

THE PRIVILEGES WAGING A “WAR” ON TERROR THEREBY ACCORDS AQAP

“Hey, William Shirer? It’s J. Edgar here. I think you’re disgusting for reporting from Nazi Germany.”

Actually, I have no idea what J. Edgar Hoover thought of William Shirer’s reporting from Nazi Germany. I don’t even know whether Hoover ever spoke to Shirer. But I’m trying to imagine what it would feel like for the FBI Director to publicly call out one of the most invaluable journalists – and after that, historians – during World War II and tell him his work was disgusting.

It’s an image conjured up by this Jack Goldsmith response to my earlier post on Jim Comey’s suggestion that the NYT was “disgusting” for giving an AQAP member anonymity to clarify which Parisian terrorists they have ties with and with they do not.

Marcy Wheeler implies that Comey here “bullies” the *NYT*. No, he criticized it and “urge[d]” it to “reconsider.” He made no threat whatsoever, and he had no basis to make one. That is not bullying. Wheeler is on stronger ground in pointing out that the USG speaks to the press through anonymous sources all the time, including in its claims about civilian casualties in drone strikes. I don’t like press reliance on anonymous sources. But I also don’t think that the U.S. government and its enemy in war, AQAP, are on the same footing, or should be treated the same way in *NYT* news coverage. (Imagine if the *NYT* said: “A

source in the child exploitation ring told the *New York Times* on condition of anonymity that his group was responsible for three of the child kidnappings but had nothing to with the fourth.”)

The *NYT* appears to think they are on the same footing and should be treated the same when it comes to anonymous sources. Comey disagrees, and there is nothing wrong with him saying so publicly. The press is immune from many things, but not from criticism, including by the government.

For what it’s worth, I actually can imagine it might be incredibly important for a newspaper to give criminals anonymity to say something like this, particularly if the newspaper could vet it. It might well save lives by alerting cops they were looking for two child exploitation rings, not one. As with the *NYT* quote, which alerts authorities that the threat is a lot more nebulous than declaring it AQAP might make it seem.

Yet Goldsmith is involved in a category error by comparing AQAP to a gang. Sure, they are thuggish and gang-like (albeit less powerful than some Mexican cartels).

But the US does not consider them a gang. It considers them, legally, an adversary in war (just ask Anwar al-Awlaki, who was killed based on such an assertion). And there is a very long and noble history of journalists reporting from both sides in time of war, through whatever means (though as with Shirer, the journalists ultimately need to judge whether they’re still able to do independent reporting). Indeed, having journalists who could make some claim to neutrality has been fundamentally important to get closer to real understanding. More recently, Peter Bergen’s reporting – including his secure meeting with Osama bin Laden – was crucially important to US understanding after 9/11, when few knew anything about bin Laden.

And the logic behind giving an AQAP source anonymity – and secure communications – is particularly powerful given that the US shows no respect for journalists' (or human rights workers' or lawyers') communications in its spying. Nor does it consider anyone "in" a terrorist group, whether they be propagandists, cooks, or drivers, illegitimate for targeting purposes. Thus, any non-secure communication can easily lead immediately to drone killing. But killing this one guy talking to NYT, however much that might make Jim Comey feel good, is not going to solve the problem of Muslims in the west choosing to declare allegiance to one or another Islamic extremist group before they go on a killing spree. Hell, if some of the claims floating around are correct, killing Awlaki hasn't even diminished his ability to inspire murder.

In the case of Yemen (or Pakistan, or Somalia, or Syria) in particular, just speaking to a journalist can put someone in grave danger. For example, I've long wondered whether problematizing the US government claims about Umar Farouk Abdulmutallab in Jeremy Scahill's book made Mullah Zabara, who at least accepted AQAP's role in his province, a target for assassination. Nevertheless, I'm grateful to him (and Scahill) for revealing Abdulmutallab was staying at Fahd al-Quso's farm, which presented a critical counter detail to some of the government's claims accepted credulously in the press.

The US government and the US public is far, far too ignorant about the people we're fighting. A little better insight into their views would help us all. If journalists have to use secure communications and extend anonymity to get that – and ethically, there may be little else they can do – then they should do that.

We are not winning this conflict, and we won't win it, so long as we try to criminalize the adversary's propaganda rather than offer a more compelling ideology than they are to those

they're successfully recruiting. And this urge for someone as powerful as Jim Comey to get snitty when the NYT reports not ideology, but information, from AQAP reveals nothing more than an impotence to wage that ideological battle.