

**COMBATING TERRORISM:
THE ROLE OF THE AMERICAN MEDIA**

HEARING
BEFORE THE
**SELECT COMMITTEE ON HOMELAND
SECURITY**
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COMBATING TERRORISM: THE ROLE OF THE AMERICAN MEDIA

Wednesday, September 15, 2004

HOUSE OF REPRESENTATIVES,
SELECT COMMITTEE ON HOMELAND SECURITY,
Washington, DC.

The committee met, pursuant to call, at 10:46 a.m., in Room 2318, Rayburn House Office Building, Hon. Christopher Cox [chairman of the committee] presiding.

Present: Representatives Cox, Dunn, Shays, Camp, Gibbons, Turner, Dicks, Harman, Lowey, Andrews, Norton, McCarthy, Jackson-Lee, Christensen, Etheridge, and Lucas.

Chairman COX. [Presiding.] I want to thank all who have joined us this morning and particularly our witnesses. There is a great deal of business going on simultaneously in the Capitol because we are down to our last few days of session. But I understand that our ranking member is going to join us shortly and that Mr. Dicks is going to join me in a brief opening statement.

In accordance with committee rules, those who are present within 5 minutes of the gavel and waive their opening statement will be allotted 3 additional minutes for questioning. Members' written statements may be included in the record.

The Chair is going to recognize first the gentleman from Washington for any opening statement he wishes to make.

Mr. DICKS. Thank you, Mr. Chairman. I am going to give Mr. Turner, our ranking member's statement.

Thank you, Mr. Chairman and thank you to our witnesses for joining us today. As we have said many times, this country confronts a new type of war. It is a war where the lives of the American public hang in the balance. It is a war that may depend on a well-informed citizenry. Above all, this hearing is about how to educate and prepare the public.

There is little doubt that Americans are more familiar with the faces of the men and women in the press corps than they are the men and women fighting Al-Qa'ida at our borders and ports. We welcome the media into our family rooms as trusted agents in delivering critical information to keep us safe.

The media's ability to broadcast the events of September 11 as they unfolded armed the passengers of Flight 93 with the information they needed to take action. Because these brave passengers knew what was happening in New York, they risked their lives to save others.

Americans joined together 3 years ago to watch in horror as the planes hit the Twin Towers and then the Pentagon. Men and

women trapped in the upper floors of the World Trade Center had access to information that the fire fighters below lacked. Had the first responders, government officials and media been able to quickly share information and communicate a clear message, perhaps more lives could have been saved.

Clearly, the media has a vital role to play in emergency response. To do it well requires planning, cooperation with government agencies and a clear set of rules and guidelines. While some progress has been made, more work needs to be done.

Although personal responsibility must be part of the equation, Americans should be able to trust in what their government is communicating to them. We can always do a better job of letting the public know what is going on. In addition, we all agree that the press plays an important role in making sure we have an honest public discourse about this country is preparing itself to protect against other terrorist attacks and how it is going about winning the war on terror.

Today, we get to turn the tables and members get to ask the media or its former members the questions. In particular, I would like your input on three areas that are critical to how the war on terror is communicated to the public.

First, DHS's method of communicating the terrorist threat to the public, the Homeland Security advisory system, still remains confusing. The color-coded system is not helping us secure the homeland, in part, because it has not been precise in educating our citizens and public officials about what they need to do in the face of a terrorist threat. Our law enforcement, security and emergency personnel and the press do not need a color; they need the facts.

I would like to know how helpful this system is to the media being able to do their job. Is it helpful or does it distract us from the facts? Do you find that focusing on a color leads us to miss the bigger picture?

Second, we also need to do a better job of communicating our message around the world. The America that we know is not the one portrayed in the Muslim world, on TV, on the Internet and in the Madrasas. We must devote more attention to public diplomacy to educate the international audience about the United States, to further explain our policies and improve our public image. I would like to know how you think it is best to go about this task.

Finally, we all understand that if we sacrifice the freedoms we have in this country, the terrorists win. We must preserve the transparency in government by allowing the media as much access to information as is allowable given national security concerns.

In the Homeland Security Act, this Congress called for greater emphasis on sharing information with local and state first responders and with the public at large, yet it is my understanding that the administration and DHS are planning actions that threaten to limit the ability of local officials to share information with the public and to force them to sign nondisclosure agreements to receive essential terrorist threat information from the government. We cannot forget that in the post-911 world, sharing information, not withholding it, is what will protect us.

I would like your views on this and on your interactions with the Department of Homeland Security. We have a long way to go to

making this country safer, including better ways to communicate with the public.

I look forward to your input and thank you for your continued efforts in the war on terror.”

Ms. DUNN. [Presiding.] I thank the gentleman.

Are there other members who have opening statements?

Let me make one on behalf of Chairman Cox who had to run downstairs. He is juggling a markup and a hearing today, so he has got votes, and he will be back immediately.

The terrorist attacks on September 11, 2001, affected Americans in many ways. In one morning we were all forced to grasp the enormity and complexity of a worldwide terrorist network of Al-Qa’ida operatives. This horrific event played out so dramatically, so terrifyingly before the cameras that it has become a defining moment in the American psychology.

In a matter of minutes, this defining moment was translated into breaking news, demanding instantaneous information that both the media and the government had to quickly process and explain to the American public.

During a crisis, broadcasters must be credible without further sensationalizing what is already sensational. They must not provide terrorists legitimacy by becoming participants rather than observers or otherwise aid and abet the terrorists’ goals. They must avoid coverage that might endanger hostages or thwart government efforts to deal with terrorists.

Yet in the moment of a terrorist incident with competition by multiple television outlets and multiple media sources, television coverage has the distinction of being incendiary almost by definition. How can we avoid shocking the public while still reporting the news?

America’s multifaceted campaign against terrorism highlights the complicated and vitally important relationship between the broadcast media and the government. The federal government charged with the duty of defending the nation from attack is under intense scrutiny by a news media whose primary roles include delivering a broad outline of information to the public while fact-checking the gatekeepers in the United States government. It should come as no surprise that these competing roles can often create an acute tension, especially in the modern 24-hour news cycle.

The media relies on the government for accurate information, and the government relies on the media to translate this information to the public. This hearing will examine this relationship in an effort to ensure that the public interest is served and supported.

How terrorist acts are framed as well as what is emphasized in reporting can have a critical effect on terrorist behavior. In addition, these factors also influence government responses and the views and responses of the public. The recent Russian school tragedy and the release of last week’s Ayman al-Zawahiri video are the most recent examples of the power and responsibility of the broadcast media in reporting terrorist events. These events so close to the third anniversary of our own tragic attacks in 2001 are also a poignant reminder of the ability of terrorists to affect our daily lives.

Realizing that the media plays an important role in combating terrorism does not and should not ever give license to government to control the information they provide. That said, the independence of the media should never be used as an excuse to avoid responsibility. In this spirit, the media and the government can and must work constructively without necessarily working collaboratively, effectively providing uncompromised information to best serve the public.

From both the government and broadcast news standpoint, the war on terrorism has resulted in intense national and international news dissemination not seen since the height of the Cold War. News reporting has changed as new technologies have shrunk our world. The relatively new phenomenon of a wired globe and the instantaneous coverage that is accompanied it has affected and will continue to affect world opinion and regional decisionmaking. It is inevitable that the tactics and the strategies of all actors in the war on terror will continue to adapt to this new normalcy, and all Americans must realize the heavy responsibility that comes with this new knowledge.

I do not envy today’s panel as they face a responsibility unseen since the days of World War II; namely, how can the media maintain its position of objectivity in a war with so many front lines? And how can the media avoid being used by terrorists to help achieve their objectives?

I thank our panel for attending today's hearing, and I look forward to our discussion. We are indeed fortunate to have such a distinguished panel, all of whom are either current or former members of the media with expertise in dealing with the issues before us today. I welcome our witnesses. We look forward to hearing your perspectives on this important matter.

And I now recognize for an opening statement the congresswomen from California, Mrs. Harman.

Ms. HARMAN. Thank you, Madam Chair, and welcome to our witnesses.

I decided to make a brief opening statement so I could put another issue on the table that perhaps you would address in your opening statements. Welcome to some good friends in this room, an immediate neighbor who is one of the witnesses today, Mr. Armstrong, and to folks who have enormous talent and responsibility in the event of a terrorist attack.

I often joke that I get more information from you than I do from the classified briefings that I attend regularly in the Intelligence Committee, and I am glad that I get it from you since I am not getting it from the witnesses who testify before us.

The issue I want to put before you is the role of the broadcasters with respect to interoperable communications. As you probably know, some years ago, 1997, Congress promised that by the end of 2006 there would be dedicated spectrum in the 700 megahertz band for interoperable emergency communications. That promise had a loophole. That loophole had to do with the transition to digital spectrum, which, as we know, has not occurred, at least not occurred in any substantial amount.

And now it is 2004 and that spectrum in the 700-megahertz range is substantially empty, but there is a number of broadcasters in pockets around the United States who are saying, "We are not leaving. We are not going to vacate that spectrum, and we are not going to make it available for emergency interoperable communications."

So the message I want to communicate to all of you folks is that it is critical that we free up that spectrum. It is critical that we find a compromise, and you need to buy into solving the problem, not just to being the problem. I think it is a question of life and death. There is a bill in Congress called H.R. 1425, co-authored by Congressman Curt Weldon, a member of this committee, and it has lots of cosponsors and it has the endorsement of every public safety agency on the planet.

So I do want to put it out there that we need to solve this problem immediately, and as part of our effective threat warning system, we need to have this band available to our very talented first responders.

Thank you, Madam Chair.

Ms. DUNN. Are there any other members who wish to give opening statements? Thank you very much.

I want to introduce our panel, and the first of our witnesses today is Mr. Marvin Kalb, who is an author and a senior fellow at Jones Schwarenstein Center on the Press, Politics and Public Policy at Harvard University's Kennedy School of Government and a former moderator on NBC's "Meet the Press."

Frank Sesno is professor of public policy and communication at George Mason University and former senior vice president and Washington bureau chief for CNN.

And Mr. Scott Armstrong is here. He is the director of the Information Trust.

Gentlemen, if you would begin your testimony. Please try to stick to 5 minutes.

And we will begin with Mr. Kalb.

STATEMENT OF MARVIN KALB, AUTHOR AND SENIOR FELLOW, JOAN SHORENSTEIN CENTER ON THE PRESS, POLITICS AND PUBLIC POLICY, JOHN F. KENNEDY SCHOOL OF GOVERNMENT, HARVARD UNIVERSITY

Mr. KALB. It is an honor for me to be here and to share this opportunity with my colleagues, Frank Sesno and Scott Armstrong. This is my first congressional testimony. I have declined many previous opportunities. I accepted this one because your staff person, Ken Johnson, was so charmingly persuasive and because I felt that even if I could make a modest contribution to our understanding of the interrelationship between government and the media, that would be a good thing, and I would feel good about it.

I have been in this business now for 50 years as a reporter and teacher. So that you understand, I am an absolutist on First Amendment issues. To me there is a clear separation of church and state. In my universe, it is a clear separation of journalism and government.

In my judgment, from the very beginning of our Republic, journalists have been installed as players in the drama of democracy for their ability to observe the functioning of government and to report on its failings or its successes, to report truth to power, as "Professor Nestadi" once said, and never to be afraid to report truth to power. We already have three branches of government; we do not need a fourth branch, as journalism has so often been described.

Shortly after 9/11, I got a call from the editor of the Columbia Journalism Review. He had an assignment. "Everything has changed as a result of 9/11," he said. He wanted me to write about how 9/11 had changed journalism. I thought 9/11 had in fact not changed everything but I said I would think about the assignment.

I did long and hard and for a time I was almost ready to accept his premise that 9/11 had indeed changed everything, including the functioning of journalism, meaning at its core that 9/11 had changed the relationship between journalism and the government, that a new set of rules ought to be established, that new areas of cooperation, even collaboration, ought to be created and understood by both sides. If we had indeed entered a new world defined by the overwhelming, undeniable need to fight global terrorism, then journalism, which is so important in our lives, so central, had to get into the act and had to find a new way of functioning. That was the logic as it hit me at the time.

I decided, no, I would not do this assignment. Who would, after all, create the new rules? Would it be the government or the journalists, and what role would the public have? I remember a quote from Thomas Jefferson, a famous quote: "If I had a choice", he said,

“between a government without newspapers and newspapers without a government, I would choose the latter.” Of course he said that after he had left office. In office, he would have happily done without the carping newspapers. But that is the point. Free newspapers or free press, as the Founding Fathers believed, became synonymous with a free government and our free society.

My point with respect to today’s hearing is rather simple, or so it might seem at the beginning. If there is news about homeland security and about terrorism, journalists will obviously cover it. If the news is embarrassing, even devastating to the government, journalists will cover that too. If the news is glowing and wonderful, fine. But the story will be covered just as any other story will be covered.

I can hear some of you think the struggle against terrorism is different, and I agree with you; indeed, it is. We have never faced such a threat before. And a perfectly legitimate question might be raised at this point, if the threat is so special and so dangerous, shouldn’t journalism get on board and help the government fight this common menace? Here we enter a dangerous gray zone.

Remember the coverage of 9/11. It was magnificent, I think. Journalists did their job, and the public was well served. There was even a degree of unplanned cooperation. My understanding is that the bridges leading into Manhattan were blocked, and to distribute the New York Times the publisher called Governor Pataki and asked him to open the bridges just for the Times, and the governor agreed and some could say, “Well, that was not so dreadful a precedent, was it?” No, I do not think so.

But let us say for a moment that we are in the midst of another terrorist crisis. A bomb has exploded, people are dying, incipient chaos. What should a journalist do on both a national and local level? My answer is that he or she should cover the news as best they can, and I hope that that does not sound terribly pedestrian.

So where is the gray zone? Unfortunately, it is everywhere, in many guises, complex and rather daunting. For example, suppose a reporter in Baghdad, like many other reporters there, has been trying to get an interview with the Jordanian terrorist Zarqawi. Suppose he gets word one night that he can meet Zarqawi. Show up at a corner, get into this car, he gets the interview, reports to his paper, it is a huge exclusive.

Let us be clear: Zarqawi is a murderer. Can a reporter be neutral when it comes to murder? Shouldn’t he cooperate fully with the U.S. government? Shouldn’t he have tipped off the U.S. Embassy before he even left for the meeting so that agents could follow and locate Zarqawi?

Is your responsibility as a reporter simply to cover the news without any thought to your role in allowing a known terrorist and killer to get his views out to the world using the free press to do it? Can you really be neutral in the war on terror?

Remember the ABC reporter years ago who allowed terrorists in Lebanon to set the terms of his interview with them even after they had hijacked a plane or killed or threatened to kill the passengers? And in fact the reporter let them get away with murder. He argued later that he was only doing his job as a journalist.

Remember the CNN executive who acknowledged last year that CNN might have held back on the coverage of Saddam Hussein's brutal regime because of fear for the lives of Iraqis working for CNN? Was CNN wrong for being human?

Remember that exchange many years ago with Mike Wallace concerning Vietnam? The Hypothesis was that Mike was with enemy forces surrounding American forces and about to attack the Americans. Question: Mike, should you have alerted the U.S. troops? Mike's answer was, no, he was a reporter. He was there to cover the news, not to tip off his government. He changed his mind later.

These are not new questions, but the presence of anti-American terrorism poses new challenges, without doubt, for American reporters, many having to do with their relations with the U.S. government and with the enemy.

During World War II, American reporters wrote and broadcast about the enemy; they used that word. Not now. Many news organizations do not even use the word, "terrorist." They use only the word, "militant." Our standards have clearly changed. Our yardsticks, in my judgment, have become blurred and even eroded.

I think one large reason stems from journalistic feeling that they were had during the Vietnam War; it does go back to that. Lied to time and again at the so-called 5 o'clock follies in Saigon or at the State Department or the Pentagon here in Washington until they began to distrust everything that the government said.

And then add to this growing sense of national journalistic distrust the Pentagon papers and then the Watergate crisis itself, one example after another of government deception, leading to one example after another of reporters trying to "get" the government, to "catch" politicians who lie and to be the Woodward and Bernstein of their day, to the point where now as a result of the war in Iraq, not just reporters but many others in our society are not sure whether they have been told the truth.

Even if reporters wanted to believe the government, wanted to cooperate in some areas, especially now in an age of terrorism, many of them feel they cannot. They feel they must remain skeptical—in their own professional interests, but also, they feel, in the longer-range interests of the American people.

Perhaps a new kind of patriotism is emerging. Perhaps the new patriotism can be merged with the old kind of patriotism and that is for journalists to hold government to the old standards of truth telling, to hold announcements and proclamations up to the sunlight for confirmation of their inherent truth. For only the truth in the long run, even in this age of terrorism can really keep us free. Thank you.

Chairman COX. [Presiding.] Thank you very much for your testimony, Mr. Kalb.

I would like next to welcome Frank Sesno who is professor and senior fellow at George Mason University where he is responsible for the critical infrastructure protection projects, and he is of course a veteran of broadcasting and journalism himself with a long career at CNN.

Welcome, Mr. Sesno.

STATEMENT OF FRANK SESNO, PROFESSOR AND SENIOR FELLOW, CRITICAL INFRASTRUCTURE PROTECTION PROJECT, GEORGE MASON UNIVERSITY

Mr. SESNO. Thank you, Mr. Chairman. I want to thank you and the committee for inviting me here today and for this discussion of one of the most important challenges relating to terrorism and the terrorism threat in America, and that is the need for clear, accurate, fast and responsible information. I want to speak very practically today about some of that.

The landscape has changed fundamentally in the post-9/11 world. As we have seen here and around the globe, events can take any number of sinister forms: Planes flying into buildings, bombs set off in trains, anthrax sent through the mail, children taken hostage and brutally killed. Weapons of mass destruction take the menace to an almost unthinkable place.

Now, getting information out and communicating clearly with the public assumes, in the midst of this, a new, even unprecedented urgency. And it is a challenge that confronts all of us: The media, certainly, because they will be the conduit for that information; the public because citizens must take responsibility themselves to be well informed, and of course government officials and first responders because they will decide what information to release and when, how forthcoming they will be and how much faith they will place in the media and in the public to handle that information, some of which may be very disturbing.

Some say, and Marvin has mentioned this and I have heard it mentioned by the congressman a moment ago, some say this new normal requires a new arrangement, that the news media and government should pursue some kind of partnership to get the job done. This is neither practical nor wise, and it will not happen.

The news media have a job, and Marvin expressed it eloquently, that requires them to stand aside. They should inform, they should investigate, they should hold responsible officials to account, and to do this they must remain independent from those they cover, even against this glib backdrop of terrorism.

But that is not to say, however, that there are not common interests and even common responsibilities. Journalists and government officials both serve the public. Both need to be sure the information they disseminate is accurate, credible, timely and relevant, and both must know that they will pay a price if they fail to do their jobs well.

News media in this country face a new and a big challenge, and here are some questions that I think we can commonly pose. How many news organizations have personnel who are knowledgeable about homeland security and can explain what to do in the event, for example, of a bio attack, plague, anthrax, tularemia?

How many news departments have people who understand the dangers and the behavior of a radiological device, a dirty bomb, and could convey rapid nuanced information to the public? How many newsrooms have a comprehensive current list of experts who could address the crucial specifics of biological weapons?

You will hear later in the day from my friend and colleague, Barbara Cochran. Hers and other groups are working in this direction,

but the questions, it seems to me, are relevant and not by any means universally answerable in the affirmative.

The politics that is us and you deliver the goods correctly and swiftly. Yet while citizens say they want more information, they remain largely uninformed about preparations very close to home.

According to a Hart-Teeter poll conducted for the Council for Excellence in Government for a project called, “We the People: Homeland Security from the Citizens’ Perspective”—and I am quoting from the report now—“Despite publicity about new or improved preparedness plans, Americans are largely in the dark about plans for terrorist attacks or other emergencies. Just one in five say they are aware and familiar with their city’s or town’s preparedness plans; just one in five familiar with their state’s plans.”

Mr. Chairman, the challenge of informing the public is ongoing. If there is terrorism, the news media will be a lifeline. Here are the questions that will be asked immediately: What happened? What is the danger? What is the risk? Where should I go? Where are my kids? What route should I take? Will I need medicine? What about my elderly parents?

This underscores that this is a life and death responsibility, and it underscores the need for elected leaders and government officials, first responders and spokespersons to understand how the media operate and why.

We are in an era of the never-ending news cycle—you know that. It exists in an always-on, real-time world where news is delivered in many ways now—on television and radio, in newspapers and magazines, on cell phones and wireless devices and blast emails and over the Internet.

In the event of terrorism, officials will have to take all of this into account and provide fast and reliable information for a variety of platforms and for a variety of audiences, both down the street and around the world. They will not be able to wait to hold news conferences at convenient, predetermined times. They will have to respond instantly to what is happening on the ground to quickly knock down the bad information, the rumors and the misinformation and the speculation that inevitably sprouts like an unwelcome weed.

Mr. Chairman, in this environment, events and information, as I mentioned, play out in real time, live, 24/7, non-stop, and so we get news by increments. Each little development becomes the latest breaking news piece set into the mosaic of the larger story. Now, this can be helpful or it can be a terrible distraction.

One of the challenges for news organizations is to make sure that incremental news is proportional and provides context. It is why news organizations and public officials alike need to learn and appreciate what I call the “language of live.” The “language of live” recognizes that you are on the air all the time, that you are in a 24/7 world. It is a transparent language that is deliberate and clear, it explicitly states what is and what is not known, confirmed or corroborated.

It directly attributes sources of information. It labels speculation as such. It quickly doubles back on bad information to correct the record. It is a language that requires public officials to be forth-

coming and responsive. It is a language that many journalists employed fluently in the days after 9/11.

There are some things the language of live should not be, especially when we are talking about the coverage of terrorism. It should not be breathless, it should not be hyped, it does not need to be accompanied by sensational graphics or ominous music. The facts will be ominous enough.

I see my time is out, so let me just skip ahead and touch on a few points that I think can and should be taken in summation. News organizations should be sure that they have assembled, are familiar with and can access relevant information from professional organizations, public health, academic and government sources and Web sites. They should know the emergency plans and the responsible officials in their community. They should develop and keep current before an incident a list of sources and experts who can provide accurate and responsible information and/or advise the news organizations about the facts relating to it.

They should impress upon their sources, especially elected and public officials, the need for rapid information in the event of a terrorist incident and why that will benefit the public, to understand this language of live so that information relating an unfolding and confusing situation can be conveyed clearly and calmly. They should train reporters, photographers and staff in matters of personal and family safety. In the event of terrorism, they will be first responders too, facing all the risks and personal pressures that implies.

And these news organizations should consider conducting exercises and drills similar to what government does, not with government, quite apart from it, but to simulate a terrorist attack to test the readiness of staff, the editorial vetting process, the reach and redundancy of their own communications equipment and the coverage plan that would be implemented in the event of the real thing.

The public will be well served by this, and the media will be rewarded by doing it right. And the backdrop against it all, I want to echo, is a need for public officials to recognize the need both for the separation of media and those public officials and the need for the information to be ready, accessible, credible, clear and not choreographed. Thank you.

[The statement of Mr. Sesno follows:]

PREPARED STATEMENT OF FRANK SESNO

Mr. Chairman, I want to thank you and the committee for inviting me here today, and for this discussion about one of the most important challenges relating to the terrorism threat in America: the need for clear, accurate, fast and responsible information. The landscape has changed fundamentally in our post-9/11 world. As we have seen here and around the world, events can take any number of sinister forms: planes flying into buildings; bombs set off in trains; children taken hostage and brutally killed. Weapons of mass destruction take the menace to an almost unthinkable place. Getting information out—communicating clearly with the public—assumes a new, arguably unprecedented urgency. It is a challenge that confronts all of us: the media, certainly, because they will be the conduit for information; the public, because citizens must take responsibility to be well informed; government officials and first responders because they will decide what information to release and when, how forthcoming they will be, how much faith they will place in the media and the public to handle that information.

Some say that this 'new normal' requires a new arrangement. They say the news media and government should pursue a 'partnership' to get the job done. But that is neither practical nor wise. And it won't happen. The news media have a job to do that requires them to stand aside. They should inform. They should investigate. They should hold responsible officials to account. To do this they must remain independent from those they cover, even against the prospect of terrorism.

That is not to say, however, that there are not common interests and even common responsibilities. Journalists and government officials both serve the public; both need to be sure the information they disseminate is accurate, credible, timely and relevant. Both must know that they will be pay a price if they fail to do their jobs well. Both must understand that terrorism is not just another issue or talking point; it is not just another 'story.' It is our new reality. And it is a reality where many thousands of lives—and whole communities may depend on rapid and responsible information.

Mr. Chairman, I would like to discuss the role that the news media will play in the event of a terrorist attack, what we've learned and what we should be doing—*now*. I will touch on the challenges public officials face. And I will offer some suggestions for the media with respect to covering homeland security and terrorism.

As we discuss the 'media' here today, we echo similar discussions that are being held among journalists, homeland security officials, governors, mayors, police, public health and others around the country. I have been a part of some of these conversations. They are helpful. But they often include a discussion of what it will take to 'manage the news.' I will say here what I have said there: focusing on 'managing the news' is a mistake. It implies a certainty and a choreography that do not work in the real world. The news media are too numerous, information is too abundant, the public's appetite to know what's going on right away too powerful. And uninformed speculation is too dangerous. Officials do have a responsibility to 'get the story straight,' to disseminate information in a coordinated way, as rapidly as possible. There are processes that need to be put in place to assure a streamlined information flow. The bottom line should simply be this: get important information to the public in a crisis.

When it comes to the high stakes business of terrorism and getting vital real time information to the public, the media should not be viewed as impediments or adversaries to be managed or manipulated. They should be seen as the critical pipeline to the public, as an extension of the public itself. The public, like the media, will need information, instructions and guidance, often in real time. The public, like the media will be susceptible to incomplete information and even rumors. The best way to deal with all of this is through quick and responsive information. Lives and public order itself will be at stake.

New responsibility

Having said that, the news media in this country do face a new level of responsibility and public service prompted by the threats we face. This is a big challenge. And while many news organizations, especially where there is believed to be a real and present danger, have taken steps to meet the challenge, many have not. News organizations—especially in broadcasting—need to do more *before* an incident takes place. They need coverage plans so they'll get the story right; they need emergency plans to look after their own personnel; they need contingency plans to continue broadcasting if their broadcasting, publishing or server capacities are damaged or destroyed; they need ready access to expertise, critical in the event of an attack. This is particularly true for *local* television and radio since that is where most people will turn to get practical information and instructions.

An example here will be helpful. A television station that sits in hurricane territory knows that it will be judged by its news coverage when disaster looms. It knows that viewers will want to know when the storm will hit, how severe it will be, what they should do. The station knows its coverage will require personnel who are prepared, know how hurricanes behave, and how to speak clearly and responsibly.

But how many news organizations have personnel who are knowledgeable about homeland security and can explain what to do in the event of a bio attack—plague, tularemia, anthrax? How many news departments have personnel who understand the dangers of a radiological device—a dirty bomb—and could convey real time information to the public? How many newsrooms have a comprehensive, current list of experts who could address the crucial specifics of biological weapons? The problem, of course, is that news organizations generally *know* if they live in hurricane alley. They're prepared to *invest* in hurricane coverage because it's a common occurrence. Terrorism is different.

Public expectations

Still, the public expects us to deliver the goods—correctly and swiftly. Citizens want rapid and accessible information. According to a Hart Teeter poll conducted for the Council for Excellence in Government for a project called *We the People: Homeland Security from the Citizens' Perspective*, when asked where they would look first to *prepare* for a terrorist attack, learn about the latest threats or receive guidance on security precautions, 53% said they'd turn to television; 31% said they'd go to government or independent news web sites. Nearly four in ten said radio would be a first or second choice. Not surprisingly young people are more apt to go online—45% of 18 to 34 year olds said government or news web sites would be their first choice.

And yet: The Council's poll, taken last February, revealed that—and I quote from their report—“despite publicity about new or improved preparedness plans, Americans largely are in the dark about plans for terrorist attacks or other emergencies. Just one in five (19%) Americans say that they are aware of and familiar with their city or town's preparedness plans, and likewise, just one in five (18%) are familiar with their state's plans.” The challenge of informing the public is ongoing.

The most critical timeframe, of course, is the immediate aftermath of terrorism.

In the event of an attack, traditional broadcasting will bear the burden of public expectations. The Council for Excellence in Government poll revealed 51% would first turn on the television, the clear second outlet is radio—where batteries and portability make it accessible and dependable. Only 5 percent said they'd go to a website.

If there is terrorism in the community, the news media will be a lifeline. Regardless of where people turn, they will be looking for some basic information: what happened, what is the danger and the risk, where should I go, what routes should I take, will I need medicine, what about my kids, my school, my elderly parents? News organizations will have to answer to those questions in a hurry. And what they report, what they air—whether it's their own local correspondent or some 'expert' who is booked for an interview—will likely shape behavior and, quite possibly, broader rescue efforts in the community.

This underscores this responsibility that the news media have—a life or death responsibility. And it also underscores the need for government officials, first responders and spokespeople to understand how the media operate and why. This is the era of the never ending news cycle. We exist in an always-on, real-time world. News comes to people instantaneously and in many ways. On television and radio, yes. In newspapers and magazines for sure. But also on cell phones, wireless devices, in blast emails and over the internet. In the event of terrorism, officials will have to take this into account, and provide fast and reliable information. They may not be able to wait to hold news conferences at convenient, pre-determined times. They will have to move information as they get it. They may have to respond instantly to what is happening on the ground or quickly knock down bad information that sprouts like an unwelcome weed.

Layers of media

We must also appreciate that, in the event of terrorism, different media will be focusing on different things. This is an important concept because the community and its leaders have to understand and be prepared. If there is a serious incident, local reporters, correspondents and crews from national networks, photographers and newsmagazine correspondents, *international* news organizations will descend on a community. They will be covering the same story, but they'll be talking to different audiences and covering different angles. Local news outlets will be directing their coverage to the people *in the community*, focusing on practical, front-lines information. National networks will report the community's incident to the country. They'll weave the events into a larger, national picture. International news organizations—from the BBC to TV Asahi to Al Jazeera—will view events through a different, global prism. Each layer of news media will be conveying information to an important constituency: the community resident who needs to know whether she should take her children to the local hospital for an antibiotic; the citizen two states away who has a relative in the affected area or who wants to volunteer to help; the global citizen or the national leader who is watching half a world away. All the constituencies matter. All may adjust behavior in response. Again, it underscores the professional responsibility of *both* the journalists and the public officials involved in this process.

Learning language of live

And the events and information will play out in real time. Live. 24/7. Non-stop. It goes with the territory, thanks to technology, legitimate journalistic considerations, competitive ratings pressures and, yes, public expectations. As a result of the

non-stop news cycle, we get news by increment. Each little development becomes the latest 'breaking news' piece set into the story mosaic. One of the challenges for news organizations is to make sure incremental news also provides context, that events are reported proportionally.

The advent of incremental news brings with it the danger of 'information lag,' That is the time between when the media asks a question and a responsible official can answer it. That time lag can be minutes or it can be hours. In some cases—such as some types of bioterrorism—it may even be days. This truly is the most precarious time in the story process; it is the time when uninformed speculation and rumor can fill the information void. And this can be a very dangerous thing. We saw this play out during the anthrax attacks of 2001. Confusion was pervasive with respect to the dimension of the threat, who was in charge, what needed to be done.

It is why news organizations and public officials alike need to learn and appreciate what I call "the language of live." The "language of live" recognizes the 24/7 world, and permits real time communication when some facts are not known. It is a transparent language that clearly informs the public. It explicitly states what is and what is not known, confirmed or corroborated. It directly attributes sources of information. It labels speculation as such. It doubles back on bad information to correct the record. The 'language of live' is a language that most journalists employed fluently in the days after 9/11. Mayor Guiliani spoke it as well. Throughout his many public comments, he avoided offering more information than he had; he acknowledged the media's and the public's need to know; he did not overpromise; he made it clear when he was answering a question based on incomplete information—or when he couldn't answer at all. Yet he responded to facts and 'reports' as they developed.

Similarly, news organizations were broadly praised after 9/11 for their measured and purposeful work. For the most part, speculation was kept to a minimum. There was a responsible attitude of professionalism, and questions were asked and answered in a measured way. The information and the tone were straightforward and sober.

There are some things the 'language of live' should not be: it should not be breathless, it should not be hyped. It does not need to be accompanied by sensational graphics or music. Nor should it be overly or unrealistically reassuring. Words should be carefully chosen. We should talk to the public straight. Give them the facts. Citizens will understand that answers aren't always instantaneous. They will understand the situation and they will feel the information they are getting is credible.

Generalist vs. specialist

This brings me back to an earlier point. News organizations need expertise. Trained, knowledgeable journalists or access to experts should be a priority for every news organization in America. Communities will be terribly served by news organizations that 'wing it' after the fact. No community in the country—no matter how remote—should consider itself off the hook. A biological attack on the east coast can spread to virtually any town or village because of the way people travel. A cyber attack can affect any home or business in any place. For larger news organizations in major and moderate sized cities, there should be knowledgeable personnel on staff. They should know and quickly be able to get to appropriate websites, resource books, contacts and phone numbers. Smaller news organizations in more remote communities, may not be able to afford specialized staff, but preparation should still be part of the plan. Having *access* to information along with contacts in law enforcement, public health, the academic and expert communities is vital.

9/11 and the anthrax attacks taught us this, too. News organizations, especially those in high risk areas should conduct internal terrorist exercises and drills. They should test their systems, determine how they will deploy their personnel, be sure they have systems in place to protect their people, and they should make certain they have a chain of command capable of vetting information and assuring the accuracy of what is to be reported. In this environment, leaving coverage of a story such as this could be purely to chance is unnecessary and possibly irresponsible.

Call to action

Mr. Chairman, few people realize how much thought and debate news goes into coverage decisions such as these. My colleagues in the media, for the most part, are acutely aware of their responsibilities and the power of the information they convey. They take professional and personal pride in making solid, well thought out editorial decisions and in informing the community. They understand that what they report has consequences. They want to do the right thing.

But it's not easy. Many news organizations have experienced deep budget cuts. In a lot of communities, radio stations have no news department at all any more.

Television has too few experienced beat reporters. Local newspapers have been bought up and pared down. The homeland security beat is no one that can be learned in a day.

There are steps that can be taken. News organizations should:

- Be sure they have assembled, are familiar with and can access relevant information from professional organizations, public health, academic and government sources and websites
- Know the emergency plans and the responsible officials in their community.
- Develop and keep current *before an incident* a list of sources and experts who can provide accurate and responsible information and/or advise the news organization about facts relating to it.
- Impress upon sources, especially public officials, the need for rapid information in the event of a terrorist incident and why that will benefit the public.
- Understand the 'language of live' so that information relating to an unfolding and confusing situation can be conveyed as clearly and calmly as possible.
- Train reporters, photographers and staff in matters of personal and family safety; in the event of terrorism, they will be first responders, too, facing all the risks and personal pressures that that implies.
- Consider conducting exercises or drills to simulate a terrorist attack to test the readiness of staff, the editorial vetting process, the reach and redundancy of communications equipment, the coverage plan that would be implemented in the event of the real thing.

The public will be well served—and the media will be rewarded—by doing it right. After 9/11 public approval of the news media soared, according to the Pew Center for People and the Press, which polled on the subject.

The trend was relatively short lived. Within a few months after 9/11, a majority was again expressing doubts about the media's professionalism and patriotism. But while the public often criticizes the media for being overly negative, sensational or biased—they still value the watchdog role that the press is meant to play. Pew found that most Americans believe that press scrutiny prevents public officials from doing things they should not.

The media have a critical but complex role in this new era. They are expected to responsibly inform the public of new and unpredictable dangers. They are expected to be knowledgeable, responsible and versatile. They are expected to be accurate but they are also expected to be fast. They are supposed to provide the scrutiny that will keep public officials responsive and accountable. It is an enormous, perhaps unprecedented challenge. And it can only be carried out with forethought, a genuine respect for the public and with proper planning.

Chairman COX. Thank you very much, Mr. Sesno.

Our next witness is the executive director of the Information Trust, Mr. Scott Armstrong, who is also an accomplished journalist and author, also hardly a newcomer to the field. He was a Democratic staff member during the Watergate investigation. It was his interview of Alexander Butterfield that revealed the Nixon taping system.

Welcome.

STATEMENT OF SCOTT ARMSTRONG, DIRECTOR, INFORMATION TRUST

Mr. ARMSTRONG. Thank you, Mr. Chairman, Congressman Turner and distinguished members of the committee. I do not have any news as dramatic as the existence of a taping system to discuss today, and I appreciate the opportunity to talk about the role of the media in combating terrorism at a time when so many proposals and so many implementation plans are in flux.

At the founding of America, the news media was keenly focused on homeland security. While occupying European armies, Indian wars and territorial uprisings of the 18th century are a far cry from the current terrorist threats, I have not the slightest doubt that today's news media, broadcast and print, will respond as nobly to the threats as did the early town criers and one-sheet papers.

Journalists understand their priorities. They are prepared to work on the public's behalf with government agencies throughout blackouts, natural disasters, terrorist threats and even the most severe of incidents. It is less clear, however, that governments, particularly the federal government, understand how to satisfy the public's need for information before a terrorist event.

Under the current overlapping, rapidly expanding systems of national security secrecy, virtually all relevant homeland security information is either classified or can be withheld because it is classifiable. Part of the current problem is in fact that tension between the open society in which information flows freely and the secret society in which much, if not most, of the relevant government information remains secret.

You may recall that in October 2000 without any hearings or public debate in the House and with only one short public hearing in the Senate, both houses of Congress passed America's first Official Secrets Act. The new media was caught dozing. We recognize this was a serious threat to our long-established system whereby elected, appointed and career public officials were forced to discuss nearly all national security information on a background, anonymous basis.

As you know, professional journalists would not be able to adequately cover even a public press conference by the Secretary of Defense were they not able to put it into context. Under the new law, that law that was passed at that time, any such conversations about the Secretary's comments that were not officially offered by the Department would, by definition, be unauthorized disclosures of either classified or classifiable information and thus would then have been a felony. The new law applied not just to present but to former officials. Virtually all knowledgeable sources would be cut off.

The law presented a fundamental challenge to the established manner in which national security journalism had been doing its business for over four decades. For the first time in my memory, the news media actually lobbied against legislation that would preempt their First Amendment prerogatives. At the very last minute, President Clinton signed a veto, although only hours earlier his chief of staff had indicated that he would likely sign the measure into law.

After this close call, various members of the major media decided it was imperative that we would better understand the concerns of the intelligence community. With significant assistance from the chairman of the House Permanent Select Committee on Intelligence, Porter Goss, and Robert McNamara, the then CIA General Counsel, we began an informal dialogue to clarify our concerns on each side. The events of September 11, 2001 increased the urgency of that effort.

On one side, we had convened well known, experienced representatives of the media, reporters, editors, anchorman, even the anchorman to my right, publishers and owners, those who had served in the front lines in providing the public the limited information it can receive about national security matters.

At our invitation, the government, in turn, drew on the participation of the general counsels and representatives of the directors of

each of the major intelligence agencies, of the National Security Council and the Attorney General, and the point of contact person who deals with reporters who call about urgent intelligence matters on deadline.

Representatives of respective House and Senate Intelligence Committees attended. Others who attended sort of the off-the-record meetings included officials from the White House Homeland Security Office and the Security Council, a former counsel of the President and a former White House Chief of Staff.

By taking the concerns of each side seriously, the dialogue had proven to be beneficial in a number of ways, not only in demythologizing the issues of leaks but by giving an appreciation for both the news media and the government officials on the need for secrecy in appropriate circumstances. Reporters understand secrecy. They protect their sources by guaranteeing the secrecy of their identities. Compromising that secrecy is very rare. By the same token, the news media came to understand that there were important reasons for the United States government to protect certain secrets that could damage national security.

As we became more familiar with the professional intelligence individuals' view of the sensitive aspects of their operations, we began to understand the practical and concrete side of the sources and methods concerns and in fact began to realize that we could avoid publishing certain details in a gratuitous, occasionally even casual manner that might cause genuine damage to the national security but by editing include virtually all the details by doing such things such as bifurcating certain stories so that between the two parts the whole story was told but the danger to operations was removed.

There was a gradual appreciation that developed on both sides, that there are certain stories the intelligence community will always assert are damaging and that the news media still believe warrant publication. But there seemed to be an agreement that the instances are better dealt with by mutual discussion than by criminal statute. And in fact the Attorney General's Task Force on Unauthorized Disclosure released a report in October of 2002 concluding that while the administrative measures could strengthen the investigative and process of punishing leaks administratively, an official secrets pact was not appropriate.

As with most dialogues, not all issues could be resolved and many continue to be pending, but we come back to the center questions that are facing us today: How much information about terrorist threats can the media provide? How can the government best partner with the media to ensure that the public is properly informed?

In the course of our dialogue, we began to address, with the assistance of the White House Homeland Security Council, the nature of the federal government's concerns about the news media publishing information about homeland security vulnerabilities. There was a difference of opinion, to be sure, about whether or not certain critical infrastructure information could be withheld or should be withheld from the public or published.

With nearly 85 percent of the nation's critical infrastructure in private hands, questions arose about access to previously public in-

formation and the ability of the media to warn the public about the existence of and responsibility for vulnerabilities, particularly those which could endanger larger numbers of citizens in metropolitan areas, such as chemical plants.

As we proceeded, we became aware of section 892 of the Homeland Security Act, co-authored by Congressman Harman. Section 892 had the commendable purpose of allowing the sharing of a great deal of important information with local and state officials as well as first responders and certain industry representatives. The thrust of the provision was to supplement the information available to non-federal officials who did not have security clearances by making available sensitive but unclassified information to as many as 4 million individuals.

The underlying concept would classify information by removing the classified features. The notion of the tear line, with information below the tear line is unclassified because the sources and methods have been removed, is a metaphor that is easily understood by a journalist. That in fact is what we get when we get a background briefing from a public official. They withhold the sensitive information and tell us the gist of it for publication. That is our established tried and true proven method of proceeding.

Journalists generally support the notion of sharing additional information, but in this case we began to recognize the possibility of a de facto new security control system. The ability to create sensitive homeland security information, which we call SHSI, and their disclosures within broad categories of information would be dispersed across many federal agencies, would be broadly delegated to many federal officials who were not required to keep careful records to find out what had been distributed or to home.

Yet by the same time, the prospect of nondisclosure agreements with specific criminal and civil penalties, including potentially Draconian liquidated damage features, began to be recognized as a possibility of really cutting off access to the media. Responses back to the federal agencies from the local, state, first responder and private industry recipients of SHSI information were, in turn, required to come back under this compartmented system, if you will, these same safeguards that would then be required by the federal government to be incorporated into the federal files, often in classified form.

In order for federal, state, first responder and private industry recipients to act on this issue they received, they would inevitably have to recruit many more people, and those would have to sign nondisclosure agreements, making it very likely that the number of individuals probably would grow dramatically and that the amount of information available publicly would be severely reduced.

Because the information was never classified, there would be no systematic way to request this declassification and release. Once designated as SHSI, the information distributed by the federal government could not be released by local, state, first responder, private industry recipients or by the governments under the local or state freedom of information acts.

After informal discussions with many officials, we began to get some encouraging responses. I am told, for example, that in the

most recent drafts of the proposed regulations, nondisclosure agreements is not anticipated to be a part of the system. On the other hand, I do not have anything concrete to indicate that that will be the case.

And in a situation in which the Secretary of the Department of Homeland Security is charged with the responsibility for implementing it, we fear that a very substantial new system could be created, creating a shield from responding to intermediate news inquiries and using the excuse to deny citizen access to traditionally available information at both the federal and state level.

The worse consequences of such abuse or of unjustified overbroad use by federal officials will be the discrediting and abandonment of a valuable information sharing initiative. The recipients of the information at the state and local levels will find themselves confused and frightened by the requirements, unable to sustain their credibility with the news media and prevented from accounting for their actions to colleagues in government.

But also stressing part of this is that the Department of Homeland Security is the one organization that has been most unwilling to engage us on this issue. Fortunately, others have.

We urge, therefore, that while a prospect remains of the system conceived by Congress to facilitate a broad sharing of information could instead become the prevalent mechanism for the controlling of information. We urge that Congress spend careful attention to the implementation of these requirements, in particular that Congress tend with the pending SHSI safeguarding arrangements with the same degree of attention they will inevitably have to give to the current classification system.

Recent congresses have been regularly—

Chairman COX. Mr. Armstrong, if you could summarize.

Mr. ARMSTRONG. I am just going to sum up with two more observations. Recent congresses have been regularly exempting government information from public access and have not conducted a careful oversight of actions in the last four administrations, which further remove public access to information. Much of what is known about homeland security is known only through the activities of this and similar committees.

It is therefore important, in our view, that the potential ruling of Congress should establish the criteria and baseline for executive branch sharing of information on the SHSI and other requirements. It is congressional oversight that will have a direct and significant impact on the media's ability to get and disseminate important homeland information.

Armed with such relevant information, the news media will vigilantly examine and document potential threats to the homeland as well as effective government responses. They will be in fact the ultimate first responders, able to be a reliable conduit of accurate and pressing information to the public. The result will be the very thing which Tom Kean and Lee Hamilton referred to in their testimony before the committee in August when they said, "An informed citizenry is the nation's best defense."

Thank you.

[The statement of Mr. Armstrong follows:]

PREPARED STATEMENT OF SCOTT ARMSTRONG

Good Morning, Chairman Cox, Congressman Turner and members of the Committee. I appreciate the opportunity to testify today on the Role of the Media in Combating Terrorism, particularly at a time when so many new proposals and implementation plans are in flux.

I appear today as an individual journalist, formerly of the Washington Post, now employed writing books and articles on national security matters. I was the founder of the National Security Archive, a repository for declassified information, now located at George Washington University. In my capacity as executive director at the Information Trust, I have been involved in encouraging the maintenance of ever-higher standards of journalism and the process of making government information as publicly accessible and relevant as possible.

At the founding of America, the news media was keenly focused on Homeland Security. While occupying European armies, Indian wars and territorial uprisings of the 18th century are a far cry from current terrorist threats, I have not the slightest doubt that today's news media—broadcast and print—will respond as nobly to threats as did the early town criers and one sheet papers. Robust disaster recovery plans and redundant backup system will assure we can live pictures on location. Timely professional reporting and analysis by national and local news media in print and broadcast will rise to the challenge of explaining events to the public and reassuring them about the course of events. Journalists understand their priorities; they are prepared to work on the public's behalf with government agencies through blackouts, natural disasters, and terrorist threats.

It is less clear that the government, particularly the federal, understands how to satisfy the public's need for information before a terrorist event. Under the current overlapping and rapidly expanding systems of national security secrecy virtually all relevant homeland security information is either classified or can be withheld because it is classifiable.

- It is difficult to envision the Department of Homeland Security and other agencies becoming sufficiently flexible to share information on a real time basis among federal agencies with a newly defined "need to know."
- It is even harder to anticipate DHS and other agencies complying with Section 892 of the Homeland Security Act in order to create broad sharing of homeland security information with the state, local and private first responders who need it to thwart terrorism.
- It is even more daunting to see how the DHS can meet the challenge to provide information to the public through the media, the battle proven process that over centuries has been able to rally citizens and prepare them to participate in the demanding preparations that we hope will forestall or render ineffective attacks against our country.

An Official Secrets Act

The heart of the current problem is the tension between an open society in which information flows freely and a secret society in which much—if not most—of the relevant government information is secret. In 2000, more than a year before September 11, the intelligence community asked Congress for criminal statutes to prosecute those responsible for what they saw as recurring leaks to the news media that damaged their operations.

You may recall that in October 2000, without any hearings or public debate in the House and only one short public hearing in the Senate, both houses of Congress passed America's first official secrets act.

The news media was caught dozing. This we recognized was a serious threat to the long established system whereby elected, appointed and career public officials were forced to discuss almost all national security information on a background, anonymous basis. Professional journalists could not adequately cover a public press conference by the Secretary of Defense if they were unable to put the Secretary's comments in context. Any such conversations about the Secretary's comments that were not officially offered by the Department of Defense would almost assuredly be an "unauthorized disclosure of classified" or classifiable information and thus a felony under the new law. Moreover the new law applied to former officials. Virtually all knowledgeable sources on US national security policy and developments could be silenced. It presented a fundamental challenge to the established manner in which national security journalism had been routinely conducted for over four decades.

For the first time in my memory, news media organizations lobbied actively against legislation that would preempt their First Amendment prerogatives. At the very last minute, President Clinton signed a veto; hours earlier his Chief of Staff anticipated he would be signing the measure into law.

After this close call, various representatives of the major media decided it was imperative that we understand and engage the concerns of the intelligence community. With significant assistance from Congressman Porter Goss, the chairman of the House Permanent Select Committee of Intelligence, and Robert McNamara, the CIA General Counsel at the time, we began an informal dialogue to clarify the concerns on each side. The events of September 11, 2001 increased the urgency of that effort.¹

The Dialogue Between the Media and the Intelligence Community

On one side, we have convened well-known, experienced representatives of the media—reporters, editors, publishers and owners—those who have served the front lines of providing the public with the limited information it receives about national security matters.

At our invitation, the government has drawn on the participation of the general counsels and representatives of the directors of each of the major intelligence agencies, the National Security Council and the Attorney General, and the “point of contact” person who deals with reporter calls for comment on a pending stories dealing with intelligence or other sensitive national security or homeland security matters. Representatives of the respective House and Senate intelligence committees have attended. Others, who have attended our off-the-record meetings, include officials from the White House Homeland Security Council, a former Counsel to President, and a former White House Chief of Staff.

Benefits of the Dialogue Between The Media and the Intelligence Community

By taking the concerns of each side seriously, the dialogue has proven to be beneficial in demythologizing the issues of “leaks” in several ways:

- Both the news media representatives and the government officials share an appreciation of the need for secrecy in appropriate circumstances. Reporters protect their relationship with sources by guaranteeing the secrecy of their identities. Compromise of that secrecy is very rare. Similarly the news media understands that there are important reasons for the US government to protect certain secrets that could damage national security.
- The media representatives have become more familiar with the nature of what intelligence professionals view as the most sensitive aspects of their operations. An understanding of the practical and concrete side of “sources and methods” issues (as opposed to the rhetorical side so often publicly referenced by intelligence officials without documentation) has allowed the news media to avoid publishing certain details in a gratuitous, occasionally even casual, manner that can cause genuine damage to national security. Often the details can all be reported to the public, but careful editing, such as bifurcating certain stories into two or more parts, can remove the danger to operations.
- The government representatives have been willing to acknowledge that the public’s understanding may often benefit from certain “leaks,” particularly where the media’s excision of a small detail removes the major danger to their operations.
- Both sides have learned that many of what were originally believed to be damaging “leaks” by American officials actually came from on-the-record comments, often from foreign intelligence officials and had already been reported overseas.
- A gradual appreciation has developed on both sides that there are certain stories that the intelligence community still asserts are damaging and that the news media still believes warrants publication, but there seems to be agreement that the instances are better dealt with by mutual discussion than a criminal statute.
- The Attorney General’s task force on unauthorized disclosure released its report in October 2002 concluding that while administrative measures should be strengthened to investigate and administratively punish leaks, an Official Secrets Act was not appropriate.
- Both sides generally recognized the importance of establishing a single responsive point-of-contact for reporters at each intelligence agency to deal with sensitive stories about to be published. In certain instances, these contacts have corrected details of stories; in other instances, the stories were withdrawn.

Homeland Security Dialogue Between the Media and the Administration

¹For the past three years, I have had the pleasure of co-chairing with Jeffrey Smith, the former general counsel of the CIA, periodic meetings of the Dialogue and participating in an often spirited debate.

As in most dialogues, not all issues can be resolved; many are pending. But generally, the dialogue has focused productively on the types of issues before you today.

- How much information about terrorist threats should the media provide?
- How can the government best partner with the media to ensure that the public is properly informed?

In the course of our dialogue, we began to address with assistance of the White House Homeland Security Council, the nature of the federal government's concerns about the news media's publishing information about Homeland Security vulnerabilities. There was clearly a difference of opinion about the White House's desire to increase the amount of information about Critical Infrastructure Information to be withheld from the public. With nearly 85% of the nation's critical infrastructure in private hands, questions arose about access to previously public information and the ability of the media to warn the public about the existence and responsibility for vulnerabilities, particularly those which could endanger large numbers of citizens in metropolitan areas, such as urban chemical plants.

Sensitive Homeland Security Information

As we proceeded, we became aware of the pending implementation of Section 892 of the Homeland Security Act of 2002, responsibility for which was assigned on July 29, 2003 by the President to the Secretary of Homeland Security. Co-authored by a member of this committee, Section 892 had the commendable purpose of allowing the sharing of a great deal of important information with local and state officials, first responders and certain industry representatives. The thrust of the provision is to supplement the information available to non-federal officials who have security clearances by making available sensitive but unclassified information to a target group including as many as 4 million individuals.

The underlying concept is that the federal government would declassify information by removing the classified features. The model of a tear-line, where by the information "below" the tear-line is unclassified and can be widely shared is intuitively obvious to journalists involved in national security reporting. The tear-line metaphor of accurate information devoid of the most sensitive features so it can be shared is in essence a formalized version of what reporters do every day. In background briefings—authorized and unauthorized—our sources edit out the potentially damaging details and share their knowledge of the underlying facts and policy issues which can be made public without damaging sources and methods. This in fact is the basis for what you read about national security matters in the newspaper and on broadcasts everyday.

Most journalists deem such efforts to share information more broadly to be a positive development. But as we talked further with the government officials involved, we began to identify the prospect for the development of an entire new system of Sensitive Homeland Security Information, SHSI, an aggregation of "Sensitive But Unclassified" information that would require its recipients at the local, state, first responder and private industry levels to protect it from disclosure virtually indefinitely.

As first envisioned by the Administration such a system—particularly as it encompassed significant portions of the estimated 4 million possible recipients—would de facto become a new security control system, potentially rivaling in size the current system of national security classification. We understood from our informal discussions with the White House that the first two drafts of regulations provided a series of problematic elements:

- The ability to create SHSI sharing disclosures within broad categories of information would be dispersed throughout many federal agencies and broadly delegated to many federal officials, who were not required to keep careful records of what had been distributed and to whom;
- In order to receive SHSI, the local, state, first responder and private industry recipients would enter into Non-Disclosure Agreements, which it was anticipated would specify criminal and civil penalties, likely including draconian liquidated damage features, and that in the event of unauthorized disclosures, recipients would be required to sign affidavits disclosing their contacts with the media;
- Responses back to the federal agencies from local, state, first responder and private industry recipients of the SHSI information were required to come back under the same safeguards, but would then be required to be incorporated into federal files as classified information in many instances;
- In order for local, state, first responder and private industry recipients to act on the SHSI they received, they would often have to "recruit" other local, state, first responder and private industry officials to become part of the system and

sign Non-Disclosure Agreements, making it very likely that the number of individuals covered would grow dramatically;

- Because the information was never classified, there would be no systemic way to request its declassification and release. The suggested holding time for information as SHSI before review would be 15 years. While SHSI would be subject to the federal Freedom of Information Act—if anyone knew it existed—SHSI would be denied almost routinely as inappropriate for release.
- Once designated as SHSI, the information distributed by the federal government could not be released by the local, state, first responder and private industry recipients or any other local or state agency or official under local and state Freedom of Information Acts or other public access statutes.

After informal discussions with various administration officials, there have been some encouraging responses to the questions raised. Although I have not seen the most recent version to see if these changes are memorialized in the draft regulation, I am told the originally anticipated regime of Non-Disclosure Agreements will not be a feature of the system as presently intended.²

I do not have answers to other troubling questions raised by the potentially massive size and scope of the system, by the lack of accountability for the designation of SHSI or for the anointment of its eligible recipients, and the indefinite duration of the system. In particular, there remains a significant prospect for abuse at the local level, where officials or private industry representatives may attempt to use incoming SHSI information as a shield from responding to inconvenient news media inquiries or as an excuse to deny citizen access to traditionally available information.

While I have no doubt that the media and civic groups would eventually destroy such obstruction, there remains the very real prospect for extended and painful battles over information in instances where public corruption or private liability are being hidden. The worst consequence of such local abuses or of unjustified and overbroad use by federal officials will be the discrediting and abandonment of a valuable information-sharing initiative. The local, state, first-responder and private recipients will find themselves confused and frightened by the requirements, unable to sustain their credibility with the news media and prevented from accounting for their actions to their colleagues in government.

The Role of the Department of Homeland Security

The most distressing aspect of the pending implementation of the SHSI system is that Department of Homeland Security has ignored the repeated efforts of news media representatives to discretely discuss these issues. Fortunately, DHS is the only department in the administration to have taken such a position, and individuals in other departments have maintained a dialogue. But since the Secretary of DHS is charged by the President with responsibility for the implementation of the statutorily mandated SHSI system, the prospect remains that a system conceived by Congress to facilitate the broad sharing of information will instead become the most prevalent mechanism for the control of information to keep it away from the public.

The record of DHS on other related issues such as the implementation of the regulations for the control of Protected Critical Infrastructure Information (PCII) has not been encouraging. DHS has ignored the media and public interest community on important practical considerations that could have reassured the public that private industry would not be allowed to “hide” otherwise public information in the PCII system.

DHS has actively sought the cooperation of the leaders and owners of the broadcast media in order to assure that they are prepared to act as a voice to reach the public in times of a terrorist incident. It would appear that DHS understands the reach of the broadcast media for government information outreach but does not com-

²There is also some indication that existing information sharing mechanisms may facilitate the implementation of a less elaborate system. At the federal level, information sharing involves coordination between DHS, the Department of Justice, the Federal Bureau of Investigation, the Department of Defense, the Central Intelligence Agency, the State Department and others. There are in fact information sharing mechanisms which accomplish portions of the task now but need to be made more compatible and interoperable, including systems which transmit classified information the Homeland Security Information Network (HSIN), Law Enforcement Online (LEO), and the Regional Information Sharing System (RISSNET). At the level of sharing with local, state, first-responder and private individuals, there are also a variety of mechanisms to share actionable but unclassified Law Enforcement Sensitive (LES) information including criminal records and grand jury records. At present this is accomplished without Non-Disclosure Agreements. One question for Congress to address to DHS is whether it attempting to build an elaborate new system in order to fix mechanisms which are not broken and which could be expanded and formalized as they presently exist.

prehend that working journalists and editors see it as their obligation to inform the public on the full range of matters before, during and after such incidents.

Our experience has shown that a meaningful and cooperative dialogue can develop a balance between the news media interests in important issues of national security and intelligence reporting and the intelligence community's concerns for leaks of highly sensitive sources and methods. I am concerned senior officials in DHS may wish to forge ahead with a SHSI system without such meaningful discussions on SHSI and the variety of other issues about what information can and should be provided to the public under particular conditions. I do not believe that the government can shape and control domestic news about Homeland Security issues for long. Such attempts will ultimately fail because the news media—to use Pentagon parlance—is already embedded in American communities.

The few months have seen repeated recommendations in myriad reports, legislative proposals by congressional leaders and testimony by several cabinet officials all emphasizing the problem of improved information sharing in the face of the systemic overclassification of national security information. A bi-partisan consensus in Congress has lamented the inability to even appeal the denial by the Administration of access to classified information. The haphazard creation of a massive new SHSI system to control unclassified information would only compound the problem. In fact, in the case of SHSI, it is likely that no one will know for years how much information collectively has been created in that category. It is as important for Congress to tend to the pending SHSI safeguarding arrangements with the same degree of attention it will inevitably have to give the current classifications system.

Demonstrating Good Faith in Keeping the Public Informed

Appropriate information-sharing initiatives should also be able to publicly demonstrate that they are part of a good faith effort to increase—at least eventually—public accountability by making information available as soon as possible within the confines of national security dangers. Recent Congresses have been regularly exempting government information from public access and have not conducted careful oversight of actions in the last four Administrations which have further removed public access to information.

For example, this week the House/Senate conference over the Armed Services bill will likely rubber stamp a provision by which government-licensed commercial remote sensing data—satellite photos, radar images and infrared data—are being exempted from disclosure under the FOIA. This is precisely the type of information which allowed the dramatic real-time weather predictions by which Floridians were able to track the paths of hurricanes Charley, Frances and Ivan. While future improvements in image resolution and detail may require some restrictions on the distribution of information received by the government under contract, this instance stands as an example of how casually the Congress can treat the systemic erosion of public access to important information. Apart from holding sufficient hearings to see if the exclusion makes sense, members with Florida and Gulf Coast constituents may wish to examine the issue sufficiently to answer questions next year if insufficient information is available to provide detailed weather coverage during hurricane season.

Understanding Congress's Role

In so far as we can approach expectations about what the news media can and should tell the public about terrorism, I wish to emphasize the potential role of Congress in establishing the criteria and baseline for executive branch sharing of SHSI. The congressional oversight of these decisions would have a direct and significant effect on the media's ability to get and disseminate important homeland security information.

Paraphrasing the words of Woodrow Wilson in *Congressional Government*, the job of this committee and its sister committees in the House and Senate, indeed of the entire Congress, is to discuss and interrogate the administration on such topics. Wilson insisted that “the informing function [of Congress] should be preferred to its legislative function.”

This suggests the appropriateness of returning to one of the traditional relationships between the Congress and the news media. Over the past four decades, some of the most important periods of congressional oversight were often coupled with effective journalistic inquiries into matters of serious public consequence—particularly national security crises. The two institutions often relate to each other as hammer and anvil, alternating the roles. The Congress can request information, issue subpoenas and hold hearings under oath with ranking figures in the administration. Without the advantages of such formalities, the news media takes advantage of private briefings, often on background or off-the-record, in which, without fear of exposure, senior, middle level and even front-line personnel can speak more candidly.

These two mechanisms together have proven to be among the most effective manner by which the American people are informed and prepared to deal with the contingencies of national security and homeland security. Such parallel activities can dramatically increase the public's confidence that it is getting necessary information. I recall in fond memory congresses which fulfilled their responsibilities for appropriation, authorization and oversight of Executive conduct in a spirit of cooperative collaboration across party lines. This may be impossible in the countdown to an election, but it seems that the public has the right to expect such cooperation in the matter of Homeland Security. The news media will take advantage of the baselines of information you develop.

An Informed Citizenry

If properly briefed and regularly engaged in dialogue with the government officials who are responsible for homeland security threat assessments and responses, the news media will perform as your ultimate first responders. No major attack will ever occur on our homeland to which the news media will not respond front and center. Armed with relevant information, the news media will also vigilantly examine and document potential threats to the homeland, as well as the effectiveness of the government responses. They will be the most reliable conduit of accurate—and trusted—information to the public. The result will be the very thing to which Tom Kean and Lee Hamilton referred in their testimony before the committee in August, when they said “An informed citizenry is the nation's best defense.”

Chairman COX. Thank you very much, Mr. Armstrong, for your testimony.

The Chair now recognizes himself for 8 minutes for purposes of questioning, and let me begin again by both welcoming and thanking all three of our witnesses whose adult lifetimes and professional careers have been devoted to thinking about these questions.

This is a difficult hearing to convene if for no other reason than that we are not interested, any government interest or at least the interest of this congressional committee, in adjusting let alone regulating the ways in which the media ought to conduct its professional responsibilities.

At the same time as the testimony of each of our witnesses has made abundantly clear, there is a need from journalism itself in order for journalists to do their job to cooperate with government to get information, and all of us have to recognize because it is so abundantly clear that when seconds count, as happens after a terrorist incident easily imagined involving biological weapons, that information that is imparted in the private sector by the media is going to trump everything else. It is going to determine the success of our nation.

Rather than try to begin the questioning with my own thoughts or my own advice on this topic, I thought I would consult someone who like each of our witnesses is well respected in journalism but even better yet is esteemed because she is no longer with us and therefore cannot be questioned at all. That is Katherine Graham, who wrote on this very subject rather presciently in my view many years before September 11.

She made several points which are relevant to today's hearing. She said, first, and I think our witnesses would all agree, that if terrorism is a form of warfare, as many observers now believe, it is a form in which media exposure is a powerful weapon.

That said, terrorists are impossible to ignore, and the question is not whether to cover them or whether to restrict coverage of them but rather how?

Terrorist acts for journalists and I think for the public they serve are impossible to ignore. Rumors rather than facts, which would

abound if journalists did not do their job, would be even more threatening to the public, nor is there an compelling evidence that terrorist attacks would cease if the media stopped covering terrorist events. It is even to imagine in fact that terrorists would just up the ante until they got the attention that they deserved.

So Katherine Graham offered several pieces of advice, which I would like to toss out for your consideration here this morning. "First, observe the necessity for full cooperation," and I am quoting word for word, "the necessity for full cooperation wherever possible between the media and the authorities. Second, prevent terrorists from using the media as a platform for their views. Third, minimize the propaganda value of terrorist incidents and put the actions of terrorists in the perspective.

Recognize that terrorists are often remarkably media savvy and can and do arrange their activities to maximize media exposure and ensure that the story is presented their way. We decided the case of one terrorist who reportedly said to his compatriot, "Do not shoot now; we are not in primetime."

Recognize that there is a real danger that terrorists hijack not only airplanes and hostages but the media as well.

Avoid bringing undue pressure on the government to settle terrorist crises by whatever means, including acceding to the terrorists' demands. Recognize that media coverage can indeed bring such pressure on the government.

Finally, never forget that intense competition in the news business raises the stakes even more. The electronic media in the United States live or die by their ratings, the number of viewers they attract. As a result, each network wants to be the first with the most on any big story. It is hard to stay cool in the face of this pressure. This has created some unseemly spectacles and poor news decisions, I think we could all agree.

In order to satisfy the national interest in getting that fact out, which is completely harmonious with journalism's interest in getting the facts out, there has to be cooperation between government, which possesses a lot of this information at times of crisis, and the media who cover them.

My question, to open this hearing, to each of you is whether or not the exercises that Mr. Sesno suggested journalists themselves conduct that are now being conducted by the Department of Homeland Security, it is the famous TOPOFF exercises, most recently in TOPOFF 2 conducted in Seattle and Chicago with simulated dirty bomb and biological weapons attacks, are these exercises, which have drawn worldwide private sector participation and the government participation, whether or not there is a role for the media to participate in those?

I know, Ms. Sesno, you have directly participated as a professional journalist but also, in my view, unfortunately, as a retired journalist and an academic, technically speaking. I believe, although I may be mistaken, that that was due to some reticence on the part of media organizations to participate directly.

I would like to understand whether that is a considered view, whether we are still feeling out this territory, what the risks are and what are the opportunities.

On the face of it, I will say, having given considerable thought to this myself, that because each of you in your testimony pointed out that it is vital for people to have sources, to have these things checked out in advance, to not be scrambling in the moment of truth, the toff exercise can provide that kind of an opportunity to show off your rolodex. Who is the emergency first responder I need most to be talking to were this to happen and so on? I mean there is a lot for journalists to extract from these exercises.

And when that dirty bomb was set off in Seattle in the exercise and a lot of the information that was being provided by the government was in conflict, we had different information from EPA than we got from the Department of Energy, for example, and the mayor of Seattle was beside himself about what to tell the public about which way that radioactive plume was going and what the hell they should do. Wouldn't it be nice if the journalists had gotten in deep into that same problem and thought about what they would do and were not inventing it on the fly.

So I want to lay that before you and I will ask each of you, Mr. Kalb, Mr. Sesno and Mr. Armstrong, to give me your thoughts.

Mr. KALB. Mr. Chair, I think we should recognize in the very beginning that there already is a great deal of cooperation between the media and the government. There are many illustrations, and in Katherine Graham's book she enumerates a number of them, of information that The Washington Post had, which it checked with the government, the government said, "Please do not report that. It is bad for the national interest," and The Washington Post on almost every occasion agreed and did cooperate with the government.

Chairman COX. That is a different track, if I may say so. I am not talking about, and I want to be very explicit about this, the government withholding information. We are talking about the best way to get the facts out.

Mr. KALB. I was hoping to get to that point. But just to make the general point that there is cooperation that already exists. Therefore, I myself see nothing wrong with journalists cooperating with the government in these exercises to try to work out ways in which if something dreadful happens, the press will be able to handle it in a more effective way, and the government will understand its responsibility to get the information out to the public as quickly as possible.

I think both sides understand, with a proper sense of responsibility and dedication to the country, that there is a requirement before both sides to do it as effectively as possible in the interest of the people.

So I personally have no problem with that at all. I wonder only about the effectiveness of that kind of an operation. However, if it helps even to a modest degree, I, for one, would say go right to it. I think it is a great idea.

Chairman COX. Thank you, Mr. Kalb.

Mr. Sesno?

Mr. SESNO. I think that participation in these exercises, as I mentioned, exercises of a variety of sorts, is crucial for news organizations. There is an explosion in, heaven forbid, downtown Hartford. You are the assignment editor. Do you send your crews? Do

you send your producer? Do you know whether it is a radiological device? Do you wait? Who do you talk to? Do you know who to talk to? Is there a conduit of information? What do you tell the public? When do you tell the public? As you say, who is in the rolodex, in the front of the rolodex? Is it purely alphabetical or something different than that?

I will tell you that there was interest in being on the inside of TOPOFF 2, and it was the Department of Homeland Security and others who were overseeing the exercise who were reluctant to open it up to the media, because they and other first responders across the country did not want their practice and their mistakes chronicled.

So there will have to be a very unusual arrangement, an off-the-record arrangement, essentially, if it is going to be a real exercise.

Chairman COX. That goes back into Mr. Kalb's analogy or circumstance of government cooperation where information was withheld.

Mr. SESNO. Yes. I do think that there are other ways for news organizations to drill and to exercise without being inside the government exercises. And they can and they were able in the case of TOPOFF to cover them and look at them from the outside. There were open events. They were public events in those cities and elsewhere.

Chairman COX. Mr. Armstrong?

Mr. ARMSTRONG. Mr. Chairman, I think the difficulty here is that while many news organizations and many journalists would like to participate in a variety of interactions with the Department of Homeland Security, the perception is that the Department of Homeland Security understands the use of the broadcast media and has solicited the cooperation of the leaders and owners of that media as a way of providing a megaphone for public information if they need to communicate in a time of crisis and considerably sensitivity to the needs of journalists, particularly non-broadcast journalists, for an understanding of the fundamentals behind homeland security decisionmaking, the kinds of things that would raise questions about the adequacy, as Frank pointed out, of their preparations themselves and their responses.

And until they adopt that, and I have to say that the Department of Homeland Security is almost singular in its unwillingness to allow journalistic inquiry within its bounds, there are other departments that discourage it, to be sure, the CIA and the Department of Defense from time to time, but as a practical matter, they understand the need for it and cooperate. The Department of Homeland Security is, to the contrary, by and large, only available through public forums of their making and has not provided the kind of background briefings that are otherwise available.

And so I think that working out a working relationship is difficult when the other side only wants to have it on their terms. And I think this is an important issue for Congress to raise, because it is going to be a limited amount of information, not as accurate as it should be and certainly not as perceptive or useful to the public in creating confidence, restoring confidence on issues like evacuation plans.

They simply do not want to ever talk about how evacuation plans are solicited and prepared and what they are. Well, no local journalist should rest until they understand if they have a likely terrorist incident in their locale how it is that they would communicate on that issue. Where are they going to go except to federal, state and local sources on this?

And when federal sources discourage it and are largely able through the system I discussed earlier to enforce a certain restraint as safeguarding of the information that they provide, it makes it difficult for journalists to proceed. They will, and we will get the information, but it is just more difficult.

Chairman COX. Thank you. My time has expired.

The gentleman from Texas, Mr. Turner, is recognized for questions.

Mr. TURNER. Thank you, Mr. Chairman, and I want to thank our distinguished panel for being with us today. I think all of you said it best when you concluded with the words, "Only the truth can truly keep us free."

I share some of the concerns that Mr. Armstrong has spoken to today. I think it is so very critical that information regarding the activities of government be made available to the public, particularly in the area of homeland security where it is so vital that we take whatever actions we need to take to ensure the safety of the American people.

If information is withheld from the public, the prospect is, and I think the current tendency is, for the public to believe that we are safer than we really are. And I have looked at a few documents that were the work product of the Department of Homeland Security the last few weeks and months, and I think it raises the issue very well for us that you raised, Mr. Armstrong, about the use of designations that keep this information from the public.

Just to give you a flavor for it, and after I show you these, I am going to ask you for your comments, each of your comments, about the use of these various designations of material is not classified information but that is released by the Department of Homeland Security with some type of designation, the purpose of which is to limit its distribution to the public.

As examples, here is a Department of Homeland Security congressional advisory of TOPOFF 2 program and after action summary of the results of a congressionally mandated national terrorism training exercise. This document is designated, "For Official Use Only."

I would be interested as we go through these as to what you think that designation means to the media and what restrictions you think that imposes on you, if any, "For Official Use Only."

Here is a report of the Science and Technology Directorate prepared for the House of Representatives, an overview of their activities. It is designated, "For Official Use Only."

Here is a document that is labeled not only, "For Official Use Only," but bears the designation, "Sensitive Security Information." This document, which I assume is so sensitive that I would be in violation of the regulations if I were to tell you what is in it, but I will take the liberty to glance at the cover and to tell you it re-

lates to a study of the sensitivity sterile areas at airports and the degree of security contained there.

Here is another document produced by the Department of Homeland Security with a cover sheet, "Sensitive Security Information." It is a document that on its face says it is an evaluation of the Federal Air Marshal Service—sensitive security information.

Here is a report from the Office of Inspector General. That is one organization within every agency that supposedly operates with some degree of independence and accountability to the Congress and the public. The cover sheet on it says, "Redacted Report for Public Release." It is a document that is entitled, "Evaluation of the Federal Air Marshal Service by the Office of Inspector General."

Here is another document, a recent document, entitled, "Sensitive Security Information, For Official Use Only." It appears to be report on screening operations, program improvement report issued by the Transportation Security Administration, a division of the Department of Homeland Security. It shows on its cover that it was submitted by two private contractors who are under contract with the TSA, giving a report, as I said, on program improvements within the airport screening program.

Here is another document produced by the Department of Homeland Security labeled, "For Official Use Only." On its face, it is another report from the Office of Inspector General, entitled, "DHS Challenges in Consolidating Terrorist Watch List Information."

And, finally, a document again entitled, "Sensitive Security Information," from the Department of Homeland Security, an Office of Inspector General report, entitled, "A Review of the Use of Alternative Screening Procedures at Bradley International Airport," which, interestingly enough, was produced at the request of Senator Lieberman who received a letter from one of his constituents questioning an alternative screening procedure that the constituent had observed, called batching, which is a variation of explosive trace detection sampling designed to adapt to a higher volume of passenger traffic moving through the screening system.

Frankly, there may be some pieces within these documents that properly should be protected for some reason or another, but I seriously doubt if the information in these documents have any justification in whole from being withheld from the public. And in fact if we were to have congressional hearings on any one of these subjects, I am sure every member of this committee would feel free to make inquiry about anything contained in these documents.

So my question for each of you, and perhaps we should start with Mr. Armstrong who addressed the issue initially, what is your reaction to this type of practice, its impact upon the public and the ability of the public to understand what, in my judgment, is serious security gaps that I know remain in homeland security and I think many who deal with this subject understand and the lack of opportunity for the public and the press to gain that understanding with the designations placed on these type of documents?

Mr. ARMSTRONG. First of all, Congressman, I hope that your official use will be to enter these all in the record of this hearing. It sounds to me like a perfectly sound use.

By and large, we distinguish these types of reports as ways of controlling information, to control the discussion or comment or criticism usually about the failures of government organizations to do their jobs. Office of Inspector General reports are routinely "For Official Use Only." It is usually to preserve the embarrassment.

All the designations that you listed should have been preceded by a review of the information to remove all classified information. I mean they have been derelict in their duty if they left classified information in.

Most of us can distinguish between broad policy concerns, the ineffectiveness of, say, the Air Marshal Service, in general, or the fact that it is too thinly staffed or what not in general terms, all of which is important public information, from an observation that might appear in the report that if a terrorist were to put a bowling ball in the compartment above the guy in the first row who has the heat on in the middle of summer and a big thick cuff on the right side of his pant leg and you drop the bowling ball on the head of that person, that is a very effective terrorist technique. That might well be left out of a report, the identification of how people are distinguished as air marshals, or any of the other things that you mentioned.

But that is easy to distinguish from the fact that these are general reports that deserve to be in the public domain and deserve to be discussed.

Chairman COX. Mr. Sesno?

Mr. SESNO. I would like to answer this easily and say we, the public, should trust those in government to keep confidential that which should remain confidential or to say it should all be released because that is in our interest, and, obviously, this is a much more nuanced thing than that. Some information does need to, and I think everybody in the media understands, that some information does need to be closely guarded.

However, I think I would like to answer this from the point of view of a journalist and the point of view of a citizen. If there is something in a community that is not working, that is not safe and secure, don't the citizens have a right to know that? Do we think that the terrorists do not already know that?

I recall after 9/11 there was great controversy over some reporting about easy access to airport tarmacs, and wasn't that information being given to the terrorists? Do we not think that the terrorists already knew that? Do we not think that those who are going through those airports, innocent civilians, have a right to know that, and then they put public pressure and political pressure to lean on those authority to do something about it.

It is in our DNA, I suppose, to err on the side of releasing more information to the public to give the public credit to understand what is going on, and clearly there is a great challenge and problem with overclassifying and over secretizing, if I can make up a word, this information that is, in many cases, readily available, common sense and in some cases, actually, duplicative of that which has been done or published either in academic or other private sector circles.

Mr. KALB. Congressman, many years ago, for a brief time, I worked at the U.S. Embassy in Moscow, and I learned then that

the rules of classification are exotic devices. I never understood them then, and, in truth, I am not sure that I understand them now.

Obviously, you want to keep information out of the public domain that might do damage. But in those days articles from the New York Times were clipped and stamped secret and sometimes top secret. I did not understand it then, and I am sure that some of these "For Official Use Only" documents ought to be made public. I certainly associate myself with the comments of my colleagues.

However, there is today a psychological need, as a result of 9/11, to be extra cautious and to be extra careful. So there is the extra danger of overclassification, of denying the public information that it ought to have, and that is going to rest with you and other parts of the U.S. government to come up with the best way of finding that proper balance. But a proper balance in that respect and in so many others is going to be the way in which we are going to address many of these issues.

Ms. DUNN. [Presiding.] I yield myself 5 minutes for the purpose of asking the panel one question.

And my interest is in the area of, how do you prevent the news media becoming a pawn of the terrorists?

We all know that Timothy McVeigh was absolutely totally satisfied with the Murrah Building bombing in Oklahoma City. He said it was a blast that was heard around the world. He also said that he selected that building for the attack because, "It had plenty of open space around it to allow for the best possible news photos and television footage," and that is his quote.

He wanted to "make the loudest statement and create a star qualifying image that would make everyone who saw it stop and take notice." That is also his quote.

We also know that terrorists have ways of easily getting information into the hands of the media. Al Jazeera has been listed as one of those open and accessible media sources that can get that information quickly out to people in the rest of the world.

I would like to know how great you think the danger is that we are preventing propaganda designed to encourage and recruit new members to extremist organizations, to get out the success of the operations that they have concluded? Do you think that the text of some of these releases includes secret messages to terrorists around the world?

But, most importantly, how do we make sure—how do you develop that balance that is so delicate between what needs to be said to the public and offered to the public versus what the terrorists will grow and become broader-based based upon?

Mr. KALB. I do not know how that balance is to be struck. I think that is a very central question. There is absolutely no doubt that terrorists around the world are now super sophisticated in the use of the media. It is part of their strategy to get the greatest impact, to get it on television. If it be in primetime, so much the better. That is part of the strategy. In other words, the use of terrorism is a weapon in the terrorists' hands to achieve a certain goal, and there is no question that the use of the media is one device in that pursuit.

It poses for the media a critical challenge, particularly in an age of terrorism. If you know you are going to be used by the terrorists, do you allow yourself? I gave an illustration in my testimony about the reporter getting this great interview with Zarqawi. That reporter when he gets that interview will know in advance that he is giving to a known killer the front page of any newspaper and any wire service and the evening news.

The balance that we have been seeking, do the American people have a right to know what it is that the number one killer, as we have defined him, in Iraq, what that person thinks, what sort of person is he, aside from the large statement that he is a killer?

My own judgment, as a former journalist, would be, yes, the American people have that right, but there is that balance, and we have got an awful lot of time in a 24/7 world for journalists to provide not only the headline but the context, how it happened so that the American people have the whole picture rather than just the inflammatory image that comes to mind and that is projected.

Mr. SESNO. I think you touched on perhaps the central challenge that we in the media face, in particular those who are disseminators of real-time information and in the global context face up against this challenge.

In one sense, none of this is new. Terrorism, whether it has been called terrorism or not, it got its name from the reign of terror where guillotines were set up in public squares to be clearly visible and to publicly express the terror, has always had as part of its objective disseminating information in imagery to frighten and to terrorize.

What is new, obviously, is that we are now talking about real-time and a global reach, and in our context and in our lifetimes, one of the things that is new and very vexing is the, if not the demise, certainly the diminution of the role of the gatekeeper in journalism.

There was a time when a Marvin Kalb could stand and say, "No, we should not put in this paper or on the broadcast," and there were two or three other people in the country who would make similar decisions and that would determine whether that information is out.

When I was at CNN right after 9/11, there were certain decisions we made about things we were not going to broadcast, but some of those things were broadcast over the Internet from Pakistan. So you touch on a very difficult issue, because we cannot control it in quite the same way as an industry.

I would say, however, that the determinative factor here is experience. We have learned. I mean over the years at CNN we have been 24/7 since we went on the air, and we learned the first Gulf War and we learned with subsequent terrorist and crises situations some of the nuance of reporting. I think that is something that Al Jazeera has not yet learned.

And there is an appreciation for the impact of this information of terrorism and the clear and deliberate strategy of terrorists to use media to disseminate their propaganda and to mobilize their followers. And, by the way, they are going to do that whether we want them to or not.

Mainstream media did not publish these horrible beheadings. They went out on the Internet, didn't they? So they were available for people to find. That is a troubling thing.

Mr. ARMSTRONG. The terrorist act itself is the message. It is what is communicated directly, and except in the rare instances where an image like the beheadings is withheld, it is has a significant impact. We acknowledge that.

Putting it in context and giving some proportionality to it is what journalism does, and that has a major corrective effect. Timothy McVeigh—and it is an easier thing for us to understand because it is our homegrown terrorist—Timothy McVeigh's activities, as reported on and elaborated on in the press, is credited a widespread militia movement. It did not dry up entirely. I cannot say that there were not people recruited to it by the act, but, by and large, it had a deleterious effect on that movement, which I think was a healthy development.

On the question of secret messages, inspirational messages that are broadcast by terrorists and when the public should broadcast them, it is my understanding that the intelligence community, in general, feels that the balance is that they should be broadcast, that it keeps more of them coming, which gives more information to the intelligence community about where they are coming from and how they got there and increases the likelihood that someone will find some anomalous connection with a fact or a piece of backdrop or whatever else, that some information will come forward which will in fact solve the problem.

You recall the sniper incidents in D.C. and the police withheld the fact that after they leaked the white van they never bothered to say there was another maroon, smaller car until in an act of desperation when the public was totally panicked they announced it, and that very evening someone called in and said, "Oh, you mean one that is like the one that is parked in the rest area up just north of Baltimore," and the person was arrested that night.

The million eyes that our public can provide, people who are thoughtful and perceptive and what not, is far more valuable as an asset than the fear that we are going to spread other panic or the prospect that we are going to somehow flatter the terrorist movement itself.

Mr. SESNO. Madam Chairman, may I just make one very brief additional point because I think this is very important to realize and in particular for the public to realize.

This question is one that is discussed and debated in great detail and at great length at every news organization I know. No news organization, no journalists wants to be used, especially when it comes to something as horrible as this. I think it is very important for the public to understand just how committed and serious news organizations are when it comes to this topic, and it is a point I just wanted to make.

Ms. DUNN. Thank you all.

The Chair yields 5 minutes to the gentleman from Washington, Mr. Dicks.

Mr. DICKS. I appreciate the testimony here today. I want to go back to Mr. Armstrong on this issue of the effort to classify or designate things as sensitive but unclassify law enforcement sensitive

and create this gray zone. It used to be if it was classified, you could not publish it; if it was unclassified, you could publish it. How do you deal with this new gray zone that has been created by these attempted regulations?

Mr. ARMSTRONG. Well, I know of no restraint on the press that would be observed as questionable to whether something was classified or unclassified in terms of publishing it or whether it was considered sensitive homeland security information, top secret or just plain old routine information, except the content of the information.

If there is something there, and you should be in a dialogue, and most journalists are, we have tried to establish a point of contact arrangement with most of the agencies so that if there is something to be published that has sensitive information in it, the government knows about it and is in a position to make an objection or—

Mr. DICKS. And you have said in your statement that the Department of Homeland Security is not very cooperative in this respect.

Mr. ARMSTRONG. They are devoid of a point of contact.

Mr. DICKS. And that is unusual. In other words, you have in other agencies CIA, Defense, State, there is somebody you talk to about this, and Homeland Security has refused to cooperate to discuss this.

Mr. ARMSTRONG. I would not quite put it that—I think part of this resides in a particular assistant secretary who believes that her boss's interests are best served by running them as if he were in a campaign rather than the director of an agency, and that is part of it. But part of it also is this is a fast—this has just recently been staffed, people are very new, procedures are not carefully worked out. It is a practical implementation problem.

You want to share the information. There is sometimes truly sensitive things in it, but declassifying it does not mean all sensitivity is there. You do not want the terrorists that you are on to know that you have asked the Portland Police to look around and find out what is going on in local bodegas or local stores that they might be frequenting that you want to get feedback about. And you do not want to create a classified—you do not want to have to give everybody clearances to do it.

By the same token, it does not have to stay in that category in perpetuity. There could be life span that is very limited, and that is the difficulty is that there is going to be a tendency to put almost anything in this and then use it. And we have been told while it is available under the Freedom of Information Act, technically, what SHSI or law enforcement sensitive or any of the rest of these things, for official use only, means is that it is designed to be denied under the (b)(2) exemption, so-called high (b)(2). It will not be publicly released. This will be carefully handled and not released.

Mr. DICKS. We are in a very highly political season right now, and I would just say this: The ranking member has just pointed out all of these documents. It is my opinion—I have been up here for a long time, 28 years—that this story about the ineffectiveness of the Department of Homeland Security in terms of doing what Congress told it to do and putting the resources up to protect us and then you have got all kinds of—you have got the Council on

Foreign Relations led by Gary Hart and Warren Rudman—you have got all kinds of outside groups that have looked at this but for some reason the press has chosen, I think, to not give this the coverage or to really look into how effective the administration has been on this issue.

And in my experience, I have never seen anything quite like this on a major issue that is so important to the American people where there does not seem to be the coverage that would be warranted by the record.

Now, is there any way to explain this based on your professional experience about why this story has not been more thoroughly covered by the working press?

Mr. ARMSTRONG. September 11 has left the press somewhat shell-shocked. There is a concern that government deserves a degree of deference.

I do think the reporting that you are looking for is occurring. I think that it is dependent somewhat on the kind of hammer-and-anvil effect of the press reporting on certain things, Congress holding hearings, press reporting more. There is a kind of way in which you get the official account, the press goes behind the scenes and gets more that works.

There are portions of this that have been traditionally there that work quite fine, and it is not clear why they want to change them. "Law enforcement sensitive" is a designation that has been informal, but what it amounts to is things are shared. Grand jury materials, drug information, what not, are shared with local law enforcement on the understanding that they will not repeat it. That restriction is not codified in law but is, generally speaking, observed. There have not been complaints about it. If it is not broken, what are we fixing here? And that is the concern that we have.

Mr. DICKS. Would either of the other two gentlemen like to comment on this?

Mr. KALB. I would just like to say that I share your view and share the idea of raising this question about where is the media on this issue, but one could say where is the media on a number of other issues as well?

I agree with Scott that 9/11 had this dramatic effect on everybody, including the media, but the media ought to get over that, and in many respects it has not. In many respects, including something as important as the coverage of the war in Iraq and the buildup to the war, the media, among many other aspects of this society, failed to get the message out and to dig deeply, because it still wanted to give the government every benefit of the doubt. One would have thought by now it would wake up, and I think it has to a degree but not to the degree that is, in my judgment anyway, professionally laudatory.

Mr. SESNO. Let me just take this on from a very direct point of view. The issues you raise are allegations and assertions that carry an extra dimension of reporting to them if they are going to be brought to the public; therefore, they require access and they require digging and work that take more time and require more investment by news organizations, many of which who have gone through terrible budget cuts themselves and are stretched too thin.

They require a degree of fortitude and backbone because you have to stand up in society, raise your hand and say, "Something is wrong here," at a time when the consumption of news has been politicized as well, and this is often not welcomed reporting.

I am concerned that at some point, terrible point in the future, after something terrible happens, we will see yet more stories, like we saw on the front page of The Washington Post some weeks ago that said, why didn't we ask different questions? Why didn't we give this greater public scrutiny? And so the stakes are high, not just for how we respond after a terrorist attack but the questions we ask before a terrorist attack.

Mr. DICKS. And the Congress has a responsibility here too.

Mr. SESNO. It is not just media and media assertion. You are the guys who call the hearings, you are the guys who ask the questions, you are the guys who have access to this information. So do something with it.

Mr. DICKS. We are trying. Thank you.

Chairman COX. [Presiding.] The gentleman's time has expired.

Mr. DICKS. I would like to ask a question.

Chairman COX. Sure.

Mr. DICKS. Some people got 8 minutes, and some people got 5 minutes. Is there any reasoning behind who got what?

Chairman COX. Yes.

Mr. DICKS. This is not a feeling of discrimination, but I am worried about it.

Chairman COX. Well, to assuage the gentleman's concerns, I will remind him that under the committee rules members who are here within 5 minutes of the final gavel if they waive their opening statements, they are entitled to an additional 3 minutes of questioning.

Mr. DICKS. I see. Thank you.

Chairman COX. Gentleman from Nevada is recognized for 8 minutes of questioning. He is the chairman of the Subcommittee on Intelligence.

Mr. GIBBONS. Thank you very much, Mr. Chairman.

And to each of our witnesses, welcome and thank you for being here today. We do appreciate the fact that you have taken time out of your busy schedule to help us better understand this issue before us. I have a series of questions, which I will ask and allow you to answer in seriatim, whichever you prefer, but I do want to get these points across.

It seems sitting here, listening to you, and I certainly appreciate and value the wisdom, the experience and the knowledge that you bring to this committee, but there are some things that perhaps that we in this Congress and perhaps the American people do not understand. And it is one which perhaps you have looked at internally.

My first one, is there a written code of ethics or is it an individual conscience about balancing national security with the public's right to know? For example, if you were given information which defined a newsbreaking story but yet if it were broken would result in the loss of an innocent life, is there a written code of ethics that you follow or is it individually judged by each of the editors or by the reporters in that situation?

Second question: You talk about the public's right to know, you talk about the oversecretization, the overclassification, if you will, of information by the government. What standard is there about the oversecretization about reporters' information by the media?

Does not the public have the right to know sources of your information, early reports, edited reports, et cetera, that are produced, which may have information which you or an individual editor might want to exclude from public knowledge based on your presumption of how the story should be viewed or portrayed to the public?

Finally, let me ask this one very difficult question for each of you to answer. In today's dependency on the media, the expectation of the public to learn the information that you have to give, why does the media have such a low public opinion?

With that, I will ask each of you to respond. Thank you. It matters not which who starts first.

Mr. SESNO. In deference to the class I teach called, "Bias in Media," I will go first.

These are very, very difficult questions. Is there a standard written code of ethics for all journalism? Is there a constitution for all journalism? No, and there should be.

Do most news organizations, most major news organizations have some kind of written standards and practices? Yes, they do.

Is there specific guidance? I can speak from my experience at CNN where we were, and expressed it and discussed it and met about it, always sensitive to any information that would jeopardize lives or ongoing operations. Information that would jeopardize lives or ongoing information was not reported.

Is there a standard for oversecretization in the media? Look, we are going to discuss and probably always disagree on the value and the necessity of sources and protecting sources, but that is a fundamental cornerstone of journalism and of free press, and Scott would not have done the work that he did during Watergate, and the country would not have found out about a whole host of things, from unsafe food to horrible working conditions, to corruption in government were it not for sources who asked for and are granted secrecy.

That being said, I believe strongly that news organizations, especially today, are not nearly transparent enough, and they operate at some, often, too often, at some lofty level. I believe every major news organizations should have an ombudsman or some public liaison with the public to explain what, why and how where they can.

Why in such low self-esteem? It is an epidemic in many ways, but it also comes from the screaming matches and I think what some very thoughtful people in journalism and academic journalism have called the argument culture that in many cases those in the news media have helped to spawn, which I think drives a spiral of cynicism in this country.

Mr. KALB. Congressman, on the first issue about whether there is or should be a written code of ethics, I do not think there should be. I do not trust the person who would write it.

Point number two, I think you were suggesting should the public have a right to know where the journalists got their information, how reliable is that information? I think after a while the public

has a good feeling for the reliability of a reporter and the news organization a reporter works for, whether it is reliable or whether it is not.

I do not believe that journalistic organizations should be in a position ever to be forced to disclose sources. The news organization may choose to disclose sources after a while under a good bit of public pressure, but they should not be forced to do so.

The third question is for me one of the most difficult ones to answer and one that I have tried to answer in a classroom and before students now for 16 years and I think I have failed.

Frank touched on this a moment ago. We are in a culture where everything is on television, where people are prepared to tell the most sensitive secrets of their private lives on television. I do not understand that, I truly do not, but it happens all the time.

And I think the public may be a bit fed up with the appearance of casualness the way some anchor people by the use of the change of voice can go from a report on terrorism to a weather report by just saying something like, "Something terrorism," and then, "About the weather." And it does not seem to matter that we are talking sometimes about life and death and sometimes talking about nothing of any consequence at all.

The news business today is driven by the need to make money. This is a fact. The news business today is driven by a desire to increase circulation, raise ratings. Is this new? No, it is not, but it has never reached the point of fanatical obsession that it has reached these days, so that it affects, quite literally, the product that goes out on the air. And if the news media is held in low esteem, in my judgment, for a lot of good reasons, maybe it ought to be.

Mr. GIBBONS. Mr. Armstrong, I know that you want to answer these questions in great detail and depth. We do have to recess shortly, so I have been advised that if you could sort of just shorten your answer to my long question, we could recess for these votes and be back in time.

Mr. ARMSTRONG. It is easy to be third. First question, no, obviously no written things, but journalism does not take place in a vacuum. Good journalism is engaged with the government. It is the balancing that is done is because of what the government says is sensitive. You are in a dialogue with them, you are getting additional sources, you are checking things, you have a point of contact.

On the issue of sources, sources are meant to be kept secret. We understand why sources and methods are sensitive to the government. They, I think, understand that, generally speaking, we have the same requirements. That can lead to abuses. Therefore, it is responsible journalism to try and give the reader the best idea they can of the perspective and background of even the anonymous source.

And, thirdly, the question of why we are in low esteem, much of what is in the media, and we have used the word, "media," is not news media. A late-night talk show, that is not a journalist any more than Jay Leno is a journalist, although there are times when I think that the John Stewart Show comes closer to journalism than the evening news. But having said that—

Chairman COX. I thank our three witnesses. We are going to recess, and we are just now inquiring whether we can dismiss the panel.

I know, Mr. Kalb, you need to leave by pre-arrangement at 12:30, and we are in the middle of votes on the floor. I think better judgment, which you will appreciate, is that we can dismiss this panel. You have been enormously gracious with your time and more importantly with your knowledge and your experience and your expertise. Thank you very much for helping us tackle these difficult problems.

For my part, I will say that I hope that you will continue to work to encourage these exercises, that the government and the media both participate in these, because I think the health and safety of the general population depends upon it. Thank you again.

The committee stands in recess until the conclusion of votes, and we will resume subject to the call of the Chair.

[Recess.]

Mr. SHAYS. [Presiding.] I am going to call this committee meeting to order and to announce our second panel: Barbara Cochran, president, Radio-Television News Director Association; Gregory Caputo, news director, WGN-TV, Chicago, Illinois; and Robert Long, vice president and news director, KNBC, Los Angeles, California.

And, Ms. Cochran, I am grateful you are here and we would like to hear your statement. And so you have the floor.

**STATEMENT OF BARBARA COCHRAN, PRESIDENT, RADIO-
TELEVISION NEWS DIRECTOR ASSOCIATION**

Ms. COCHRAN. Thank you, Mr. Chairman and members of the committee. My name is Barbara Cochran, and I am the president of the Radio-Television News Director Association and Foundation. And I guess I should add here that I was also Marvin Kalb's producer at "Meet the Press," so there is a connection between the first panel and the second panel.

RTNDA represents 3,000 television and radio news executives and journalists. Our mission is to promote professional excellence and the First Amendment rights of electronic journalists.

Our members bring the news to the American public instantaneously. And especially in an emergency the public relies on electronic media.

A survey for the Council for Excellence in Government showed that television and radio were the number one and number two sources of information in preparing for a terror attack and in the event an attack occurs.

Our members take very seriously their obligation to serve the public interest. Right now, television and radio stations from Louisiana to Florida are giving life-saving news about Hurricane Ivan. Commercials, formats, schedules, all go by the wayside to serve the community in an emergency.

That was exactly what happened on September 11, 2001. The networks were still broadcasting their morning news shows when the first plane struck the World Trade Center.

From that moment on, the networks and local stations stayed on the air for six days straight, working to the point of exhaustion to provide the most factual, informative reporting possible.

Dianne Doctor, the senior vice president and news director of WCBS-TV in New York, described what went on inside the newsroom that day.

She said,

“When the first word came over the police and fire scanners, the assignment desk swung into action, dispatching scores of reporters, photographers, and micro-wave transmission trucks toward lower Manhattan.

Then came a barrage of terrifying, conflicting reports. None of this information could be officially confirmed. Every person of official capacity was involved in combating the fire, evacuating the towers and securing the neighborhood.

With cell phone service interrupted, we lost the ability to communicate with field crews and reporters. All of the local stations lost contact with their transmitter sites. Their broadcast antennas were located on top of the World Trade Center.

Six engineers manning their posts lost their lives when the north tower collapsed. Only WCBS-TV, which maintained an equally powerful transmitter on the Empire State Building, was able to return to air within a few seconds.

As a result, New York area television viewers without cable or satellite television had only one major broadcast news outlet to watch for all their vital information.”

Her description encapsulates the challenges television and radio journalists would face in a new terror attack. Information is scarce and confused. Official sources are busy and hard to find. Technology fails. And yet, stations do their best to stay on the air and provide the best information possible.

After September 11th, television and radio news executives asked themselves, “How well prepared are we, if a terror attack occurs in our community?”

To help find solutions to that question, RTNDA and our educational arm, RTNDF, have made it a top priority to help stations prepare to deal with the possibility of new terror attacks.

Now, in association with the National Academies and the Department of Homeland Security, RTNDF is producing workshops in 10 cities to help newsrooms and public agencies prepare.

One goal of the workshop is to establish a dialogue between news organizations and public health and safety agencies. It is the sort of thing that Chairman Cox was talking about.

When a crisis strikes, spokesmen for public agencies should be accessible and provide a flow of accurate information to dispel rumors and false reports. Disseminating information through the media is the best way to keep panic from spreading.

Each workshop participant receives a copy of a checklist that we have developed for stations to help them evaluate and improve their disaster plans. And I have included that checklist in my written testimony.

These plans deal with covering an attack, but journalists also have an obligation to keep the public informed so that attacks can be prevented or minimized.

Citizens need to have enough information so that they can evaluate the risks in their community and the effectiveness of protective steps being taken by public agencies.

That kind of reporting has become much more difficult. As you have heard already from the first panel, our members and other journalists are very disturbed by the dramatic increase in government secrecy since September 11th.

Information has disappeared from government agency Web sites. And, in fact, whole agency Web sites have been taken down.

New rules regarding sensitive security information, some of the other things that have come up, or hiding information about the safety of chemical plants, water supplies and other infrastructure.

The Freedom of Information Act is being attacked on many fronts. If journalists are going to be able to keep informing the public, public officials, such as yourselves, must closely scrutinize new demands for secrecy to see whether those demands truly serve the public interest.

Thank you.

[The statement of Ms. Cochran follows:]

PREPARED STATEMENT OF BARBARA COCHRAN

Thank you—to Chairman Cox, Rep. Dunn, Rep. Turner and other members of the House Select Committee on Homeland Security—for the opportunity to testify about the role of the news media in informing the public about terrorism.

My name is Barbara Cochran and I am the president of the Radio-Television News Directors Association and its educational arm, the Radio and Television News Directors Foundation. RTNDA is the world's largest organization representing electronic journalists. We have more than 3,000 members, news executives and journalists working at networks and local stations in television, radio and the Internet. Our mission is to promote professional excellence and the First Amendment rights of electronic journalists.

Our members bring the news to the American public instantaneously. Whether through the immediacy of television, which allows viewers to witness events directly, or the ubiquity of radio, which serves listeners even when other sources have failed, or the accessibility of the Internet, which supplies news on demand, electronic journalism gives the public the news they want and need when and where they want and need it.

And the public turns to television and radio and, if they have access, to the Internet, for news. RTNDA's most recent survey shows that local television is the number one source of news for 49.9 percent of Americans. In an emergency, the reliance on television and radio becomes even more pronounced. A survey prepared for the Council for Excellence in Government showed that television and radio are the number one and number two sources of information in preparing for a terror attack and if an attack occurs.

Our members take very seriously their obligation to serve the public interest. That duty becomes most urgent when crisis or disaster strikes the community. In recent weeks we have seen television and radio stations playing heroic roles for the victims of Hurricane Charley, Hurricane Frances and now Hurricane Ivan. This is nothing new. For years, television and radio have provided life-saving information to their communities in an emergency. Commercial considerations, format restrictions, normal schedules all go by the wayside to serve the community in an emergency.

That was exactly what happened on September 11, 2001. The networks were still broadcasting their morning news shows when the first plane struck the World Trade Center. From that moment on, the networks stayed on the air for six days straight, calling on all staff, pooling material, working to the point of exhaustion to bring the entire country the most factual, informative reporting possible on an event of heart-breaking tragedy. Local stations, too, went into 24-hour mode. In New York and Washington and Pennsylvania, stations gave their communities vital information about what steps were being taken for recovery and where to go for help. Because this was a tragedy that reached into every part of America, stations in all communities reported on the local impact and told their viewers and listeners what they could do to help those who were hit hardest.

In the weeks that followed, journalists felt an obligation to answer the many questions triggered by September 11. How could this happen? Could it happen again? What steps were being taken to prevent a recurrence? What other tactics might terrorists use? What would a chemical or biological or radiological attack look like and how would it affect our community? What vulnerabilities are there in our community? What protective measures exist for the water supply, the port, the refinery? How well prepared are our public safety and public health agencies?

All these questions became subjects for stories, and the reporting continues to this day.

One obstacle to such reporting, an obstacle that deeply concerns RTNDA and other journalism groups, is the dramatic increase in secrecy of government records. Information has disappeared from government agency web sites. Rules for new categories of information, such as critical infrastructure information and sensitive security information, are placing important data out of public view. The Freedom of Information Act is being attacked on many fronts. If journalists are going to be able to keep informing the public, public officials must closely scrutinize new demands for secrecy to see whether they are truly serving the public interest.

After September 11, there was another line of questions television and radio news executives were asking themselves: how well prepared are we, if a terror attack occurs in our community? Three years later, a lot of planning has been done, but we need to do still more to prepare.

In 2002, the Federal Communications Commission convened the Media Security and Reliability Council, an industry group whose mission was to examine how the media infrastructure of our nation can best be protected and restored in the event of new terror attacks. A survey conducted for the Council showed that 71 percent of cable operations, 47 percent of television operations and only 15 percent of radio operations said they have a disaster recovery plan. Fifty-eight percent of cable, 36 percent of television and 11.5 percent of radio operations said they had updated their plans after 9/11. And when asked whether they had rehearsed their plans, 58 percent of cable but only 17 percent of television and 7 percent of radio operations said they had rehearsed.

As FCC chairman Michael Powell said, "If you haven't rehearsed your plan, you don't have a plan."

As electronic journalists, we need to plan and prepare on three levels. First, as journalists, we owe it to our communities to help prepare them in advance by reporting honestly and independently on risks and disseminating information about what citizens can do to safeguard themselves.

Second, because we work in electronic media, we need to be ready to report factually and comprehensively immediately after a terrorism attack occurs. The public will depend on radio, television and online news to provide information instantaneously. Information communicated quickly can keep a crisis from turning into a catastrophe.

And, third, because television and radio stations are some of the highest-profile institutions in any community, they may be the targets of a terror attack. So we need to make sure our facilities are as secure as possible and to be prepared to get a communications system up and running after a devastating blow.

For the past three years, RTNDA and our educational arm, RTNDF, have made it a top priority to help stations prepare to deal with the possibility of new terror attacks. To help journalists understand the nature of these new threats, RTNDF has conducted several training sessions and published the "Journalists' Guide to Covering Bioterrorism," with support from the Carnegie Corporation.

Now, in association with the National Academies, a group of private science, engineering, medical and research institutes, and the Department of Homeland Security, RTNDF is producing 10 workshops in 10 cities to help newsrooms and public agencies prepare if disaster strikes.

One goal of the workshops is to establish a dialogue between news organizations and public health and safety agencies so that community emergency plans do not overlook the crucial role of the media in responding to a disaster. When a crisis strikes, spokesmen for public agencies should be accessible and provide a regular flow of accurate information to dispel rumor and false reports. The first instinct of health, safety and law enforcement officials may be to attend to the crisis and ignore the demands of news media. But disseminating information through the media could be the best way to keep panic from spreading.

Using a hypothetical scenario, workshop participants from the news media and health and safety agencies will find out what works and what doesn't as they respond to the simulated terror incident. Later in the day scientists will share information about the new kinds of weapons in the terror arsenal—biological, chemical, radiological and nuclear.

Finally, news participants will leave with a checklist to help them evaluate and improve their disaster plans. Here are some of those suggestions:

- **Put your plan in writing.** Store it in the computer system and keep it in hard copy, both at the station and off-site. Every department head should have a copy at work and at home.
- **Learn as you plan.** Meet with local experts who can help you imagine what could happen in your area. Get together with emergency managers, public health

officials and others in your area to learn more about their plans for dealing with emergencies.

- **Anticipate disruptions.** How will you stay on the air if the transmitter is affected? Is there an alternate site you can broadcast from? What will you do for emergency power? Will that source power your computers, or should you have a backup plan for scripts?

- **Organize contact information.** Make sure your assignment desk has up-to-date contact information for your entire staff, both on computer and in hard-copy, on- and off-site. Ditto for outside contacts, from your station group to local emergency responders, including after-hours numbers.

- **Review your routines.** When and where do you refuel your news vehicles? When are batteries put on charge? Make it a station wide habit to refuel and check gear at the end of each day. Make sure your staff knows how to switch incoming phone calls and two-way audio to air if necessary.

- **Stock up.** During a disaster, employees are likely to spend long hours at the station. Do you have cots and blankets? Food and water? Foul weather gear, flashlights and batteries? What about first-aid kits? Cash? Decide who will check the inventory and how frequently.

- **Spell out the plan.** Detail how station personnel will be notified and what is expected of them. All of them, not just those in the newsroom. Use an all-page system to get in touch with those on pagers. Give everyone a special phone number to call in case they can't be paged, or create a phone tree to get the word out. Give everyone an assignment and a place to report in the event of a disaster. Create on-call schedules to cover your newsroom at all times.

- **Prepare personnel.** Assign reporters according to expertise and coverage areas, like medical, consumer and public safety. Include sales and traffic department employees in your planning—they can answer phones, plan meals and so on.

- **Practice the plan.** Review the plan every six months or so, and update it as needed. Discuss it at meetings, to be sure it's fresh in people's minds and that new staffers are aware of what it entails. Then, practice it on a regular, unannounced basis to find out what works and what needs work.

- **Look beyond the plan.** Your staff may see a lot of death and destruction. Plan to bring in counselors, or offer outside counseling. Encourage people to talk about what they've been through. Think about how the newsroom will get back to normal when it's all over.

As you will hear from the news directors on this panel, many stations, especially those in cities that have been the subject of terrorism warnings, are making these kinds of plans. Let me share with you a note I received from Dianne Doctor, senior vice president and news director at WCBS-TV in New York City.

She wrote: "On September 11th, 2001, WCBS TV was the only major television station with a back-up transmitter high atop the Empire State Building in New York City. Early that morning, no one here imagined how fortunate we were—and how millions of viewers would be dependent on our station for a lifeline.

That morning, it was business as usual at the local television stations in New York City. Some of us were busy covering the day's big story: a primary election. Crews and reporters were deployed at various voting precincts throughout the city.

The first word of the attack blared through police and fire department radio scanners at assignment desks. At 8:46 a.m., a plane had struck the North Tower of the World Trade Center. The picture, first shown on the network of fixed traffic cameras, showed black smoke billowing from a hole in the side of the building. There were few flames, and the initial report was this was a single small plane. Television station assignment desks swung into action, dispatching scores of reporters, photographers, and microwave transmission trucks, towards lower Manhattan. Newsgathering helicopters launched from the New Jersey airports and landing pads where they'd set down after their early morning duties. It was a MAJOR story—but in those first few minutes, none would imagine the horror that was to follow.

When the second plane struck the South Tower at 9:03 a.m., there came a barrage of terrifying, conflicting reports into the newsroom. The Pentagon was under attack. The White House had been struck. There were more planes headed into New York City. They would be shot down. None of this information could be officially confirmed. Cell phone service in the city was spotty, or nonexistent. Every person of official capacity was involved in combating the fire, evacuating the towers (and ultimately much of Lower Manhattan), securing the neighborhood. There were panicked phone calls to newsrooms from people trapped inside the towers. Was it better to break the windows—they asked—as their offices filled with smoke? We struggled to find the correct answers for them and coherent facts for our viewers.

Mostly, newscasters reported what was on the screen in front of us and the rest of the world; two giant towers were burning—showering the streets with fiery debris.

At 9:50 a.m., when the South Tower collapsed, the wall of dust and debris formed a huge cloud that blocked our view of the unfolding chaos. But when the North Tower went down shortly afterwards, there was no confusion about what had happened.

With cell phone service interrupted, we lost the ability to communicate with field crews and reporters. They were all somewhere in the area of the giant black cloud. All of the local stations lost contact with their transmitter sites—their broadcast antennas were located on top of the North Tower. Six engineers manning their posts lost their lives, including Isaias Rivera and Bob Pattison from WCBS-TV. [Gerard “Rod” Coppola of WNET-TV, Donald J. DiFranco of WABC-TV, Steven Jacobson of WPIX-TV, and William V. Steckman, Sr. of WNBC-TV were the other engineers who died that day]

The over-the-air signals of all New York City’s major broadcasters were gone. Only WCBS-TV, which maintained an equally powerful transmitter on the Empire State Building, was able to return to air within a few seconds. As a result tri-state television viewers without cable or satellite television had only one major broadcast news outlet to watch for all their vital information.

As the crisis continued, Manhattan was ‘locked down’ by police. We could not move our crews in or out of the city. Moving around within the city was slow. Large parts of lower Manhattan were off limits.

Despite all these obstacles, we prevailed. In the hours and days that followed it was apparent that during the World Trade Center attacks, all of the local news media provided a vital public service. We were a calming voice in a nervous city, a lifeline, a resource for frantic relatives, rescuers and the rest of the viewing public.

We provided phone numbers for counseling agencies, a schedule of prayer services, a list of places where blood could be donated.

We broadcast Mayor Giuliani and Governor Pataki’s frequent press conferences updating the progress of the search—advising us of other terror alerts.

Our web pages became a massive community bulletin board filled with pictures of the missing.

Gradually, we recorded New York’s return to the ‘new normal.’

We learned much from those first few hours after the world’s worst terror attack. Our fragile communications system which relies primarily on cell phones is extremely vulnerable. Official information is scant. Rumors are rampant. Power and other vital systems are often affected. Our ability to broadcast may be impaired by unforeseen circumstances. Our crews and reporters, who instinctively rush towards a breaking news event, may be unknowingly putting themselves at risk. The anthrax attacks that followed 9/11 brought this point home again.

Three years later, we have worked to put contingency plans in place that reflect some of these lessons. WCBS has a back-up broadcast antenna that would continue the station’s over-the-air signal in the event that the Empire State Building transmitter was not functional. At our station, we have a fully tested back-up generator-based power system. We maintain broadcast bureaus in Westchester and New Jersey that could become a base for many employees if our New York City newsroom became inaccessible. We have a two-way communication system that could be used if cell phones are inoperable. There is a direct fiber communication link between City Hall and the city’s television stations. We have reinforced our relationship with our radio partners, to pool our resources if necessary. Some of these changes also come as a result of the August 2003 blackout, which forced us to rely on back-up power systems for sustaining coverage. We have also worked with our employees to review emergency procedures, and continue to revise and update these plans.

We have taken the lessons of 9/11 seriously. While no one can predict when the next terrorist incident will occur, there is no doubt that those of us who managed newsrooms during those months are better prepared to cope with the next emergency.”

The planning Dianne Doctor describes is beneficial to news organizations in dealing with any kind of emergency-weather, earthquake or power outage. But since September 11, we have all had to think about preparing for a new kind of disaster. With any luck, these plans will never need to be used in a real crisis. But since that terrible tragedy three years ago, we know no one can afford to risk going without one.

Mr. SHAYS. Thank you very much.
Mr. Caputo?

STATEMENT OF GREGORY CAPUTO, NEWS DIRECTOR, WGN-TV, CHICAGO, IL

Mr. CAPUTO. I thank you very much for inviting me to testify. My name is Greg Caputo. I am the news director at WGN Television in Chicago.

WGN has been on the air in Chicago for 56 years. The station has a rich history and tradition of providing live coverage of events ranging from politics to disasters, breaking news and weather stories, civic ceremonies and sports.

In fact, the first regularly scheduled program on WGN, back on April 6th, 1948, was a 30-minute newscast.

WGN now produces six hours of local news each weekday and one hour a day on the weekends.

We are on the air for four hours in the morning, one hour at midday and a final hour at 9 p.m.

In addition to our local signal in the Chicago TV market, our news at noon and at 9 are carried on the WGN Superstation, which is on cable systems throughout the country. The Superstation is currently available in 63.7 million households.

These 32 hours of news each week demonstrate both a commitment and a responsibility to our viewers. We know they rely on us each day for the news. And we know they have a right to expect us to be there at any time with the latest warnings and information if an emergency is imminent.

We are owned by the Tribune Company which in Chicago also owns newspapers, a local 24-hour cable news service, a radio station and Internet sites. These business siblings allow us to have a robust contingency plan to stay on the air in the event of trouble.

As you know, our CEO, Dennis FitzSimons, chaired the Media Security and Reliability Council which was formed right after 9/11 to begin the examination of some of the issues now being addressed in this committee.

The conclusions and recommendations of the MSRC indicate that more work needs to be done to ensure that all Americans are served during a time of crisis and disaster.

The RTNDA has taken steps to begin this work, sponsoring seminars around the country to discuss disaster planning in concrete terms, applicable to the newsroom environment.

These seminars are valuable learning tools, as well as reminders of what we and the local TV newsrooms need to do.

Our responsibility is two-fold. We must stay on the air. And we must have the latest, most accurate information for our viewers.

To handle the first responsibility, our station has a written plan outlining the steps we will take in the event of a disruption. We have backup power systems, backup transmitters, backup communications, backup broadcast facilities. And in some cases, our backups also have backups.

I mentioned our 24-hour cable service a minute ago. That is one of our backups. And their facility is located in a western suburb of Chicago.

Our station is on the north side of the city. The cable station has all the resources needed to allow us to broadcast from there upon nearly a moment's notice.

We also have a more limited backup facility located in the Chicago Tribune building in downtown Chicago. We have micro-wave receivers located both in downtown Chicago and in the suburbs. All of these sites are capable of taking in our micro-wave signals and turning them around to whichever transmitter or broadcast facility we need to use.

Our satellite truck can be placed anywhere out of harm's way to provide coverage. And we have our own helicopter on call 24 hours a day, equipped with transmitters and broadcasting equipment.

None of this will matter, however, unless we also succeed at the second responsibility I mentioned, that we have the most accurate and up-to-the-date information and up-to-date information for our viewers. In times of crisis, getting critical and life-saving information to viewers is the most important job we have.

For example, the city of Chicago has built a sophisticated communications center known as the 9/11 Center. It has become the hub of information during any major disaster coverage. News media in Chicago know that when a disaster strikes, the main sources of information and warnings will come from there.

The stations have worked with the city to have the ability to provide live coverage from there with the minimal amount of warning. This allows city and state officials with important information nearly instant access to the airways.

Live coverage from the 9/11 Center is one way of making sure we serve our viewers.

Utilizing technology for automated warnings is another.

Participating in the Amber Alert system is a third.

Keeping a list of experts and analysts to explain complex and frightening events is yet another. We have such lists, and we keep on retainer military and terrorism experts who regularly appear on our newscasts.

In addition to explaining a particular event, these experts also serve another less obvious purpose.

Their very existence and appearances on our broadcasts reminds viewers that terrorism and its consequences are real and can hit home.

This is important, because one of the findings of the MSRC was that human beings, when faced with an awful situation regarding terrorism or disaster will attempt to disbelieve it and ignore warnings associated with it. This is human nature.

The MSRC recommendation is that the media take steps to prepare people, letting them know what might happen and what they can do about it. The appearances of these experts for discussion and analysis during non-emergency times address what they need. These discussions remind viewers what might happen.

Stations also have a natural competitive issue with each other and appear to fail to cooperate with each other at times. But one of the key findings of the MSRC is that the stations have in place such plans.

To quote a memo from FitzSimons to FCC Chairman Powell, "There is a striking symmetry to the core findings. Simply put, local market planning, coordination and sharing are the keys. To be successful, MSRC needs to engender systematic local market voluntary cooperation."

And based on some experiences that I have had in the past, that can happen.

Thank you.

[The statement of Mr. Caputo follows:]

PREPARED STATEMENT OF GREG CAPUTO

WGN Television has been on the air in Chicago for 56 years. The station has a rich history and tradition providing live coverage of events ranging from politics, to disasters, breaking news and weather stories, civic ceremonies, and sports. In fact, the first regularly scheduled program on WGN on April 6, 1948 was a 30-minute newscast.

WGN now produces 6 hours of news each week day and one hour a day on the weekends. We're on the air four hours in the morning, one hour at noon, and our final hour is at 9PM. In addition to our local signal in the Chicago TV Market (3,417,000 viewers,) our news at noon and at 9 are carried on the WGN Superstation, which is on cable systems throughout the country. The superstation is currently in 63.7-million households.

These 32 hours of news each week demonstrate both a commitment and a responsibility to our viewers. We know they rely on us each day for the news. And we know they have a right to expect us to be there at any time with the latest warnings and information if an emergency is imminent.

We are owned by the Tribune Company which, in Chicago, also owns newspapers, a local 24-hour cable news service, a radio station, and internet sites. These business siblings allow us to have a robust contingency plan to stay on the air in event of trouble.

As you know, Tribune CEO Dennis Fitzsimmons chaired the Media Security and Reliability Council formed after 9-11 to begin the examination of the issues now being addressed by this committee. The conclusions and recommendations of the MSRC indicate that more work needs to be done to insure that all Americans are served during a time of crisis or disaster. The RTNDA has taken steps to begin this work, sponsoring seminars around the country to discuss disaster planning in concrete terms applicable to the newsroom environment. These seminars are valuable learning tools as well as reminders of what we in the TV Newsrooms need to do.

Our responsibility is two-fold: we must stay on the air and we must have the latest, most accurate information for our viewers.

To handle the first responsibility, our station has a written plan outlining the steps we'll take in the event of a disruption. We have back-up power systems, back-up transmitters, back-up communications, and back-up broadcast facilities. In most cases we also have back-ups to the back-ups.

I mentioned our 24-hour cable service. That's one of our back-ups. Their facility is located in a western suburb of Chicago. Our station is on the North Side of the city. The cable station has all the resources needed to allow us to broadcast from there upon nearly a moment's notice. We also have a more limited back-up broadcasting facility located inside the Chicago Tribune building in downtown Chicago.

We have microwave receivers located both in downtown Chicago and in the suburbs. All these sites are capable of taking in our microwave signals and turning them around to whichever broadcast facility or transmitter we need to use. Our satellite truck is dual-path and can be placed anywhere out of harms way to provide coverage. And we have our own helicopter on call 24-hours a day equipped with cameras and transmitting equipment.

None of this will matter, however, unless we also succeed at the second responsibility I mentioned earlier, that we have the most accurate and up to date information for our viewers.

In times of crisis, getting critical and life-saving information to viewers is the most important job we have.

For example, the City of Chicago has built a sophisticated communications center known as the "9-1-1 Center." It has become the hub of information during any major disaster coverage. The news media in Chicago know that when a disaster strikes, the main sources of information and warnings will come from there. The Stations have worked with the city to have the ability of providing live coverage from the "9-1-1 Center" with a minimal amount of warning. This allows city and state officials with important information nearly instant access to the airwaves.

Live coverage from the "9-1-1 Center" is one way of making sure we serve our viewers. Utilizing technologies for automated warnings is another. Participating in the Amber Alert system is a third. And keeping a list of experts and analysts to explain complex and frightening events is yet another. We have such lists. And we

keep on retainer military and terrorism experts who regularly appear on our newscasts.

In addition to explaining a particular event, these experts also serve another, less obvious purpose. Their very existence and appearances on our broadcasts reminds viewers that terrorism and its consequences are real and can hit home. This is important because one of the findings of the MSRC was that human beings, when faced with an awful situation regarding terrorism or disaster will attempt to dismiss or disbelieve it and ignore the warnings associated with it. This is human nature. The MSRC recommendation is that the media take steps to prepare people, letting them know what might happen and what they can do about it. The appearances of these experts for discussion and analysis during non-emergency times certainly address that need. These discussions remind viewers what might happen.

Another plan to handle a disaster, which I have yet to mention, is for stations to help out each other, to set aside their natural competitive instincts in favor of making sure the public gets all the information possible. In fact, this is one of the key findings and recommendations of the MSRC. To quote a part of a memo from Fitzsimmons to FCC chairman Powell: "There is a striking symmetry to the core findings. . . simply put, local market planning, coordination and sharing are the keys. To be successful, MSRC needs to engender systematic local market voluntary cooperation."

I don't have to tell you how difficult this will be. But I can tell you about a situation which happened to me a few years ago when I worked at our company's station in Boston. A construction crane on a project next to our property toppled over and crashed into our building. Water lines and gas lines burst. The ceiling in much of our building came down. Water, dirt, broken beams, and the smell of gas were everywhere. We had to evacuate the building. The Fire Department ordered everything inside shut down. It was too dangerous. We were knocked off the air.

But then something remarkable happened. Every television station in Boston called to offer us help. Every one of them. Within a couple of hours we were back on the air because of a satellite and microwave link from our sister station in New York through New England Cable News, which we don't own, to our transmitter. By the middle of that day we were moving our news people to WCVB-TV which had workspace, and a spare studio and control room for us to broadcast our news. That evening, while our building was dark and deserted, our newscast was on the air. We didn't miss a beat. The cooperation of the stations in Boston during this incident gives me hope that when something really important is on the line, when lives are at stake, that we in the media will be able to join together for the common good of all.

Mr. SHAYS. Thank you very much.

Mr. Long, welcome. We have already announced your presence.

**STATEMENT OF ROBERT LONG, VICE PRESIDENT AND NEWS
DIRECTOR, KNBC, LOS ANGELES, CA**

Mr. LONG. Mr. Chairman, Ranking Member Turner, members of the committee, it is a privilege to appear before this committee to testify about the role of the news media informing the public about dangers to safety and security.

On a national level, NBC Universal has devoted substantial resources in support of FCC Chairman Michael Powell's initiatives to strengthen homeland security through the Media Security and Reliability Council.

NBC Universal personnel continue to assist MSRC efforts, which already have delivered a series of best practices for ensuring the delivery of emergency information to the public, physical security and restoration of media facilities.

NBC has also taken affirmative steps to increase Americans' understanding of public safety issues.

For example, just last week, NBC News began a series of national reports called "12 Ways to Make America Safer," dealing with topics such as how to make a family disaster plan and how to provide better security for railroad traveling.

But I am here to talk only about local television news coverage. For us, the challenge is to find ways to make what happens in the world relevant to more parochial eyes. I believe that three things are essential to that mission: resources, poise, credibility.

First, resources: We must do a lot of news and have the manpower to cover big stories.

When I was news director here in Washington, WRC, Channel 4, we expanded news to 40 hours a week, more than any broadcast entity in the city of Washington.

When the Pentagon was struck, news teams from our sister stations in Chicago and Philadelphia came to our aid.

More recently, our Miami station was able to draw on teams from all 13 other NBC-owned stations to deal with the devastation of Hurricanes Charley and Frances.

KNBC in Burbank began backing up programming feeds for Telemundo. Their network is centered in Hialeah, just outside of Miami. Should their operations fail, Los Angeles would take over and keep that network on the air.

This morning, our managing editor from Los Angeles, Keith Esparros, arrived in Birmingham to help our sister station's coverage of Hurricane Ivan.

Second, poise: Poise is about how we deliver the news. Our coverage must be calm, timely, authoritative. I believe strongly that we must report only what we can see until reliable information begins flowing.

We have only to look at the anthrax crisis and Beltway sniper killings during my tenure here to see the potential to cloud rather than clarify.

Poise is also about making good journalistic choices. When WRC discovered the license number of the car Muhammad and Malvo were thought to be driving, the decision to broadcast that information led to a tip from a citizen and an arrest within hours. This information was being withheld by the police.

To help with tough calls like that, we need to have a hot list of authorities. Every one of our markets has fine universities and laboratories and other institutions to draw on to create a crisis map.

Third, credibility: To remain the most trusted source of information in the country, local television news must get smarter and stay smart.

Traditional wisdom once had it that TV news could not report on complex social, economic and political issues; that it should focus instead on only what "Joe Lunchbucket" could touch and see. Keep it simple. Keep it relevant.

This was always a patronizing and fundamentally wrongheaded view of what journalism is about and what people expect from television news.

But it took September 11th to prove to some that the complex forces at work in the world can have a profound effect at home.

"Simple" left our vocabulary that day, and we re-learned what art and science have been telling us all along: Nothing is irrelevant.

Thank you again for the opportunity to testify.

[The statement of Mr. Long follows:]

PREPARED STATEMENT OF ROBERT LONG

Mr. Chairman, Ranking Member Turner and Members of the Committee, my name is Robert Long, and I am Vice President and News Director of KNBC, the owned and operated NBC station in Los Angeles. It is a privilege to appear before this Committee to testify about the role of the news media in informing the public about dangers to our safety and security in these difficult times.

NBC Universal, Inc., broadly supports national and local efforts to increase the safety of all Americans. These efforts are not because of a governmental mandate or federal rule. As a major broadcaster, these efforts are simply part of what our stations, like other broadcasters, do, both on a national level and as part of serving our communities.

On a national level, NBC Universal has devoted substantial resources in support of FCC Chairman Michael Powell's initiatives to strengthen homeland security through the Media Security and Reliability Council. NBC Universal personnel continue to assist MSRC efforts, which already have delivered a series of best practices recommendations for ensuring the delivery of emergency information to the public and the physical security and restoration of media facilities.

NBC, the nation's leading television news service, also has taken affirmative steps to increase Americans' awareness of public safety. The national news coverage provided by the networks of NBC, including NBC, Hispanic network Telemundo, MSNBC and CNBC, ensure that all of our viewers are aware of the broader security issues that face our country. As part of this effort, NBC also is investing substantial resources into the possibilities of new digital programming services, including new and innovative multicast informational programming, that will combine local and top national coverage. Moreover, NBC believes that such national coverage must go beyond the news items of the day. For example, just last week, NBC News began a series of national reports called "12 Ways to Make America Safer", dealing with topics as general as how to make a family disaster plan and how to provide better security for railroad traffic. This sort of national coverage directly expands the public's knowledge of what to watch for and what to do in cases involving potential emergencies.

Locally, NBC Universal's 29 English-language and Spanish-language stations have a different challenge. For *local* news, the challenge is to find ways to make what happens in the world relevant to a more parochial audience. This is a subtle and difficult kind of journalism, but a necessary complement to activities like the "preparedness fair" that our Los Angeles stations are putting together with the help of our local universities and government agencies. It involves how we choose our stories and who we select to speak with authority about the events of the day. It means putting the world into local context, because it is the intelligent thing to do and because there is no neighborhood beyond the reach of the malevolent forces at work against us. Journalists have always believed that a well-informed public is the best defense of liberty, and this axiom has never been more true than it is today.

Dealing with *results* of terror is easier. Television newsrooms know a lot about disaster, and the same rules of journalism apply whether dealing with an earthquake or an enemy attack. Los Angeles, for example, has in the lifetime of many of its citizens experienced two riots, two major earthquakes, and three of the most ferocious firestorms in history. The city has endured lurid crimes, political assassinations, gang wars and acts of violence that terrorized whole communities.

The mission of KNBC in extreme situations is threefold:

1. Stay on the air (or quickly get back on the air).
2. Show what is happening.
3. Talk only about what we can see until there is reliable information to pass along.

KNBC regularly reviews the station's area disaster plan to allow for new ideas and new technologies. The plan deals with both the mechanics and philosophy of news broadcasting. The mechanics are about our first mission—staying on the air or quickly getting back on the air. They embrace four scenarios.

1. The studio, transmitter and antenna are operational.
2. The studio, transmitter and antenna are not operational.
3. The studio is operational but cannot transmit through the antenna.
4. The studio is not operational but transmission is possible through the antenna.

We believe we have thought through these scenarios and have solutions for them that involve, or will eventually incorporate, the use of a satellite production truck, direct transmission to cable head-ends, a "studio-in-a-box" trailer parked away from our studios, and partnerships with other broadcasters who may be less affected by whatever calamity comes our way.

More important than the mechanics of staying on the air is the philosophy that illuminates our coverage. At KNBC, this philosophy begins with strict adherence to “reporting only what you can see.” This is particularly important because official statements in the early stages of a crisis may be inaccurate and misleading, and speculation by a reporter, always a bad idea, can be life threatening in a crisis. Once credible information does begin flowing, the focus shifts to context. At KNBC we have on-call experts in the following areas:

1. General science
2. Environmental science
3. Terrorism
4. Police Tactics
5. Military Tactics
6. Fire fighting
7. Earthquakes
8. Los Angeles infrastructure

When trouble comes, the appropriate expert or combination of experts reports immediately to the news director—whether he is at his normal place of business or in a field location. The job of the experts is to monitor incoming reports for accuracy and credibility, and to advise the news director on anything that falls within their purview. They stay at the news director’s side throughout the crisis with the hoped for result being that our reporting will be more accurate, less frightening, and therefore more useful.

In quiet times, these experts can help us update reports to be used in the event of a disaster, on everything from what is a “dirty bomb” to how to tell if water is safe to drink. We have assigned an executive producer the collateral responsibility of using our experts to help prepare the expository reports to be held for an emergency, and to oversee implementation of our disaster plan.

Quiet times give us an opportunity to better inform our viewers about what many consider to be the inevitability of terrorism directly affecting their lives. KNBC recently conducted a round table with the area’s top law enforcement officials to discuss the presence of Al-Qa’ida in Southern California. We have discovered gaps in security and given our viewers and web users opportunities to express their fears and concerns. The reporting we do now is at least as important as the reporting we will do in the event of a catastrophe.

I was news director at WRC here in Washington on September 11, 2001, but I was in Paris when the Pentagon was hit. Minutes before, New York’s Twin Towers had been attacked, five blocks from where my son was beginning his third day in high school. I was useless to my television station in Washington and to my son in New York, except to the degree that I had emphasized to them continuity of leadership, clarity of purpose, and individual initiative and responsibility. My son did not panic and made his way up the West Side Highway to safety, covered in ash. The assistant news director in Washington took command and guided coverage that was calm and complete.

In particular in Washington, as at other NBC Stations around the country, the coverage was both national and intensely local. A station like WRC-TV, which routinely does 40 hours a week of local news, is successful precisely because it diligently focuses on its community. Again, this is not because of a government mandate; it is because this is what our stations do, and, thanks to our people and the expansive resources and support of NBC Universal, do well.

What we relearned that day was that trouble never comes when or how we think it will; nature and our enemies are indifferent to our plans. We were reminded that it is not so much about having systems in place as it is about having a mental process in place; staying focused on our mission as information gatherers, and perfecting our craft of dispensing that information with calm and reasoned authority. It was also a lesson in looking after our own. Nannette Wilson, who was in charge until I could make my way back from France, and is now news director at NBC’s WNCN in Raleigh, saw how living through and reporting the events of September 11 and its aftermath took a toll on our journalists. She made sure that counseling was available to them and was sensitive to their need to share in editorial meetings and be kept informed of evolving plans for coverage. Nannette’s wise actions had a positive effect on our staff’s ability to maintain its professional equanimity.

A year later, we were dealing with the Beltway Sniper attacks that killed ten and again brought fear to Washington. The media had good days and bad days in its relations with the agencies that investigated those crimes. In the end, a decision by WRC to broadcast the license plate number of the suspected sniper car—information that had not been made available by authorities—led to the capture of the killers at a highway rest stop, and proved again the importance of a free and local press. It also was a vivid illustration as to how the support and extensive resources avail-

able to an NBC-Universal owned station improve local television: more resources result in not just better day to day coverage of local events, but also enhanced coverage of breaking news that is critical to the welfare of the entire community.

TV wisdom once had it that local news had to avoid complex social, economic and political issues, and focus solely on what viewers could see and touch in their own neighborhood. "Keep it simple and relevant" were the watchwords. If we gave the public anything esoteric or hard to swallow, we would drive them away. This was always a patronizing and fundamentally wrong-headed view of what people want from local television news. But it took September 11 to prove to some that the complex forces at work on foreign soil can have a profound effect at home. "Simple" left our vocabulary that day and we relearned what art and science had been telling us all along: nothing is irrelevant.

Mr. SHAYS. Thank you very much. I thank all three of our panelists.

And my intention is to basically start with Ms. Lowey, and we will have 8 minutes for each. And then Mr. Lucas. And then you, Mr. Turner. And then Mr. Dicks.

And then I will ask some questions as well. And if somebody wants to come back for a second round, we could.

Ms. Lowey, you have the floor.

Mrs. LOWEY. Thank you, Mr. Chairman. And I want to join you in thanking our distinguished panel. As we saw from reports on broadcast ratings from the previous political conventions, 24-hour cable stations are providing increasing numbers of Americans with news on current events.

In many cases, perceived or real biases in the coverage of many of these networks, such as Fox News, have attracted millions of ideologically like-minded viewers to their broadcasts.

Most of the testimony in the previous panel and this panel referred to the responsibility that news organizations have to the public. But let us face it: Not all anchors are impartial, and not all experts are without political affiliation, especially in light of the highly politicized atmosphere in which we find ourselves now, a nation at war, approaching elections, preparing for and defending against another terrorist attack.

My first question is: How can we make sure in the responsibilities do we have, that there is still a line between news and spin?

Perhaps I will just lay out all three, because they are really interrelated.

Research has shown that people are tuning into news coverage that reflects their political ideologies, that different segments of the American population no longer read or hear the same news.

How can you, as responsible people in the news industry, ensure that your coverage reflects the complexities of the issues before us, rather than defaulting to one bias or another?

Lastly, I have to admit, I was looking at the recent Pew Research study, and I guess I am among the 5 percent that gets most of my news from "The NewsHour," a little bit of CNN backing that up, and then some kind of network news in between, if I have some time.

I saw the most remarkable program a couple of months ago on "The NewsHour." It is "Mea Culpa." I do not know if any of you heard about it and saw it, but the people who were participating were really questioning each other. They almost all, to the person, acknowledged that there was a bandwagon in support of giving the president the authority to go to war.

I think The Washington Post has since done many stories about that. Anything criticizing the administration, according to the responsible reporters and representatives of our media, on the program, were documented to be on the back pages.

And we have seen a lot of analysis now, a couple of years later. And it is very distressing.

I guess it is heartening that there has been some self-examination and criticism of the media by themselves.

But if you can answer the other two questions, perhaps comment, and then on this: How does this happen? Could it happen again? And what could we do about it?

Perhaps you can begin.

Ms. COCHRAN. This subject did come up in the previous panel, and I was interested in Frank Sesno's phrase. I think he called it the politicization of the audience, of the news consumers.

And, you know, we are all dealing with that, those who are doing the more traditional, "Straight ahead, just the reporting, thank you."

You know, I think we are blessed in this country that we have a wealth of sources of information and news. And also, opinion, something that has always been a staple of print journalism, is now becoming more a part of electronic journalism as well. You have talk shows. You have people who appear on the air who come from politics or come from an ideological perspective, and so on.

But I think it is important to note in the same Pew study that you refer to: What is still the most watched and the most trusted source of news and information in this country? And electronic journalism, local television stations in particular, are the number one source of news for—in our own surveys—49.9 percent of the public.

And likewise, local television stations rank as the most trusted among the public. And they have managed to hold on to their credibility.

And I would submit to you that it is because they provide news that is relevant, that is absent spin and that is the kind of thing that ordinary citizens really rely on. And they come to have a relationship with their local stations and to depend upon them.

So I think the partisan nature that you have noted is not necessarily true in all parts of the news media.

And you have also noted the tendency of journalists to be self-critical, and that is certainly true.

I mean, we are critical of everyone else. And we also turn a critical eye, sometimes on our competitors, but also sometimes on ourselves.

There are journalism reviews that thrive. There are discussion programs that thrive and so on. And I think this is very health.

These kinds of topics are the kinds of things that we discuss at our annual convention every year, that journalists love to debate with each other. And they are debated within the newsroom.

Almost any decision that is made of a really difficult nature is one that is going to be discussed and argued about.

And that is what is very healthy about a newsroom atmosphere. And it is also something that makes it fun to be in a newsroom.

And so I guess I would say that I think one of the things that we should do as an industry is to make it clearer to the public that those kinds of debates do go on.

We need to let the public know that we do have standards and guidelines that we observe.

And we need to probably share with the public more than we do the kinds of questions that we ask ourselves and take the opportunity when we think that something has been unbalanced in our past coverage to go back and to correct the record and to say, you know, "Here is where we think we went wrong, and here is what we think is the right take on these issues now."

Mr. CAPUTO. I have a great deal of faith in the public. I believe that they see and hear a lot more than perhaps they are given credit for.

You ask, "How can we make sure that we present the difference between fact and spin?" I think that is what you said.

I think the public is pretty perceptive. Our responsibility is to make sure that we can point that out with the analysis and the commentary that we do with it by presenting the different sides and different points of view, which in local TV, I think we do.

We are in local TV, and so we do daily newscasts. Somebody on one of the panels this morning talked about the 24-hour-a-day news sites. We have had that in local TV all along.

We are constantly available to our viewers. And we all have plans to take care of them in an instant if something comes up that our local viewers need to be informed of.

The political ideology that you speak of in various networks and whatnot, I do not think, again, that is anything terribly new. It has been in the print press forever. It is part of the rich tradition of journalism in this country.

And again, I have trust in the public. They can see that for what it is, and they may watch it. But they may also learn things from that, and they may learn things from other areas of other kinds of programs that are on.

The local newscasts that we produce, we balance the various points of view, and we try to get as many points of view into an issue as we can, as a way of providing some context and some information for our viewers not only to make decisions, but to become as well-informed as they can of whatever the issues are facing the electorate that week or that day.

And as to the bandwagon in support of the war, that is a very interesting question that we all were part in that time. And somebody in one of the panels this morning talked a little bit about the legacy of Vietnam, how some of that impacts some things that are going on even today.

And in all honesty, I suspect there might have been a little of that, that there was a feeling that the government needed to be supportive in a war, or needed to be supported, and that the time to do the questioning was not right then.

I think as journalists, we are looking at what we were responsible for back then and taking some notes and some responsibilities, and we will learn from that. Hopefully, we will not have to go through anything like that again.

Mr. SHAYS. Thank you.

Mr. Lucas?

Mr. LUCAS. Thank you, Mr. Chairman.

When I came on this Homeland Security Committee, back last year, I had great hopes for what we were going to get done in a bipartisan way. But I have to talk about my sense of frustration in that it seems that this committee, one side of the aisle says everything is great, we are doing well; and the other side of the aisle says, you know, the sky is falling.

And so I think a lot of it is dismissed as just partisan banter in an election year.

But it has been very frustrating to me that we have not dealt in more candor, because everything is not all right, but we do not seem to see much of that in the media.

And I guess I would ask you as panelists, and again, I try to be as reasonably objective as possible, and I know none of us are totally that way: But do you all agree with the prior panel? I think in essence what I heard them say was that we have kind of given homeland security a little bit of a pass since 9/11, and given them the benefit of the doubt.

I would like for each of you to comment on that, starting with Ms. Cochran.

Ms. COCHRAN. We need to distinguish between coverage of a bureaucracy, like the Department of Homeland Security, and coverage of homeland security threats and issues.

I think that there is something to be said about the fact that the department itself has not received a lot of coverage at this point. It is a relatively new department. I am sure we will see some more of it.

Columbia Journalism Review, in fact, published in their newest issue, an article asking that very same question, "Where is the reporting?" outlining some stories that could be done.

But as you will hear from my colleagues here, there is a lot of reporting being done, particularly at the local level, about serious flaws or risks that are not being addressed in local communities.

Mr. LONG. At the local level, we are not dealing with these agencies, as Barbara has said. Governor Schwarzenegger has named a head of homeland security for California. We are going to get to know him. We do not.

We spend more time with our local officials, municipal officials, police officials. And we spend an awful lot of time trying to find out what does not work.

This is not in the category of aid and comfort. To anybody out there, it is very irritating to a lot of our local officials to hear about these things for the first time on the evening news.

We try to ascertain what Los Angeles's plan is, what it is for the larger area. We are talking about a huge geographic area, enormous population. What are people doing?

We are chasing them around all of the time. I think we have been very aggressive on that front.

It is very different. What national news organizations do and what we do are different things. We are dealing with the same subjects. Again, we are doing it on a more parochial level.

For us this is easier. We know these people. We deal with them every day.

Homeland Security, that agency, is a rather remote entity.

Mr. CAPUTO. In the course of a week, we are dealing with the people that are involved in the security of our area several times a day.

These are the same people that we talk to when there is an explosion of a gas line that causes a neighborhood to be evacuated.

These are the same people that will be the first responders, along with the news people, I should say, too; the news people are also part of that first response team, when a train disaster might occur.

So we are dealing with these folks at a local level quite regularly. And we have communication lines opened up to them.

We are constantly pointing out each other's flaws. I can assure you that I have had conversations with the 9/11 people in Chicago regarding some things that I feel they have done incorrectly. And they do not hesitate to pick up the phone when there is a problem with something that we are doing that might be perceived as incorrect, or perhaps, is wrong.

The Homeland Security Department that we spoke of in the hearings this morning, as Bob said, as Barbara said, we in the local media do not have the kind of relationship with them that perhaps you all do here in Washington.

We are with the folks that are at the police stations and the fire stations. And those are the people who are going to be the first ones to respond to a disaster. We have relationships with them.

And when there is some issue and something that they are doing wrong, we all work on it together.

Mr. LUCAS. Last July, a year ago, I talked to the secretary before we went home for a break to say, "What should I tell my first responders? And what is the priority?" And he said, "Interoperability of radio communications."

We had a number of application processes you had to go through, and we were supposed to set up a single application process.

To me, we still have money we have not put out because we have not dealt with that yet. I mean, that is horrific as far as I am concerned.

But getting back to a more specific thing, I think it was last May, around Memorial Day, I think the attorney general came up with this thing, where there were elevated risks. That came out of the attorney general's and the FBI office. But Secretary Ridge did not raise the color code.

How does the media deal with that, when you have one agency talking about elevated problems and homeland security? Does anyone remember that? Is that confusing?

Mr. LONG. It was certainly a challenge to the writers. We try to keep up, and can only report these things. We are a long way from the corridors of power in Washington. And we try to explain what these terms and phrases mean.

We play with the hand we are dealt. It is hard work.

Mr. CAPUTO. None of these things occur in a vacuum, though, for us. I recall specifically the time that you are talking about. And it was a bit confusing. And I think the viewers were a little confused.

What we tried to do was to explain what was going on. I do not think there is anybody that watches TV newscasts or reads a news-

paper in this country that is not aware of the general nature of threat that we have.

Our job is to keep the information coming so that they can make decisions and understand what is going on.

Whether the risk is an orange or a yellow is something that allows us to talk about it again. And part of what we do with our experts and the people that we bring in is to continue that dialogue, continue that information flow.

It is not something that people suddenly wake up one morning and say, "Oh, we were not at risk yesterday, and today we are." I think people know that we are.

Mr. LUCAS. How am I doing on my time?

Mr. SHAYS. The gentleman has one more question.

Mr. LUCAS. That is okay. I am finished.

Mr. SHAYS. Okay, the gentleman yields back. And we will go to Mr. Dicks.

Mr. DICKS. You know, I think, as we talked about today, earlier, I think the media does a fantastic job when you have a hurricane and you know it is coming, and you get all of these incredible reports, and people have a sense of what is going to happen, or after it hits, you know, the press does a good job of covering that.

I think what is frustrating here, and this is, as I said this morning, I mean, the Congress has a responsibility. And I commend our committee, as the Chairman has had hearing after hearing after hearing, which has given us a chance on the Democratic side to ask a lot of questions of the administration.

We are frustrated because we do not think this story is getting the kind of coverage that it ought to get about the gaps in security.

Now, I saw some of the NBC reporting, the national reporting on the 12 ways we could be safer. We got into container security, port security. A number of these issues are starting to be covered.

I think it is the responsibility, one, of our committee, for the loyal opposition to present to the American people the gaps in security that we see, and let the American people judge it.

But I think the press also has a responsibility—and I think it could be done at the local level—to go out and ask the hospitals: Do you have the serums? Are you ready for a bioterrorism attack if it occurred?

I mean, there is a lot out there that could be done at the local level. I mean, I am thinking of the dirty bomb scenario that we went through.

And we saw what happened when the longshoremen were locked out on the West Coast, Mr. Long. And, you know, within four or five days, the economy of the country was threatened.

Well, what happens if we do not get container security right, or we do not get port security right? I mean, the country is really being left vulnerable.

And one of the reason for it, frankly, is that we are putting all of the money into this war. I supported it.

But the reality is that we have not been able to fund homeland security because all of the money went to fund the war, all of the discretionary spending at that level.

So a lot of us here are very concerned that we are drifting as a country, that the press is somehow not as alert to this as they should be, and we are trying to raise the red flag.

We feel like we are failing. But it is a matter of considerable frustration that we cannot seem to get the attention of the administration that more needs to be done on these issues, and that more resources need to be there, more effort at the local level needs to be there.

And the press, which normally would come in and raise a lot of tough questions, does not seem to be there.

Ms. COCHRAN. Again, I think I know both these gentlemen have examples of the kinds of stories that they have done on their own stations where they are looking at the security risks locally.

One of the things that we are doing through our workshops that we are having in 10 cities is to put journalists together with scientists, local experts, public officials, so that they get some new ideas and some new resources to be able to go out and do these kinds of stories.

And we have a ton of stuff on our Web site to help people figure out what kinds of angles they could be pursuing and so on.

But there are a couple of problems.

One is, when these stories were done initially, after September 11th, news organizations endured severe criticism from officials, but also from the public, saying, "What are you doing? You are giving terrorists a road map."

And so this is a kind of reporting that needs to be approached very delicately and to be explained very clearly. I am glad to see that you are endorsing this kind of reporting, because it is very important.

The second thing is what Mr. Turner was referring to earlier, a lot of the information that is needed to do this reporting is going behind this wall of secrecy that we have talked about.

If the information about the local chemical plant, where a truck bomb could set off a disastrous leak and where the fence is rotting, it would be very easy, very vulnerable, if information like that is now off-limits, because it is for official use only or it is subject to sensitive security information regulation, we will not be able to report those stories. And the public will not get that information.

Mr. LONG. Well, I would just say this, that we are getting a lot better at looking at these issues. And we are doing it by developing our own sources of information. Journalists will not function long in a vacuum. This is anathema to what we do.

I now have a panel of 15 scientific experts, drawn from CalTech, UCLA, USC, other institutions in Southern California.

The dirty bomb scenario that you mentioned, I am hearing that the greatest risk is from flying glass. What are we doing talking about dirty bombs? You need to investigate these things.

And we are doing it with not a great deal of input from the government.

This will get hardwired in our process. This is what Barbara talks about when she says, "Keep those cards and letters coming. We are going to be getting information from somewhere, if you want to participate."

Mr. CAPUTO. I would agree with you that we need to do a better job, and we were not doing a very good job in some of these areas initially.

I think Barbara touched on some of the key reasons why.

We were all very supportive of our government. We felt there was a threat. And as Americans, we felt an obligation to be part of a solution to that.

There is also the huge amount of public outcry when some stories like that were done, as Barbara indicated. I think now we are using opportunities like this, plus in our own newsrooms, we are coming up with ways of looking at things and trying to do a better job of pointing out the shortcomings. That is part of our role that we need to pay more attention to.

In our situation, we have done stories on some shortcomings in security around the port of Chicago and around some of the power facilities. It perhaps has not received the publicity that it might have received, say, if done on a network evening newscast or something along those lines. But viewers in Chicago certainly are aware of some of those things.

We have done stories with hospitals. We have done stories with the first responders and the police and the fire about what they are up to.

We need to do more. And I think that hearings such as this one and some of the conversations that this engenders, and certainly in our company's newsrooms, and we have newsrooms in a lot of cities in this country, we will go a long ways toward doing that.

Mr. SHAYS. Thank you, gentlemen.

Mr. Turner, you have the floor.

Mr. TURNER. Thank you, Mr. Chairman.

One of the most essential elements of preserving our democracy and our freedom is to be sure that the public understands the truth.

It is frustrating to me, and I want your help. And I would appreciate your insight on why this has occurred. It is frustrating to me that a few months ago, a poll was done that said a majority of the American people believe Saddam Hussein had something to do with 9/11. A repeat of that poll was done a week or so ago. Now that number is down to 42 percent.

When such an obvious issue like that is misunderstood by the public, it causes me to wonder, where are we going wrong? Is it those of us in government who are not speaking out clearly? Is it the media that is not sharing the information accurately?

But, you know, it is so clear, having been here when we voted on the resolution to go to war, the entire debate was about weapons of mass destruction in the hands of Saddam Hussein. That is what all the briefings were about. That is what the discussion was about. That is what the debate was about. And those of us who voted to go to war, I think, did so based on that information.

And yet the public, apparently, even at that time, believed that we were going to war because Saddam Hussein had something to do with attacking America on 9/11.

Now, how did we get in that position? Those of you who are in the news business have got to have some insight on how that could happen. Because, obviously, it is a very dangerous circumstance,

particularly when we are talking about matters of war and peace, that that kind of information could so penetrate the public and that belief could be so widely held.

Could you help me? I would appreciate any of your comments or insights, because that is, to me, a very troublesome thing. And I am looking for an answer to, why has that occurred?

Ms. COCHRAN. Well, I think journalists were just as puzzled as you were by that conclusion, because, you know, that was not a story that they were reporting directly. They were not making that link in the reporting that they were doing.

But I think you have to look at what our leading public officials say and how they portray things and how the situation is cast. And I have seen stories on television, I have also seen stories in newspapers, that go back and look at statements that were made that, when reported—and statements by public officials—that, when reported, might have led Americans who were very busy and not paying that close attention to come to that conclusion.

We do a lot of things in the news media that we hope the public pays more attention to. Not all of it gets through. Not all of them are—when they are watching television, they are very busy doing lots of other things, and so it can be frustrating to the journalists also.

But, in this case, I think you have to take it back to what was being said by public officials at the time.

Mr. CAPUTO. The reporting that we do comes from the people that we talk to, and when government officials are saying things or presenting those things, we are covering that side of the story. We try to cover as many sides of stories as we can.

At that time, to the best I can recall, there was really about one side to that story. Try as we might, the side to that story was still coming from government officials on both sides of the aisle and from D.C. and from other places.

To the best of my knowledge, none of us ever presented that story, never said that. People came to that conclusion based on things that they heard or that they thought they heard. I get that a lot on very mundane issues, where people will think they heard something and then when you read them the actual text or whatever it might be, they are somewhat surprised: “Oh, okay, that is what you said. Now I get it.”

Well, obviously, in this particular case, they did not have that opportunity. This was too overwhelming for that.

Our role is to cover the news and to present the news, is to analyze it or provide opportunity for analysis by different sides and different opinions and different points of view on stories.

This particular incident that you are talking about, this particular study that you are talking about, I regret the fact that that might have been a perception that people had from any of the reporting that might have been done on TV or on radio or in the newspapers.

But the fact is, it comes from some statements or from some things that were covered, and people listened to it or heard it some way differently. And our job is to try to keep the record as correct as we can.

Mr. LONG. We cannot correct failures of public policy, misperceptions. We reported this information. We were as surprised by it as the ranking member was.

Again, it began here. And this was a debate within governing circles in this country, not in the media. We were not defining the adversary. We were reporting what was said.

And my statement earlier that, you know, we have to get smarter and smarter to keep up with this stuff and nothing is simple anymore; yes, we need to, as local news organizations, take these large issues and make them relevant to our local audiences and keep doing show-and-tell. It is very important.

But we cannot make up for deficiencies in public policy.

Mr. TURNER. Let me turn to another issue that I think may have had some impact on the issue I raised about the public's false perception that Saddam Hussein had something to do with 9/11. But it also, to me, could be an issue that could be very damaging in the event, as I think likely, we get into other terrorist incidences and explanations for them.

There seems to be a blurring of the line between news reporting and news analysis. And, to me, in some of the networks where I see that occurring, it seems to be a very dangerous trend. And I would assume that blurring of that line would be something that would be deeply troublesome to the vast majority of the members of the Radio, Television, News Directors Association.

But what is your perception on that? Am I correct that that seems to be a trend that perhaps was not with us before? And what can we do about it, or what can you do about it in policing your own profession?

Ms. COCHRAN. Well, I think that, you know, what you are touching on is the growth, in the television medium, of what began in radio; that is, talk as a form of, really, almost entertainment, but where strong political opinion is offered and then reacted to by the audience or by guests.

And I think that the—I think there is a danger that the line becomes blurry. And especially if you see a journalist who plays one role as a straight reporter in one context and then, in another context, is asked to give their opinion or their analysis which sounds an awful lot like opinion. I think that is something that I think most journalists look at with a lot of concern.

There are a lot more people who are appearing on television now who come from the world of politics rather than the world of journalism, and what does that mean?

Still, the audience seems to be able to sort these things out, from what we can tell, that they can distinguish between a show that has opinion in it and a show that is straight reporting.

I think I mentioned earlier that one of the things that we are very gratified about is that local television news not only continues to have a very large audience, but it also continues to do very well in terms of public trust. And I think that has to do with its fact-based, straight-ahead, very relevant reporting in an effort to be balanced.

Mr. SHAYS. Thank you. The gentleman's time is expired.

I would like to take the opportunity to ask some questions.

And I am going to try to be as honest as I can be about something, not as careful about maybe how I should say it. But it galled me, when we had the Iranian hostage crisis, that the news media talked about day one of America being held hostage, day two, day three, day four, day five. I felt the news media was creating the news and giving tremendous power to the Iranians.

And the best proof of that to me was, when they did not like the reporting in the news media when it got to be day 200 or day 300, they kicked you all out. They kicked all our media out. And we stopped reporting about it, and we did not have day 320 and day—and Americans stopped caring, and we stopped being held hostage.

And then what happened was they invited the news media back in, because the American public was losing interest. And we never, ever, during a world war, talked about the number of times people were held prisoner and holding us hostage that way.

I guess my point is, I want to know, when is the media creating the news, creating the story, continuing the story, and when are they contributing to just knowledge?

That is my bias about the Iranian circumstance. I have been to Iraq six times. I have been four times outside the umbrella of the military. I have spoken to everyday Iraqis. And I will tell you, I have never felt the news media has gotten the view of Iraqis on the media.

And I admit that you all are more local and national than international in, maybe, your coverage.

But I would have soldiers tell me that they would be talking to another Iraqi and having conversation, and that news truck would come, the news media would come, and all of a sudden, someone would come down from the back, shake their fist, the media would take a picture of it, and that would be on the nightly news. Because they got to watch it. And then when the media left, they would go back and have a nice conversation with the Iraqis who were there.

Or, when I was in the Peace Corps—so I want you to address those two issues, because I really feel like the media creates the story as much, sometimes, as they report it. That is my view.

I would love some comments. Not long answers, but some comments.

Ms. COCHRAN. You know, I—

Mr. SHAYS. Why don't we start the other way? Mr. Long, just, if I could, just because it is always starting that way.

Mr. LONG. Well, she is our captain.

Mr. SHAYS. No, she is your boss—you are her boss.

Mr. LONG. Yes, the way Congress works, too.

I think we are confusing the media and journalism, marketing and the message. It is not all one monolithic thing.

When "Nightline" was created during the hostage crisis, this was their banner headline. This was a way to draw attention to a brand new newscast, a new half-hour of information—a marketing decision to help deliver information.

I did not have a lot to do with covering that war.

Did we create events? I have never seen an example, in my 40-some years, of a story that I did changing the course of events—hastening, slowing. These are things we wrestle with all the time.

But if we are criticizing ourselves, are we criticizing the practice of journalism? Good journalism dictates that you do the story about the G.I. who is passing out candy and helping a local shopkeeper repair their store, just as you do about the insurrectionists. And I have seen those stories, too. Good journalism demands that.

Mr. SHAYS. Let me ask Mr. Caputo to answer the question.

Mr. CAPUTO. I think the presence of the camera always is going to change some of the dynamic of any event. The presence of three people rather than two will change the dynamic of an event. The presence of 10 people rather than eight will change the dynamic. I think that is a natural occurrence.

To the specific that you talked about, where somebody claimed that a group was talking and a camera came by and then they started raising their fists and then when the camera left they stopped, I do not doubt that that happens. But I also do not doubt that there are some sincere emotions that, perhaps, the raising of the fist represents, and that is part of our job to present that and to show that.

We do the best we can in order to make sure that whatever we show is accurate and is truthful, and we try to be as objective as we can be and as fair as we can be.

Mr. SHAYS. Yes. What this triggers is something else that I see, though. When I was in the Peace Corps for two years, I read the Newsweek international edition and Time magazine international edition.

When my wife and I came home, I swear we thought that we were going to see barbed wire around every public place. And we were shocked that it was—yes, there was unrest and there was marches and so on, but it was a part of a particular area or it did not happen all the time.

But because that is the only thing we got, because we were two years isolated, no TV or anything, just got that—and it got me thinking of this: If I looked at the local newspaper and I did not live in the community, I would have one view; but if I live in the community, I can understand that what you hear about a bank robbery every, you know, four months, was isolated. Whereas, if I just got the news and I was not there—being there, I can take the news and I can put it all in perspective. Not being there, the news has a different view.

And it got me wondering if, is there a greater responsibility to get the full picture when it is more international, when no one is there ever?

And maybe it is not sexy to talk about the umpteenth number of days that these guys went out and never encountered a problem—I am talking about our troops.

You see the difference I am trying to say? I mean, in your local media, they know, in Los Angeles and Chicago, that what you report is not a typical experience in those communities. It is an event that took place that catches their interest.

Does that make sense to you?

Mr. CAPUTO. Well, it may also be an event that not only catches their interest, but it is an event that has some significance in the community because it, perhaps, represents something else or will result in some sort of action. If it is a series of traffic accidents at

a corner, is there a problem with that corner? Those kinds of things, those are parts of what we report, and that is part of what that reporting is about.

Some of your comments remind me of something that Walter Cronkite once said: "Our job is not to report the cats that did not get lost today." I have always remembered that, because I think that our job is to report things that happen that need to be known, as painful or as sorrowful as they might be, in order to provide an informed electorate or an informed viewer.

Mr. SHAYS. But the bottom line to all of it is that it is not typical of what is happening every day in your society. You are not reporting what did not happen. But people make assumptions when you report on news overseas that that is typical of the day. And when I talk to the troops who are there and I talk to Iraqis who are there, their day is not typical of what I see on CNN or any other news that night. But then my constituents think that is typical. That is, you know, the quandary we are in here.

My time has run out, and I go to Ms. Jackson-Lee. I am going to do a second round if you do not mind.

Ms. Jackson-Lee, you have the time.

Ms. JACKSON-LEE. Thank you very much, Mr. Chairman. And I thank the ranking member for holding this hearing. I thank them because, obviously, I think all the work that we do is important.

I think that I would be remiss if I did not add, however, my concern about the need for the Select Committee on Homeland Security to both hold hearings, and more importantly, mark up important legislation that I believe needs to be introduced regarding the 9/11 Commission, the reorganization of the intelligence community and issues such as that.

To the distinguished panel, I will probably make some remarks and then ask for your comments, because I do not know if you can please all of us all the time, because I am going to wear a completely different hat almost from Congressman Shays in terms of your reporting and, frankly, fault you for, I think, buying, even at the local level and I guess disseminated by your networks, the connection and nexus that was falsely made between 9/11 and Iraq.

All of the hype was relayed, if you will, by the media, which convinced the American people that we had to support, at least, the president's stance on the attack on Iraq.

And although there was some alluding to dissent and there was some coverage of dissent, it was few and far in between. And I remember it, because I do not think individuals who were intelligently and well-informed in opposition to the war got much airtime locally or otherwise, unless they were in some kind of altercation with those who supported the war.

So, in your answers, I would just like you to recall as to how you received information during that fall debate of 2002 when there was a debate going on about the choices to be made on the war question.

Then I would like to move to the idea that I think you are very vital in disseminating information locally to secure the homeland, to secure neighborhoods, towns, counties and cities.

And I would be interested in how you discern when you should make—how we are effective in communicating to you, to give the

right kind of information, to make announcements, whether it was the alert system, where the alert announcements were coming in, or whether or not you feel you are adequately equipped to receive information if we wanted to announce that we thought a particular area was being targeted. And how would your local and your network stations and your radio stations, how would you respond to that?

I am also concerned with what we have seen in your industry over the past couple of years, and that is the multi-conglomerates, the mergers of—the gobbling up of print media, radio and television. This sort of vertical integration, if you will, I am extremely concerned about.

And I bring to your attention the Court of Appeals for the Third Circuit recently ruled on the FCC's action that would allow for more media consolidation. You have spoken about—we have discussed in this hearing about the role of media in alerting the public during disasters. An often-cited example, as I have mentioned, is this whole media consolidation.

And I draw your attention to an incident in January of 2002 in North Dakota, where all of the local stations—radio stations, I assume—are owned by Clear Channel Communications, and the lone radio employee was unavailable to respond to a train derailment and the spill of thousands of gallons of toxic chemicals.

So what do we do with this idea of the continued megasizing of media, if you will, and making sure that all segments of our community get information?

Lastly, let me say that we know—and I would not in any way make the suggestion right now; I may make it later on—that you do not report issues dealing with terror, the war or anything else on the basis of ratings. I would hope that would not be the case. And I hope that you would be eager to make sure that all information is brought to the American public's attention.

And the reason why I say that is: You can build up patriotism, which we all support and promote, but you can also build up intelligence and intelligent decision-making by the information that you generate, particularly those who deal with pictorial and hearing, because that is mostly what Americans do, they watch TV screens or they drive and listen to radio.

So, would you give me, in the last point, your sense of responsibility in making sure you disseminate information that will allow Americans to make intelligent decisions?

And I would hope that you all would comment, and I will start with Ms. Cochran. And I gave you about three major points.

Ms. COCHRAN. A lot of ground to cover. Maybe I will go in reverse order here.

You know, I think we do, certainly, feel a responsibility to cover this and other important stories. And questions of personal security, questions of community security, questions of terrorism threats are very, very interesting to the public. And so, covering these issues is something that, you know, certainly is going to be well-received and it is not ratings poison, as we sometimes say about some kinds of stories.

So it is a topic that I think all newsrooms are paying a lot of attention to and trying to build up their expertise on. And there is

an awful lot of information that has to be assimilated, news sources that have to be found, all that kind of thing. I think newsrooms are in the process of doing that now.

You mentioned consolidation. And I guess, just as today we have talked about sometimes tensions between news media and government officials, I would say within companies there is often a tension between the news department and the owners who say how much money the news department has to spend.

And I think, as we watch, those of us who are on the journalism side of the line, watch what is happening in terms of the economics of our business, I think our principle concern is an understanding that it is very important to protect the news coverage from undue commercial or other kinds of financial influences that would somehow harm that news product.

And, I think, you know, we, our association, says that the best business policy is to have a very strong news product and to not undermine the integrity of that news product. So, that is our position on that.

What happens in that is something that is certainly not in our control and something that our bosses are dealing with.

I think I talked already about the alert systems.

And then the information that—we talked about the misimpression that some Americans got about the connection between 9/11 and Saddam Hussein, and we talked about the fact that some of that is because we are reporting what the debate is in places like Washington.

And, you know, if you will remember then, the opposition party was not necessarily always in opposition. I mean, government officials were receiving the same kind of information, news media were receiving the same kind of information, and so it was harder to find dissenting voices.

And I think whenever there is a common agreement on a policy and there is not, you know, a back-and-forth, it is going to be harder to illuminate other aspects of that question.

Ms. JACKSON-LEE. The light has—

Mr. SHAYS. If you have a follow-up question—I am going to just close up, but if you would like to follow up with the other two members who are—

Ms. JACKSON-LEE. Yes, let me do this if—and thank you, Mr. Chairman. I will just be very, very quick.

If you could just pick one of those and quickly answer. I will not let you go over all of them.

And I will just throw this sentence for the record: I think one of the striking examples of whether or not we can be a media system that, you know, reports or seeks to report is the actual shut-down of the coverage of the bodies coming home as was done on Vietnam. That was done by the administration. I did not hear any media outlet contest that. And many families were not opposed to the honoring of their dead coming home, but there was a complete blackout on that. So I would just make that point on the record.

But if you would refer to the other points that I asked about—the terror question, disseminating information—and then we will close out.

Thank you, Mr. Chairman.

If you could just take one question a piece, and I will yield back my time.

Mr. LONG. Well, I was the news director here in Washington during the roll-up to the war, and frankly, we were more interested in the impact on the local economy and what would happen to local Reserve and National Guard units. That is how we chose to localize the story.

There was not a great public debate. Again, this is national news coverage, local news coverage. And we are taking the issue, an imminent war, what would it do to the Washington, D.C., area? That is how we covered it.

Ms. JACKSON-LEE. And the only thing I will say on that is, the public debate was not given air, because it was there, but we were not covered it.

But anyhow—and I appreciate it—Mr. Caputo, I think?

Mr. CAPUTO. Yes. I want to talk a second about one of the things you asked, if we are properly structured to deal with events—

Ms. JACKSON-LEE. Yes.

Mr. CAPUTO. —in the homeland security area—

Ms. JACKSON-LEE. Absolutely.

Mr. CAPUTO. —which I think is why we are here today.

The short answer to that is, I do not think so. I do not think we are properly structured. I think we are working our way there. I know in Chicago we have conversations on a fairly regular basis with the people who are the officials in charge of this. And by “regular basis,” I am probably talking like every couple of months or so.

We need to have more of those conversations. And we need, as news media—I think this was brought up in the panel this morning—we need to be able to participate a little more fully than we have in some of the exercises that are done to help test the systems of homeland security.

One of the things that we have talked about in Chicago is actually being a little more a participant in that, rather than just observers, and actually having two roles: one, to observe, and the second one, to participate.

I think that our obligation to make sure that people know what is going on and know the answer and where they need to go and what they need to do in the event that some sort of an incident or some sort of an attack override just about any other obligations that we can think of, and that needs to be worked out and continued to work on.

Ms. JACKSON-LEE. I thank the Chairman.

Mr. SHAYS. I would love all three of you, with short answers, to explain to me an experience that I went through and help me sort it out. And it had to do with the whole issue of terrorist warnings, you know, Code Yellow to Code Orange, elevated to High, and then you have Red which means you are under attack.

And in December last year, it blew me away the way the press dealt with this. This committee and others had briefings that we were aware of a terrorist attack, potentially, using a dirty weapon, targeting five cities, to be done at a high-profile event. We were also aware that there was likely to be a hijacking of aircraft from Europe.

Now, having that briefing, I found myself saying to my daughter, "If you go to Washington, do not go on New Year's night, go on New Year's Day." Because she wanted to go into New York. So I was telling my daughter—I cared about my daughter. I found myself saying to my friends, "Do not fly to Europe, because you will have to fly back."

And then I started to feel guilty, because I was telling everyone I loved and my friends how to protect themselves, and then I started having the public call me. "My school is going to Europe, what would you do?" And I would tell them what I knew.

And then I found myself saying, "Well, if that is what I know"—then I had the press say to me, "What does this mean, these warnings?" I said, "Well, it means the following," and I described to them what it means. And I was sorely criticized in the national media for that, sorely criticized because I suggested that, unless it was an emergency, I would not go New Year's night to Times Square.

Now, I realized I could have handled it better. I could have said, you know, "This is what the potential is. Make up your own mind." In other words, give them that information.

There were only two media people in the entire country, that I read, that in any way supported my telling people what the real threat was. And everyone else—just basically, I have never gotten more criticism on anything I have ever done.

When I asked the staff who heard it, they said that they would not go. They would not let their family members go, and they told their friends not to go.

So, help me sort out why I should think the way the press handled that was right. I know I could have handled it better. But what does the public have a right to know?

If the terrorists know that they are going to do it, why shouldn't the public know what the terrorists already know? And why should it have—and then when I questioned, to conclude my story, when I questioned the number-two person at Homeland Security after the event, a month later, I said, "What did we know?" He said, "I cannot tell you. It is classified. It has to be behind closed doors." Well, it was already, by then, in the media. I mean, it was an absurdity to me.

Help me sort out what you would do, as news media, on a circumstance like that? And what does the public have the right to know?

Mr. LONG. I would love to have had you on television.

Our problem with these things is that—and I do not know this scenario, I do not know who criticized you, or—we love information. I am sorry somebody picked on you. I would have put you on TV.

Mr. SHAYS. It is a big disincentive, I will tell you that.

Mr. LONG. Well, again, a problem usually with this kind of thing is, we do not know what to say beyond the color.

Mr. SHAYS. Well, let me ask you—

Mr. LONG. We go to local police authorities, they do not know. This would have been a nice bit of information.

Mr. SHAYS. So, in other words, okay—

Mr. LONG. An interpretation from a ranking member of Congress on the meaning of a warning sounds to me like news.

Mr. SHAYS. Well, let us say I did not even say it. What happens if you found out what the warning was based on?

Mr. LONG. It is a totally different—you were criticized for giving up classified—

Mr. SHAYS. What I am trying to—and I do not mean to keep my colleagues here.

What I am trying to sort out is, I believe the warnings system—you and I may have a disagreement on this—I believe the warnings system should be shared. I just believe people should know what is the basis behind them, and then people can make intelligent decisions. That is my belief.

What is your belief, Mr. Caputo? And then Ms. Cochran.

Mr. CAPUTO. I agree. We should know what is behind the warnings and we should have that information to let people make judgments based on that information. It goes back to something I said at the very beginning: I have an innate trust of people. They get information, they are able to make decisions. You made decisions based on warnings that you had about some threats that you perceived to exist. Other people had a right to make those decisions on their own.

Our obligation is to have that—our obligation is to not only, however, present that information, but then to also present it in a context that makes sense. And when we are given partial information, or not always all the information, then the context is lacking. And that is not a good thing.

Ms. COCHRAN. I agree with my colleagues. The more information that you get to explain what is behind the threat level, the better.

Mr. SHAYS. Do you mind one more? Just one more that the staff had asked about, and I think it deserves to have you respond to. In the worst case, news is no different than—in the worst case—than entertainment industry, both, you have both villains and heroes. I mean, news can be entertainment in its worst case.

When you have the news reporting on household names like Carlos the Jackal or the Meinhof Gang or Son of Sam and, you know, you almost create this, this celebrity by constantly calling them the name.

Do you feel that there is reason for the media to rethink that? Or do you think it is just part of the process? You give him a name and you start talking about him and it is every night, Son of Sam did this, Son of Sam—you know what I am saying? The guy was a blatant killer who shot people at close range. Should we be giving them names like that?

Mr. LONG. Not all of us do that. I do not think it is particularly bad. It identifies an ongoing story. That is one way to look at it. If you are trying to get some sizzle going there, if you are tabloidizing it, that is another motivation.

So for shorthand, it is not a bad idea. This is not the story you heard before, this is the next chapter. I do not mind labeling things. It is the intent. If the intent is to make this more understandable to you, to get you back into the context of the story without having to begin at the beginning, then it is probably a good thing.

If it is just to titillate you, this is not the kind of news that we do.

Mr. CAPUTO. I have taken a lot of these. I am not sure anybody sees them as heroes or as anybody other than what they are, the villains, or whatever it might be that they are. The Son of Sam is a perfect example. I do not know anybody that thought of the Son of Sam as a hero or anything other than a felon. Even law enforcement gives names to various people: the Clown Killer in Chicago—the Killer Clown, I should say, in Chicago, John Wayne Gacy.

Mr. SHAYS. I wonder what they think.

Mr. CAPUTO. Who? The law enforcement folks? I have talked to them. They—

Mr. SHAYS. No, the Son of Sam. I wonder if he began to see—

Mr. CAPUTO. I—

Mr. SHAYS. I wonder if this just perpetuates, but I guess—

Mr. CAPUTO. It is possible that it does, sir, you are absolutely right: It is possible that it does. But I think that our—you know, in the shorthand that exists in the business, I think people know what we are talking about, and I do not think it glorifies anybody, it just makes it a little easier to communicate information.

Mr. SHAYS. Well, let me thank all our witnesses. There is lots more questions that could be asked, and there may be some members who are not here who would like to ask a question of you and we hope you would be very willing to respond if they did have a question.

I thank all three of you, sir. If you want to put on the record—that may be something we should have asked that we did not that you would like to put on the record?

Well, we thank all three of you for your participation, and we will call this hearing to a close. Thank you.

[Whereupon, at 2:13 p.m., the committee was adjourned.]

FOR THE RECORD

SUBMITTED BY RANDY ATKINS, SENIOR MEDIA RELATIONS OFFICER, NATIONAL ACADEMY OF ENGINEERING, THE NATIONAL ACADEMIES

This country isn't ready to deal with a catastrophic terrorist attack, and government preparedness may not be the biggest problem. Indeed, one of the most critical parts of our infrastructure—the nation's news media—doesn't appear near the top of anyone's list of concerns. They should be of utmost concern to those responsible for homeland security.

I suspect, though, that most defense types simply regard journalists as pests at best, maybe even a threat to national security. They generally feel the media are to be avoided as much as possible and told as little as possible. But with the country's increased focus on security here at home, I think that the strength of the news media is more important than ever.

When we think of infrastructure, we usually think of tangible things that bind us together: our water supply, transportation networks, energy pipelines. The media, too, belong in this category. They are the main communication conduit to the public, carrying valuable information from one place to another. The interconnectedness of these modern infrastructure systems allows greater efficiency, but it also creates new vulnerabilities. And the news media may be the weakest link in this system.

We need to protect the media as zealously as we protect the electric power grid and nuclear reactors, and not just their printing plants and broadcast towers. Their journalists also need to be armed to work effectively as part of the nation's response to terrorism. And to do that, they need the help of the engineering and science community.

A couple of months ago, I was on a panel at a meeting of the Associated Press Managing Editors, and I began by asking who knew anything about the place where I work—the National Academy of Engineering (NAE). Not one editor in the room raised a hand, and this was a group interested in participating in a discussion about science and technology reporting. I bet I would get the same response from an audience of government policymakers.

Here's what scares me: Neither the media nor the government value the roles of science and technology as much as the terrorists do. While terrorists see Western civilization as bad, they have demonstrated both their adeptness and willingness to take from it what they need—chemicals, computers, planes. In the same way, while calling us an entertainment-obsessed culture, they use our media, too, to full advantage—counting on journalists to dramatically present the terrorists' ghastly handiwork.

Ignorance and misinformation can be as damaging to the information infrastructure of the United States as a break in an oil pipeline. It can cause paralysis among citizens, and confuse people trying to respond to a crisis. As a local police chief recently said, "You can't build a fence around a community, but you can arm your citizens with knowledge." American journalists have few precedents for these emerging terrorist threats—it's different from traditional war reporting. Organizations like mine must work hard to get good information into the hands of the media quickly in the event of any cyber, nuclear, chemical or biological attack. Journalists need instant access to trusted experts who are good communicators.

I would go so far as to argue that getting good information to the public in the midst of a crisis can be more vital than the actions of first responders. In fact, journalists are first responders. Not only do they sometimes get to the scene first, but they are the only ones focused on and able to describe the level of risk to the public. They can save lives through the efficient delivery of good information.

With today's 24-hour coverage, journalists are under tremendous pressure to say something—anything—and to say it first. Of course, this can lead to speculation, which is not always harmless. In fact, sometimes it can cost lives. This isn't just the media's problem. It's the engineering and science communities' problem, too.

At the NAE, we have wrestled with the question of how to help the media become better informed and more conscious of their importance in the event of a terrorist attack. The media, after all, are a vigorously independent bunch, constitutionally protected and—to the nation's benefit—outside of government control. So the NAE has decided to conduct a war game exercise that, for the first time, would focus on the media. The goal is to develop new communication strategies for cutting through the chaos of a terrorist attack, as well as to develop better connections between the journalists and the scientists and engineers.

I mentioned our war game idea to a major news organization, and the executives there replied that they felt they had already been tested by 9/11. Well, yes, to a

point. But next time—which we are constantly warned will come —could be worse. Accurate and efficient communication with the public during a catastrophic attack will require more technical expertise than was needed on 9/11.

Based on past experience, I know that I'm facing an uphill climb. Shortly after the Sept. 11 attacks, for example, the NAE held a daylong briefing for senior news executives from across the country on the technical aspects of various forms of terrorism. We were pleased that the TV networks sent a camera crew over for pool coverage. The crew got there early, but didn't turn on its cameras during any of the morning briefings—and the briefers included some of the nation's premier experts. The cameras were only there to record the words of the luncheon speaker, Tom Ridge. Then they left.

Too often, journalists take the path they're most comfortable with—which often means the political angle. Even during the anthrax attacks, journalists were turning to members of Congress and their staffs for technical answers.

I think that, in part, this is because politics is a form of theater, and entertainment trumps substance in the ratings. Let's face it, news is about people and personalities. I know the journalistic importance of storytelling and of doing it in compelling ways. The public, unfortunately, has been trained to have a limited and shallow attention span. If we want it to get information at all, that information must be "packaged" correctly.

The challenge—for both scientists and journalists—is to make science, technology and engineering more intriguing; to make it, whether in wartime or not, more a part of popular culture. The media don't take their role—their responsibility—seriously enough. They aren't just a business. They are part of this country's infrastructure and times have changed.

We need the media to keep challenging the government, because that friction makes us all stronger. But uninformed journalists can't effectively question authority. For example, well-meaning but misguided government efforts to classify too much information could harm national security by slowing the delivery of research results beneficial to society. And unless the public is well-informed, it won't know how to analyze the issues and know how to assess the information being provided by its leaders. Before 9/11, people like me chuckled as journalists churned out their usual ratings-grabbing fare, overlooking important stories while providing full details on the psychology behind the contestants on "Survivor." Just as terrorism was not at the forefront of many journalists' minds before 9/11, I think it's being slowly overshadowed again by today's trivial obsessions. Randy Atkins is senior media relations officer for the National Academy of Engineering, one of several independent organizations created by Congress to advise the nation on issues involving science and technology.

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