

A PARTIAL DEFENSE OF BILL KELLER'S COLUMN ON MANNING

Late Sunday, former New York Times Executive Editor Bill Keller put up an op-ed column at the NYT website on the state of Bradley Manning's case, his perception of Manning's motivations and what may have been different had Manning actually gotten his treasure trove of classified information to the Times instead of WikiLeaks. The column is well worth a read, irrespective of your ideological starting point on Mr. Manning.

Bradley Manning has ardent supporters and, predictably, they came out firing at Keller. Greg Mitchell immediately penned a blog post castigating Keller for not sufficiently understanding and/or analyzing the Manning/Lamo chat logs. Kevin Gosztola at Firedoglake also had sharp words for Keller, although, to be fair, Kevin did acknowledge this much:

It is an interesting exercise for Keller. Most of what he said is rational and, knowing Keller's history, he could have been more venerating in his description of how the Times would have handled Manning.

Frankly, many of the points Mitchell and Gosztola made, which were pretty much representative of a lot of the chatter about Keller's op-ed on Twitter, were fair criticism even if strident. And part of it seems to simply boil down to a difference in perspective and view with Keller, as evidenced in Keller's response to inquiry by Nathan Fuller, where he indicates he simply views some things differently.

This is all healthy give and take, difference in view and sober discussion by the referenced individuals. That cannot, however, be said to be the case with a journalist on Twitter by the

name of Greg Palast. Palast blasted out this tweet early this morning:

NY Times' Keller says Manning should get prison time for the stories published by the Times! As a reporter, this makes me puke.

Palast's comment is patently duplicitous. Keller said nothing of the sort in his op-ed and a read of his piece will prove that. In fact, the closest comment to sentencing recommendations Keller got was an indication that the NYT would, as they did with Daniel Ellsberg, be pleased if any prosecution of Manning failed. I wonder if Mr. Palast even bothered to read Keller's op-ed before firing off his scurrilous missive? I tried asking him on Twitter, but without any meaningful response. Either way, it does neither Mr. Manning, nor his greater cause, any favors for supporters like Palast to engage in such patently false statements.

Which brings me to the real point of this post: Despite the quite arguable validity of many of the critiques of Bill Keller's column, as noted above, there was also actually much to like for Manning supporters. Keller stated:

First of all, I can say with some confidence that The Times would have done exactly what it did with the archive when it was supplied to us via WikiLeaks: assigned journalists to search for material of genuine public interest, taken pains to omit information that might get troops in the field or innocent informants killed, and published our reports with a flourish. The documents would have made news – big news.

Establishing that much of the same result would have occurred with a traditional news outlet as did with WikiLeaks is key to mitigation in Manning's case, whether in the case in chief as

to the espionage charge, or in sentence mitigation. But Keller went yet a step further and placed WikiLeaks within the same journalistic First Amendment sphere as the New York Times:

But if Manning had been our direct source, the consequences might have been slightly mitigated. Although as a matter of law I believe WikiLeaks and The New York Times are equally protected by the First Amendment, it's possible the court's judgment of the leaker might be colored by the fact that he delivered the goods to a group of former hackers with an outlaw sensibility and an antipathy toward American interests. Will that cost Manning at sentencing time? I wonder.

Granted, Keller could have omitted the gratuitous editorializing as to the nature of the WikiLeaks organization (it really was unnecessary), but the firm statement on the journalistic equivalence under First Amendment consideration is important for both Manning and any future consideration by the government as to prosecution of WikiLeaks and/or Julian Assange. It is an extremely important concept for both the DOJ and Judge Lind to see and understand, and for Keller and the NYT to print in the "paper of record".

Lastly, Keller blasted the espionage charge levied at Manning and his deplorable initial confinement conditions:

Once he was arrested, we'd surely have editorialized against the brutality of his solitary confinement – as The Times has already done – and perhaps protested the disturbing overkill of the "aiding the enemy" charge. (If Manning's leak provided comfort to the enemy, then so does every news story about cuts in defense spending, or opposition to drone strikes, or setbacks in Afghanistan.)

Disturbing overkill of the "aiding the enemy charge" indeed. That is exactly right and, again, it is important that Keller and the NYT are on record taking this position. Mr. Manning will not be facing a jury, his fate is in the hands of the government and Judge Denise Lind. It seems unlikely at this point that the government will reconsider the imposition of said charge, but there is time between now and the conclusion of trial to change that. A voice like Keller's, and the Times, is large in making that argument.

So, while commenters like Kevin Gosztola, Greg Mitchell, and most others, were right to take issue with some of Keller's op-ed, not to mention that Keller did occasionally engage in gratuitous editorializing that weakened his overall effect, there were several powerful positives that came out as well. The criticism is more than fair, but a measure of credit is also due.