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Josh Meyer

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MEDIA RESPONSIBILITY DURING A TERRORIST ATTACK

*Josh Meyer**

To prepare for my role as a national reporter in the bioterrorism drill at Case Western Reserve University School of Law, I read everything I could find on the proper role of the media in the event of a terrorist attack. I pored over scientific journals and the “after-action reports” produced by the government following real disasters and similar simulations and studied mountains of press coverage on the issue of bioterrorism itself. My findings were disconcerting. The problem was not that the so-called experts on the topic had scary or misinformed notions about what the press should do and refrain from doing in the event of a terrorist attack. Rather, the problem was that there was precious little discussion about the subject at all. This dearth was particularly apparent on the thorny subject of the press’s responsibility to inform the public of an unfolding terrorist incident that could cause mass casualties, and whether the press should withhold some information at the request of public health and law enforcement authorities. Participating in Case Western Reserve School of Law’s day-long seminar, *The Fifth Plague*, only intensified my concerns.

I perceived a disconnect between the law school’s drill itself and my real-life experiences in covering bioterrorism attacks and other catastrophic incidents, including the anthrax mailings in 2001 and Hurricane Katrina in 2005. Simply put, as I mentioned during the conference, everyone said the right thing in the calm comfort of the university auditorium. But when the pathogens hit the fan, all of the best laid plans and promises of

* Josh Meyer has been a staff writer for the *Los Angeles Times* for seventeen years and covers a wide range of issues—from politics and government to law enforcement—through general assignment work and investigative projects. Meyer has reported on terrorism and related intelligence, law enforcement, and national security issues for the newspaper’s Washington bureau since shortly after the September 11, 2001 terrorist attacks. His work has been included in several award-winning *Los Angeles Times* series, including “Inside Al Qaeda” which won the Overseas Press Club’s international reporting award and numerous other awards in 2002.

Meyer’s work has also garnered four top awards in investigative reporting from the Greater LA Press Club, and shared in other local, state and national awards. Among these was the American Bar Association’s Silver Gavel Award in 1996 for a series on the Los Angeles County jail system. He has shared in two Pulitzer Prizes awarded to the paper’s metro staff for coverage of the Los Angeles riots and the Northridge earthquake, and his individual work has been nominated for the Pulitzer Prize on three other occasions. Before joining the *Los Angeles Times*, Meyer worked for a series of smaller papers and spent five years at United Press International.

cooperation and full disclosure—such as those expressed by the drill participants—seem to fly out the window. Once the hypothetical becomes the actual, and the drills are replaced by reality, the relationship between government and media changes considerably, for the worse.

That is not to say the day-long exercise was not valuable or informative. Quite the contrary, the hypothetical role-playing exercise offered excellent instructive insight into what role the press should play in the event of a bioterrorism attack, how government officials may respond, and what the press should and should not disclose. The exercise was thoughtful and well-conceived, with the right players involved. It was an encouraging initiation of a necessary dialogue between the press, public health officials, the law enforcement community and other participants in anticipation of such an attack, which could happen in the United States sometime soon. In addressing the various questions of media responsibility, it is important to do so not just in the context of an actual attack, but across the whole continuum of the government's response to bioterrorism. So while I will start with my thoughts on the proper role of the media during an actual attack, I will also briefly discuss the media's equally important responsibilities before and after such an attack occurs.

In covering a bioterrorism attack, the primary role of journalists is the same one they have fulfilled for centuries when potentially life-threatening events occur: they must be the eyes and ears of the public. The media should immediately inform the populace of the attack and update citizens on all relevant developments, not merely those that the government approves for dissemination. There are a few exceptions to that rule, which I will discuss later. But for the most part, reporters should act as aggressive intermediaries, finding out everything that they can about the attack from the government or other sources. Specifically, the media's concerns should include: the nature of the attack, its potential health impacts, and the identity of the perpetrators. The media should relay this information to the public as it becomes available, and the information should be as complete and accurate as possible.

While the media surely will face resistance in trying to obtain this information, I believe that the media's aggressive lobbying for information and prompt public disclosure of it will be critically important to public health and safety. Many public health and bioterrorism experts have espoused this belief in their published comments and writings. An alert and diligent media could help to save lives, mitigate the potential for widespread panic, and help people cope in a potentially overwhelming atmosphere of fear, chaos, and human tragedy.

I have seen the media's role as the eyes and ears of the public—and the government—play out time and again in real-life scenarios. After Hurricane Katrina blew through greater New Orleans, authorities there and in surrounding areas were crippled by a near-total breakdown in communica-

tions. But they could see what was happening around their flooded city—especially in hotspots like the Superdome—by watching CNN and other televised reports and listening to radio dispatches. Access to this information facilitated coordination among the authorities. This was also true during the September 11th terrorist attacks on Washington, D.C. and New York; when communications systems are overloaded, incompatible or simply out of commission, the media's role becomes increasingly vital.

In a future bioterrorism attack, such as the outbreak of human-transmissible Foot and Mouth Disease, the media's role will be even more important, and not just as the key information provider for the public. Whether terrorists attack by spreading pathogens through the air, water, or food supply, authorities probably will not know that such an attack has occurred until many citizens begin showing symptoms of a particular disease—perhaps this will happen across a wide geographic area that transcends several local and even state health and law enforcement jurisdictions. The public (and many if not most government officials) will end up getting their information from CNN and other televised news broadcasts and from the printed press. In the days and weeks following the attack, government officials will communicate through intranets, but the public will remain glued to their television screens, radios, BlackBerry devices, and cell phone visual displays for the latest developments. Newspapers and magazines will play an important role by providing more in-depth coverage, with context and analysis from experts supplementing the reporting. The analysts can provide insight into what is happening and what they think people should do. And the all-important live televised news conferences that have become such a staple of major events in our 24/7 news cycle will play a major role too.

In reporting the details of the outbreak itself to the public, I believe the media should generally refrain from self-censorship, even if the information could cause pandemonium. During our day-long exercise, virtually all of the public health and law enforcement officials vigorously agreed with this idea; they agreed that the media has the right and the duty to disclose everything about the unfolding incident, even at the risk of causing panic. They agreed even after it was ascertained that the Foot and Mouth Disease appeared to be a strain that could be transmitted to humans, and after terrorists claimed responsibility for it. "If there were a public health threat, it would be announced," said Melanie F. Wilt, the communications director for the Ohio Department of Agriculture. The Chief of Public Affairs for the Ohio Emergency Management Agency, C.J. Couch, concurred, "We have a responsibility if there is a public health threat to say something, for public safety," Couch told the assembled participants. In fact, both Wilt and Couch said they would quit their jobs on the spot rather than follows a superior's order to suppress that kind of information.

The FBI's Cleveland Field Office Chief, Ted Wasky, was equally supportive of full disclosure: "Whether it be every fifteen minutes, whether it be every hour, [federal law enforcement and health officials should] keep feeding [the media] information that is necessary for public safety and public health." That is the way the public health system is supposed to work: experts conduct health surveillance of the public in order to detect diseases and bioterrorism attacks as early as possible and in order to mount a response. That is done through the ongoing identification, reporting, collection, analysis and dissemination of so-called "critical public health data" by public health officials, with the information going to the public as well as to health officials.

In my experience, however, the public health system does not always work this way. Public health authorities do not always act quickly to disseminate information. And they do not always intervene and take steps to control and contain an outbreak. Moreover, even if they do, they rarely disclose to the media what steps they are taking, and the reasons for those steps. Also, private sector doctors and hospitals are in many cases required by law to report certain diseases to governmental health authorities, but studies show they are notoriously lax in doing so. Once more, the media must fill that gap by aggressively pushing for such information and holding doctors and facilities accountable when they fail to report.

Law enforcement agencies are often even worse than public health officials when it comes to disclosing information to the media, particularly during potential terrorist attacks and outbreaks such as the anthrax mailings. The FBI in particular has an almost Pavlovian response to media requests for information: they refuse to provide information and often go to great lengths to ensure that even the most basic facts remain unknown to the public. Ted Wasky acknowledged this during our daylong seminar, saying he and his colleagues at the bureau have learned the hard way that if they do not share information with reporters, the reporting will still occur—but it probably will not be the whole story and it may not be even remotely accurate. Incomplete or erroneous information can induce panic, or, equally dangerous, lull them into a false sense of security. "We have learned the lessons from Katrina, [that] when you do not feed the beast they are going to go out and get fed somewhere else," Wasky said.

That was the case in the anthrax attacks, where the nation's new Secretary of Homeland Security Tom Ridge implored the media to work closely with government authorities to help get the word out to an anxious public and keep it informed. In reality, however, Homeland Security officials and the FBI engaged in a virtual blackout of officially sponsored information. That forced reporters to scramble for tidbits of information that came in the form of unauthorized leaks from government officials who often had incomplete information or, worse, their own agendas for spinning whatever information they had. The result was often contradictory informa-

tion, which in turn further confused and perhaps even jeopardized a public that did not know how to react.

During our exercise, Cleveland *Plain Dealer* managing editor Tom O'Hara said the anthrax case is only one of many that have made it harder for reporters to do their job of giving readers the whole story. "I have been dealing more with attorneys on sort of keeping reporters off the stand and out of jail more in the last two or three years than I had been in the twenty-seven years before that," O'Hara said. I agree with his assessment of the prevailing anti-media environment. But this hostility toward the media is not surprising.

The anthrax attacks came on the heels of a bioterrorism disaster drill known as Dark Winter, a make-believe smallpox attack staged in the summer of 2001 by several think tanks in order to gauge how the government and the public would respond. Governor Frank Keating of Oklahoma played himself in the Dark Winter exercise, in which many thousands of people were "killed," public order collapsed and state and federal officials disagreed over how to handle the situation and convey information. When asked what he thought of the anthrax attacks and how well the public had been informed, Keating termed it a real-life "horrific reprise" of the Dark Winter fiasco. Keating and many other experts faulted the government for parceling out far too little information, and for doing so in an uncoordinated and scattershot fashion. But among government officials, there was little discussion about working more closely with the media to prevent such miscommunication in the future. And the media itself did not raise the issue in any significant way.

Once a terrorist organization claimed responsibility for the outbreak during the drill, the media's role became far more complicated. Mr. O'Hara of *The Plain Dealer* and I tried to balance the public's right to know with the authorities' need to keep information confidential to prevent the compromise of a fast-moving criminal investigation and intelligence-gathering operation. Again, I believed that the public's right to know outweighed virtually any argument that the government would make for withholding information. This included information about who had claimed responsibility for the attack and anything else the investigation was uncovering. I said then, and still believe, that there are many instances where I would argue in favor of reporting something even if the government argued vociferously against it. For instance, if a pathogen is indeed contagious and the government has not disclosed that fact, I believe it is imperative that the public be apprised of that fact as soon as possible. .

On the flip side, as I also said during the drill, there are clearly instances when I would not report something. For instance, when law enforcement officials are poised to arrest a suspect in a bioterrorism attack and request that I refrain from disclosing that fact, I would honor that request. But I agree with Ted Wasky, who said during the exercise that withholding

information should be done only under extreme circumstances: when the disclosure of particular information could tip off a suspect; disclose a government informant's identity or endanger his or her safety; or disclose sources and methods of gathering intelligence that could strategically assist a terrorist organization. But even Wasky seemed to acknowledge that authorities and the media have inherently conflicting agendas and that they will not always agree on where to draw the line between disclosing and withholding information.

Ted Wasky emphasized the importance of law enforcement and public health authorities "becom[ing] partners with the media." He suggested, "Media needs to be your ally in this particular instance, not questioning everything you do." I agree that the media should not question everything the government does, especially when a bioterrorism attack is unfolding. But I also believe that the second most important role for the media in covering a bioterrorism attack, after informing the public, is precisely to question what the government is doing, especially if that government action does not appear to be in the best interests of the public. That higher purpose calls for digging for information the government may not even know about or that the government is intentionally withholding. It also calls for asking uncomfortable questions. For instance: Are the federal, state, and local governments adequately prepared for a bioterrorism attack? Do they have the capabilities in place to prevent such an attack, and do they have the capacity to respond to one if it occurs?

Many federal officials I have been in contact with have urged reporters not to report such weaknesses—before or during an attack—for fear of helping the terrorists by publicizing vulnerabilities that they could exploit. But I believe the media's primary role is to educate and inform the public. In this case, the media's duty is to educate the public about the status of the government's bioterrorism prevention efforts and post-attack safety net. To be sure, there is always the chance that terrorists could read such articles and get an idea of how to exploit holes in the safety net. But my experience dealing with the terrorist threat has shown that terrorists, particularly Islamic militants affiliated with Al Qaeda and related organizations, are already trolling the Internet and doing their own research into such vulnerabilities. Writing about those vulnerabilities is unlikely to offer much aid and comfort to the enemy.

On the contrary, exposing such vulnerabilities often results in the government scrambling to address the issues in a far more aggressive and immediate manner than they would have otherwise. On several occasions, federal officials have told me that articles exposing vulnerabilities in the safety net have impelled Congress into funding security projects that previously had been neglected. This happened in 2002 when Congress was dragging its feet on a White House request for \$1.75 billion in biology research aimed at protecting against bioterrorism.

Many experts credited the media for helping articulate the much-needed sense of urgency on the threat of a deadly pandemic caused by the avian flu virus. In many countries where the virus appeared, the press were not alerting the public to the threat because their governments discouraged or prohibited such reports. But the Western press aggressively documented the increases in the worldwide human death counts from avian flu as the disease gradually moved out of Southeast Asia into Europe, and, as one government scientist testified, "almost certainly our way." In August of 2005, the press performed a public service by illustrating the huge gaps in our safety net evident in the devastation and chaos following Hurricane Katrina, and highlighting the government's dismal response to it. In many cases, critics inside and outside the government said the media was irresponsible for publicizing the government's shortcomings, but I believe history has shown those reports to be overwhelmingly beneficial in terms of keeping the public informed and the government on its toes.

