperscript{58} However, no one in the military or the public had recognized the pedestal on which some of the media had put them.


\textsuperscript{55} See DeParle, supra, note 26, at A9 (how reporters were treated during the Gulf War by military); John LaForge, Censorship Made Its Mark in Brutal Legacy of Gulf War, Star Trib., Jan. 19, 1992, at 27A (reporting on censorship during Gulf War); Molly Moore, Press Finding Open Doors at “Desert Shield”, Wash. Post, Sept. 19, 1990, at A18 (access to military operations by the media).

\textsuperscript{56} See Greenway, supra note 54, at 11 (noting assignment of press pools to escort officers); Tom Wicker, 'Marketing' the War, N.Y. Times, May 8, 1991, at A23 (reviewing how military escort officers used).

\textsuperscript{57} See, e.g., Greenway, supra note 54, at 11 (describing incident of inadvertent release of information).

\textsuperscript{58} See Sharon Waxman, Across Europe, Turned On by CNN, Apr. 16, 1991, Wash. Post, at B2 (reviewing TV's scramble for ideas during coverage); see also Brian Donlon, Anchors' Gulf Plans on Hold, USA Today, Aug. 8, 1990 (discussing news anchor's attempt to get story).
selves in the pursuit of news and information. Apparently, the media did not understand the public backlash created when some of them, certainly not all of them, declared themselves non-participants and above the bounds of citizenship and country. You cannot declare yourself Switzerland unless you make watches and yodel!

We did not believe that some of the media still carried baggage from Vietnam. Unfortunately, many carried a paranoid suspicion of military leadership, skepticism about weapons, mistrust of the administration, and a total lack of knowledge about the new all-volunteer military along with their Vietnam views.

We worried that a similar set of Vietnam baggage might be carried by our senior enlisted and officer corps. But we thought that we had done an adequate training job with our senior leaders to create an atmosphere of media awareness, an understanding of the role of the news media in our society and why we must work with them. This was the situation in many cases, but while many leaders reflected this media consciousness, others went into complete comas and refused to awaken.

We knew that it would take a unique organization and media battle plan to allow reporters to cover the war while ensuring operational security, tactical surprise, and the safety of American lives.

As a result, the Joint Information Bureau was created as an honest effort to support combat correspondence pools. The pools were supposed to provide the most equitable means of allowing

---

60 See Marcus Raskin, A Permanent War Mentality, Wash. Post, Mar. 16, 1991, at A23 (discussing public perception that U.S. was unwilling and unable to use military force since Vietnam); see also Pristin, supra note 59, at B6 (discussing manipulation of media by military).
62 See Raskin, supra note 60, at A23 (noting public unawareness of covert wars fought by U.S.).
63 See James LeMoyne, Troops In Gulf Talk of War, And of Vietnam and Respect, N.Y. Times, Sept. 30, 1990, at 1 (reporting that troops were well aware of duty to inform media despite vague notions of why they were in Gulf).
64 See DeParle, supra note 26, at A9 (discussing failure of certain military officers to speak to media).
65 See Wicker, supra note 56, at A23 (discussing weakness of combat correspondence pools).
coverage by the largest group of media, but they did not work that way. Perhaps more than anything else, the pools were considered the most onerous form of control by the reporters. They totally misunderstood the concept.

The military tried to explain that this would be a 40 mile per hour war. American units would move quickly and to cover them, you had to be a part of that unit. If the reporters would not work with the military, they would have to contend with a unique and unprecedented warfare situation. Consider this: The desert was faceless and trackless, with no signposts, no landmarks, no means of identifying areas or locales. There were no permanent encampments near the front which reporters could join. There would be flexible, fluid battle lines so that no one would know for sure where the front was located. The weapons used on both sides were designed to defeat armor, and no one outside armored vehicles was likely to survive. There were no trees, rocks, buildings or walls to stand behind. Finally, because most of the battles would be fought at night using our decidedly superior night-fighting capabilities, anyone venturing out at night would be a target, for the good and the bad guys.

In the end, an average of 165 reporters and support personnel were put into U.S. units in fourteen pools and allowed to cover the war.\textsuperscript{66} By comparison, of the 461 reporters with the Eisenhower HQ in England, only twenty-seven eventually went with U.S. Forces on D-Day. By the media's own estimates, there were never more than seventy-five reporters out "in the bush" under fire at any one time in Vietnam.

The American public saw three briefings a day from competent, battle-trained, knowledgeable senior officers. And, I might add, the reporters in Riyadh got two additional, off-the-record briefings each day.\textsuperscript{67}

In the final analysis, the media did cover the war, and the American public got an honest, accurate, and free-flowing assessment of their men and women in combat. And they got it in the most expeditious manner.

What lessons did we learn? Clearly, the news media are here to stay. They are one of the most important parts of our free society. The news media are the chroniclers of history. Their images,
words, and analyses will be used as part of the mosaic of history. Thus, the military must figure out how to accommodate and work with the media to assist them in getting and using wisely that information. Conversely, while the fourth estate may provide one of the checks and balances for a democracy, during wartime they too require checks and balances. That, partly, is the military's role. We have to help them, educate them, answer their questions, but maintain and protect the integrity of an ongoing operation. We must all understand that in our global information village, the enemy will have as much access to the news stories as do our families at home. Nevertheless, keeping Americans alive is the military's responsibility, a role they will not delegate nor jeopardize.

Finally, we learned that any dealings between the military and the media will be, by benefit of each of their unique responsibilities to our free society, confrontational. This is acceptable. Confrontation, friction, and honest, objective professional disagreement keep both sides fresh and alert and are implicit in a democratic society.

Working in such a fish bowl as the military does, is the price paid to live in a democracy. Investigative journalists are the legacy paid for years of stone-walling, obfuscation, and disregard for public property by some members of government, in and out of the service. Nonetheless, military personnel have adapted and responded to the rigors of responding to the media for a number of reasons. First, and most obvious, because it is federal law. Second, because many of us understand that we are only the stewards of the public, using materials and equipment on loan to us from the public. Finally, because, in the final analysis, the media really are the watchdogs of democracy. They have ferreted out mistakes, uncovered malfeasance and generally kept the nation—and its military—on their toes.

---

68 See Pristin, supra note 59, at B6.