

# Jailing of Times reporter: an attack on press freedom and democratic rights

By Patrick Martin  
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In the most heavy-handed government attack on press freedom in more than three decades, a federal judge ordered *New York Times* reporter Judith Miller jailed Wednesday afternoon to force her to disclose a source to whom she had promised confidentiality. Federal District Court Judge Thomas F. Hogan took the action at the prompting of Patrick Fitzgerald, the federal prosecutor who is investigating the leaking of the name of a CIA undercover operative by a high-level source in the Bush administration.

The *World Socialist Web Site* unreservedly condemns the jailing of Judith Miller and the threats of jail against *Time* magazine reporter Matthew Cooper. We demand Miller's immediate release and the dropping of all charges. We call on all student groups, left-wing organizations and civil liberties groups to join in this demand. At stake is a fundamental question of democratic rights—freedom of the press to investigate and make public information relating to the operations of the government, activities which the Bush administration is seeking to keep secret.

The persecution of Miller is aimed at silencing any critical media coverage of the government—whether it relates to the wars in Iraq and Afghanistan, the practice of torture, kidnapping and illegal detention, the massive expansion of domestic spying, or official cover-ups of corporate criminality.

Miller was taken from the Washington DC courtroom to a nearby jail, while Cooper escaped a similar fate by agreeing to testify before the federal grand jury impaneled by Fitzgerald. Cooper had also refused to name his source to the prosecutor and had expected to go to jail, but received just before the hearing what he called “a personal, unambiguous, uncoerced waiver to speak to the grand jury” from his source, releasing him from his confidentiality agreement.

Cooper's refusal to testify had already been undercut by the executive editor of *Time*, Norman Pearlstine, who last week agreed to turn over to the prosecutor all notes and e-mails relating to Cooper's reporting. The magazine faced contempt of court charges and fines of \$1,000 a day for joining Cooper in his defiance.

The *New York Times* was not a defendant because Miller did not actually write an article on the exposed CIA agent and the newspaper had no record of her preliminary research on the

matter.

Miller could be jailed for as long as four months, the remaining life of the grand jury. She could be returned to jail for an even longer period if Fitzgerald decides to seek an extension of the investigation. Judge Hogan rejected Miller's request that she be allowed to serve her detention under home confinement or in a prison in Connecticut, closer to her family and friends. Such leniency would make her more likely to continue in her refusal to name names, he indicated.

A statement which Miller read out in court declared, “If journalists cannot be trusted to guarantee confidentiality, then journalists cannot function and there cannot be a free press... The right of civil disobedience is based on personal conscience, it is fundamental to our system and it is honored throughout our history.” She was then taken away by court officers.

The executive editor of the *Times*, Bill Keller, and the newspaper's publisher, Arthur Sulzberger Jr., both issued statements of support for Miller's stand. Sulzberger had earlier denounced the decision of *Time* magazine to cooperate with the federal prosecutor by turning over Cooper's notes and e-mails.

Miller and Cooper were sentenced to 18 months in jail for civil contempt of court last October, after their initial refusal to testify. The sentences were stayed pending appeal. Judge Hogan's order was upheld by the Circuit Court of Appeals, and last week the Supreme Court refused to hear the case, removing the last legal hurdle to the jailing of the two reporters.

The confrontation between the federal government and the press arises from the exposure two years ago of the identity of a CIA operative, Valerie Plame. Ms. Plame is married to Joseph C. Wilson, the retired US diplomat who was sent by the Bush administration to Niger in 2002 to check into a report that Iraqi President Saddam Hussein was seeking to purchase large quantities of uranium from the North African country.

Wilson investigated and found no substance to the reports, concluding instead that the allegation was based on obvious falsifications. But despite this finding, the Bush administration incorporated these claims into the allegations of Iraqi weapons of mass destruction it used to justify the invasion of Iraq. This culminated in a reference in Bush's State of the Union speech in January 2003 to attempts by Iraq to purchase uranium in Africa.

In June 2003, after the initial US invasion was completed, Wilson began to publicly criticize the administration's case for war. He wrote an op-ed article for the *New York Times* and gave television interviews which caused severe political embarrassment to the Bush administration and threatened to revive antiwar sentiment. The White House decided to strike back.

A month after Wilson's critique, right-wing columnist Robert Novak revealed that Wilson's wife was a CIA operative specializing in weapons proliferation. Citing two high-level administration sources, he wrote that Plame had urged the agency to select her husband for the Niger trip, insinuating that this week-long visit to one of the poorest countries in the world—for which Wilson was paid only his expenses—was some sort of boondoggle.

A wave of publicity followed, with numerous reporters seeking to explore both the Wilson-Plame relationship and the decision by top Bush administration officials to make Plame's name public. Cooper's article for *Time*, for instance, depicted the Novak column as an act of retaliation against political dissent.

In response to the media campaign, and pressure from Senate Democrats, then-Attorney General John Ashcroft appointed Fitzgerald as special prosecutor to investigate whether the leaking of Plame's name had violated the Intelligence Identities Protection Act, which makes it a crime for a government official to make an unauthorized disclosure of the identities of undercover intelligence personnel.

Two years on, the investigation has taken on a very different character. No Bush administration officials have been indicted, let alone jailed. Nor has Robert Novak, who served as the journalistic conduit for the political "hit." Instead, two other reporters were targeted for contempt of court charges. Miller, now in jail, did not even write an article, although she supposedly learned something of the machinations behind the Plame exposure.

Thus a case which began in response to an attempt by the Bush administration to punish dissident opinion on the Iraq war has been transmuted into a campaign to criminalize efforts by reporters to learn about and publicize government misconduct.

It was notable that Fitzgerald singled out the *New York Times* as an institution in his latest motion before Judge Hogan seeking Miller's jailing. He wrote, "Much of what appears to motivate Miller to commit contempt is the misguided reinforcement from others (specifically including her publisher) that placing herself above the law can be condoned." He added, "Mr. Sulzberger, the publisher of the *Times*, has repeatedly said the newspaper supports Ms. Miller."

Keller, the *Times* executive editor, responded, "It's chilling because it's likely to serve future cover-ups of information that happens in the recesses of government and other powerful institutions. I think that anybody who believes that the government and other powerful institutions should be closely

and aggressively watched should feel a chill up their spine today."

It is ironic that in the Wilson-Plame case the source or sources being protected are not rank-and-file whistleblowers reporting misconduct by higher-ups, but rather high-level officials who leaked information as part of a smear campaign against political dissent. But this does not alter the basic principle.

Nor is the past history of Judith Miller especially relevant. The *World Socialist Web Site* has had much to say about her discredited reporting on Iraq. She has long served as a conduit for CIA and Pentagon propaganda, as well a mouthpiece for the Iraqi exile group headed by Ahmed Chalabi. (See: "Manufacturing the news: *New York Times* report on Iraqi weapons of mass destruction"; "Jayson Blair and Judith Miller: Journalistic ethics, hypocrisy and war at the *New York Times*"; and "*New York Times* reporter Judith Miller accused of 'hijacking' military unit in Iraq".)

Miller is not, however, being sent to prison because she circulated CIA fabrications about weapons of mass destruction. She has been jailed because she refused to kowtow to a government demand that would make any independent reporting virtually impossible.

The jailing of Miller, like the theft of the 2000 presidential election, is a further demonstration of the degree to which the American ruling elite has broken with any commitment to democratic principles and procedures. The following lesson must be drawn: if this is how the most powerful section of the ruling elite conducts itself against its opponents within bourgeois politics and the bourgeois media, how much more ferocious will its methods be against opposition on the part of the working class.

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