

Why the WSWS opposes the jailing of Judith Miller—a reply to readers

Patrick Martin
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Many readers have written to the World Socialist Web Site in recent days questioning our opposition to the jailing of New York Times reporter Judith Miller, ordered by Federal District Judge Thomas Hogan after she refused to answer questions posed by special prosecutor Patrick Fitzgerald. (See “Jailing of Times reporter: an attack on press freedom and democratic rights”.)

Miller was jailed July 7 after maintaining that to testify would violate a promise of confidentiality given to a source. Fitzgerald sought to question Miller in the course of his probe of the Valerie Plame case, in which a high-level Bush administration official leaked information about Plame’s role as an undercover CIA agent, in apparent retaliation against her husband, Joseph C. Wilson, a former US ambassador who was a public critic of the White House on the Iraq war.

Below we publish some of the critical letters, and a reply by Patrick Martin.

Mr. Martin is way off base on this one.

Judith [Miller] was Karl Rove’s method of persecuting another whistle blower, the husband of CIA undercover operative Valerie Plame.

In releasing the information to Judith Miller, Rove broke the law which protects undercover overseas CIA operatives from recognition by their targets as US agents. Reporters’ “Shield Laws” do not allow them to break laws. Au contraire, they are supposed to expose lawbreaking.

Ms. Miller was not doing anything journalistic. She was participating in treason. Your open-ended call for reaction on this issue borders on the insane.

For all of the good things the WSWS does discuss and advocate, you have just lost a lot of your authority in one fell swoop.

Please regroup and retract. Admit your error before it goes too far afield, IMO.

AF

Texas

You can’t have it both ways. If you want to crack the Zionist conspiracy of those who control the media in the US and expose those who have committed a crime with the intention of frightening people in high places who have the courage to oppose the Bush Administration, then you have to be tough. You should be supporting the courts and the independence of the judiciary instead of supporting this journalist who is a lackey of the gang who control the press in USA. You’re not supporting freedom of the press, you’re supporting them.

PE

Malaysia

You’re really through the looking glass now. Defending Judith Miller? Give me a f_____ break. And reciting her self-serving defense of press freedom is beyond the pale.

Miller lied us into war and there are suspicions that she may have provided the White House with the truth about Valerie Plame rather than the other way around. Miller is a neo-con operative, not a journalist. And she is going to jail not because she is standing by press freedom, but to

protect members of the Administration from scrutiny.

MM

Brooklyn, NY

Patrick Martin unreservedly disagrees with the jailing of Judith Miller, and I simply cannot believe that he takes this position. Miller is not giving up a source who blew the whistle on crime, she’s a party to it. This “source” did not alert her to the fact that a chemical company was dumping mercury into the water supply or defrauding taxpayers of billions. No, this source outed a CIA agent, which is a treasonous felony. As a journalist, she is under no written or unwritten rules of restraint to aid or abet a felony. This has nothing to do with first amendment rights, freedom of the press, privacy, or any other issues. She is, along with Robert Novak, a party to treason.

PK

Ordinarily I agree completely with the analysis on your web site. In the case of the threat of jail time for Judith Miller, I find it a little odd that you do not see this whole drama for the farce that it is. It is worth repeating the facts of the case. First of all, Ms. Miller has clearly been a US government asset—dispensing propaganda regarding terrorism for years, and more recently, Iraq. Secondly, the person she is protecting in the Plame investigation is a high-level Bush administration political operative—all indicators point to Karl Rove. (This does matter).

It is transparent to me that the point of this phony play is to rehabilitate the reputation of our supine media, by making a first amendment hero of one the press’s worst actors. Ms. Miller’s laughing countenance yesterday should have been a tip-off for anyone watching the case that she is not taking this seriously. Also, framing the story as being about a brave reporter, instead of being about White House malfeasance in the Niger yellow cake fraud, serves the Bushies’ purposes.

When this is all over, Karl Rove will be unindicted and Judith Miller will have another book on the racks.

LG

South Dakota

In the past months I have read many reports and commentaries about this matter, and only two of them have understood what this is about. Unfortunately, you are not one of them. The usual scenario in cases where journalists seek to protect sources concerns the little guy blowing the whistle on the big guy, usually government, like Deep Throat disseminating information about Nixon and his goons. Usually, leaking information like this is not illegal, but the sources invariably have to fear retribution if they are revealed. The case regarding Joseph Wilson and his wife, Valerie, regards the government, in his case Bush’s goons, breaking federal law by revealing the name of a CIA agent, to seek retribution against Mr. Wilson for revealing the Bush government conspiracy to invent reasons to attack Iraq.

So one has to consider this: What is more important here, protecting a criminal in the Bush government or protecting people like Joseph [Wilson] who have the courage to speak out about the criminal Bush

government?

You are right, in most cases sources should be protected. But do you really think that Karl Rove should be afforded this protection? I'm extremely surprised to read that the WSWS would take this position.

JF

Mexico

Ordinarily, I would agree with you. But if she talks and Karl Rove is implicated, it would be worth it.

JE

Chicago

Patrick Martin replies

One preliminary observation: several of the letters cited above describe the exposure of Valerie Plame's CIA role as a crime, even an act of treason. The WSWS rejects this position entirely. The Intelligence Identities Protection Act, adopted in 1982, is a reactionary piece of Reagan-era legislation adopted in the wake of a series of exposés by Philip Agee.

After the publication of Agee's best-selling *Inside the Company: A CIA Diary*, which described the author's career as a US agent, mainly in South America, and his growing disillusionment and break with American imperialism, Agee and an associate, Louis Wolf, published two further volumes that consisted largely of enormous lists of CIA agents operating secretly throughout the world.

Agee himself went into exile in Cuba to avoid retaliation by the CIA, and Congress adopted the Intelligence Identities Protection Act to prevent any further exposures. The law was drafted with Agee's books in mind, and specifically criminalizes making public the names of undercover CIA agents with the intent of damaging the national security apparatus of the United States. That makes its application to the Plame affair highly unlikely, since in this case the motivation was political retaliation.

The criticisms from our readers revolve around two basic arguments: that Judith Miller is an apologist for the Bush administration who played a despicable role in peddling its fabrications about Iraqi weapons of mass destruction; and that her likely source is Karl Rove, Bush's top political hit-man, whose arrest and prosecution as a leaker would in some way advance the struggle against the Iraq war and do serious damage to the Bush White House. In our view, both of these arguments ignore the more fundamental issues: the growing attack by the US government on basic democratic rights, and the basis, in terms of political perspective and political methods, for a serious struggle against the Bush administration.

As we pointed out in our first article, the WSWS has a long record of exposing the falsifications and provocations produced by Judith Miller and published in the *New York Times*. It is no revelation to us that, as LG puts it, "Miller has clearly been a US government asset—dispensing propaganda regarding terrorism for years, and more recently, Iraq."

There has been no harsher criticism of the politics of the *New York Times*, especially on the issue of the war in Iraq, than is to be found in postings on the WSWS. But that does not lead us to dismiss the conflict between the *Times* and the Bush administration as purely for show, a mere put-up job aimed at disguising their fundamental agreement. That would be too simplistic. There are real divisions within the US ruling elite, growing even more intense as conditions in occupied Iraq continue to deteriorate.

One of the most salient features of the Bush White House and the ultra-right elements it represents is their obsessive hatred of the "liberal" media, and their systematic efforts to prevent any press exposure or even criticism of the administration's policies. The Bush administration has been the most restrictive in history in terms of classifying information—a stance it adopted, not in response to 9/11, but from its earliest days, with the closed-door meetings of Vice President Cheney's energy policy task force.

Despite efforts by liberal media outlets to adapt to the new political

climate—in the case of the *Times*, its hiring of right-wing columnists like David Brooks and John Tierney; in the case of the *Washington Post*, full-throated editorial support for the Iraq war—the hostility of the ultra-right is undiminished. On the contrary, as the Bush administration has resorted to more and more grotesque lies—over the Iraq war, the "war on terror," tax cuts for the wealthy, Social Security—it has found it all the more necessary to lash out against anyone who might reveal that the emperor has no clothes.

The cowardice and collaboration of the liberals have opened the way to McCarthy-style provocations: last fall's campaign against CBS over its report on Bush's National Guard service, which led to multiple firings, and more recently, the controversy over *Newsweek's* report on abuse of the Koran at Guantánamo Bay. In both cases, the Bush White House successfully shifted the focus from the actual events—Bush's evasion of Vietnam War combat, the torture of prisoners at Guantánamo—to certain inaccuracies in the press reporting.

The latest episode is the ongoing purge at the Public Broadcasting System, which began with the cancellation of Bill Moyers' program, continued with the censorship of the children's program "Buster and His Friends," and now is culminating with the move to install a former Republican Party operative as head of the government-funded "independent" television network.

The jailing of Judith Miller can be understood only in the context of this systematic campaign of intimidation and suppression that puts Nixon and his "enemies list" in the shade. Whatever the initial reasons for the appointment of special prosecutor Patrick Fitzgerald—by John Ashcroft, no less, which makes his supposed role as a Rove-slayer rather doubtful—the investigation has clearly been transformed into an exercise in press intimidation.

And it is having its effect. The editor of the *Cleveland Plain Dealer* announced last week that he was shelving, on the advice of legal counsel, two politically explosive investigative reports because they involved unauthorized disclosure of privileged information for which the newspaper and the reporters involved could be sued.

The attack on press freedom is only one element of a broader attack on democratic rights that extends back more than a decade. In the most fundamental class terms, the program of the US ruling elite consists of destroying the jobs, living standards and social conditions of working people in order to enrich an already unbelievably wealthy layer at the top of American society. This program cannot, by its very nature, be enacted democratically. It requires the methods of back-room conspiracy and provocation which increasingly characterize American political life, going back to the bogus Whitewater investigations of the Clinton era, culminating in impeachment, followed by the theft of the 2000 presidential election and the cover-up of the circumstances surrounding 9/11.

Those longtime readers who now criticize the WSWS for defending Judith Miller should review what we wrote at the time of the Clinton impeachment and the Florida election crisis. We opposed the impeachment and removal of Clinton as an anti-democratic campaign by the Republican right to overturn the result of two presidential elections. We opposed the hijacking of the 2000 election through the intervention of the Supreme Court to suppress ballot-counting in Florida.

In both cases, the WSWS rejected the notion that socialist political opposition to Clinton and Gore meant that we should be indifferent to the issues of democratic rights that were directly at stake.

We opposed those, like journalists Alexander Cockburn and Nat Hentoff, who suggested that Clinton's ouster should be welcomed because of his reactionary policies, whether his bombing of Iraq, his gutting of welfare, or his attacks on civil liberties. We opposed those like Ralph Nader who adopted a "plague on both houses" approach to Florida, because there were only marginal differences between the programs of

Gore and Bush.

Our position in no way implied political support for the Democratic Party. On the contrary, we exposed the Democrats for their cowardice, and insisted that the refusal of Clinton and the Democrats to directly fight the impeachment conspiracy and reveal its political sources demonstrated the unwillingness and inability of any section of the political establishment to defend democratic rights. We made it clear that by capitulating to the right-wing campaign, the Democrats were paving the way to the establishment of the most right-wing regime in US history—a warning that has been amply vindicated by the record of the Bush administration.

We condemned Gore for his acquiescence to the Supreme Court in December 2000. Gore did not defy the court and seek to mobilize the public against its decision, because that would have risked precipitating an enormous political crisis, with potentially revolutionary implications. Instead, as he made clear in his concession speech, he voluntarily relinquished his claim to the presidency in the interests of preserving the bourgeois order and maintaining the court's authority.

Bound up with this difference on the fundamental question of the defense of democratic rights is the political perspective of our critics, who generally despair of mobilizing the masses against the Bush administration, and therefore look to other methods as shortcuts—like the investigation by Fitzgerald. Reader JE sums it up, arguing, “if she talks and Karl Rove is implicated, it would be worth it.”

Let us think through the implications of this assertion. If Karl Rove, an essentially interchangeable spare part in the machine of reaction, is implicated, the sacrifice of the principle of press freedom would be “worth it”? The Bush administration, shorn of Karl Rove, would find some other political thug to take his place. The most reactionary sections of the ruling elite ensure a ready supply of such operatives, financing their training in the College Republicans, the Young Americans for Freedom, and other right-wing groups.

What is being given up to achieve this negligible result, the replacement of one Rove by another? We would be handing the capitalist state a most powerful weapon, the right to throw journalists into prison for doing their work. Whether these journalists are hacks or heroes is not the issue. Readers of the WSWS know into which category we would place Miller. But the precedent set in the Miller case, the most egregious violation of the First Amendment since Nixon's attempt to block publication of the Pentagon Papers, will make it far less likely for individuals to come forward with information damaging to the state and make it available to the press.

The fixation on Rove grossly exaggerates his significance, while obscuring the central political tasks of the socialist movement. The critical issue facing the working class is not the removal of Rove, or Bush, or any other individual political figure, but the transformation of society.

The perspective of socialism is based on the independent mobilization of the working class—the great majority of the people—in the United States and internationally against the profit system. This is inconceivable without an enormous growth in political consciousness, the product of both objective events (wars, social, economic and political convulsions) and subjective efforts (the work of the WSWS, the Socialist Equality Party and its co-thinkers in the International Committee of the Fourth International).

Another critic, PE, declares, “[Y]ou have to be tough. You should be supporting the courts and the independence of the judiciary, instead of supporting this journalist who is a lackey of the gang who control the press in USA. You're not supporting freedom of the press, you're supporting them” (i.e., the Bush administration).

We faced similar criticism during the impeachment crisis, when one of the House impeachment managers, Congressman Henry Hyde, was exposed by the online magazine *Salon* for a 20-year-old affair with

another man's wife. We rejected *Salon's* claim to be “fighting fire with fire” against the sex-obsessed Starr investigation. Arguing that the mutual mudslinging about the private lives of politicians could only obscure, not clarify, the critical political issues posed by impeachment, we wrote:

“There is a definite relationship in political life between means and ends. The means employed by reactionaries are very different from those required to politically educate and mobilize working people. Reactionaries necessarily employ filthy methods because their aim is to debase public opinion, appealing to the lowest instincts and most backward prejudices. A struggle to arouse the people to fight for democratic principles and social progress necessarily appeals to the intellect, the sense of justice and fairness, the spirit of self-sacrifice and collective solidarity.”

The WSWS is irreconcilably opposed to the politics of Judith Miller, but we do not gloat at the sight of her being dragged off to jail. Nor are we indifferent to the fact that she is being jailed, not for publishing lies about the war in Iraq, but for refusing to reveal the name of a confidential source.

JF, who closes his e-mail describing himself as “an otherwise avid reader,” poses the issue in the following terms: “You are right, in most cases sources should be protected. But do you really think that Karl Rove should be afforded this protection?”

This entirely misrepresents the principled legal and constitutional question. It is not a matter of the democratic rights of Rove, but of the freedom of the press and the democratic right of a journalist, including even Judith Miller, to protect the confidentiality of her sources. As the example of Watergate shows, these sources can themselves be vicious reactionaries, who nonetheless find themselves compelled to reveal information about the criminal activities of those around them.

W. Mark Felt, the deputy FBI director during Watergate, was recently revealed to have been “Deep Throat,” the key confidential source for the reporting of Bob Woodward and Carl Bernstein during Watergate. His motives were no doubt of a questionable character. A protégé of J. Edgar Hoover, he was largely concerned with defending the independence of the FBI, and possibly advancing his own career to obtain the top spot in the agency. He was later convicted on a charge of organizing illegal break-ins against families of suspected members of the Weathermen, the same crime perpetrated against the Democratic National Committee offices in the Watergate complex in 1972.

There is another comparison worth considering. During 1998, when the Starr investigation triggered the impeachment of Bill Clinton, *Washington Post* reporter Susan Schmidt became notorious as a conduit for leaks of information from Starr's office that were damaging to the Clinton White House. Several of Starr's aides were accused of illegally revealing secret grand jury testimony to Schmidt and other reporters, and, in a different political climate, could have faced prosecution on felony charges. Even though criminal sanctions might have been fully justified against the leakers, the WSWS would have adamantly opposed any effort to prosecute Schmidt or other recipients of the leaks for their role in making this information public.

Socialism and the struggle for democratic rights are inseparable, notwithstanding the anti-communist smears that utilize the crimes of Stalinism to equate socialism with tyranny. The development of revolutionary political consciousness among broad layers of working people and intellectuals can take place only through intense political discussion and reflection involving millions of people, a process which requires the most vigorous exercise of democratic freedoms, including freedom of the press.





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