NEWSPAPER AND NEWS MAGAZINE COVERAGE
OF THE USA PATRIOT ACT
BEFORE IT WAS PASSED INTO LAW,

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Abstract


Newspaper and News Magazine Coverage of the USA PATRIOT Act Before It Was Passed Into Law, September 11, 2001—October 26, 2001. (137 pp.)

Director of Thesis: Joseph Bernt

This study examined print news media coverage of the USA PATRIOT Act before it was passed into law. Seventeen publications, including fourteen top-30-circulation newspapers and three news magazines were selected to represent American print news media. This three-part content analysis examined:

1. **Sourcing:** The use of sources in news stories through direct and indirect quotation. The incidence, opinion, direct quotation, and prominence of various sources were analyzed to compare the use of government and non-governmental sources in the coverage.

2. **Framing:** The aspects of the legislation that were highlighted by the coverage, and the aspects of the legislation that were overlooked or underplayed. The most frequently used frames of coverage were counterterrorism, government powers, civil liberties, privacy, and non-citizen issues.

3. **Editorial treatment:** The tone (supportive, critical/cautionary, or mixed/ambiguous) of the editorials was examined overall, and over time. The framing of the issue in editorial coverage was studied and contrasted with the overall framing trends in coverage.

Approved: JOSEPH BERNT

Professor of Journalism
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Chapter 1: Introduction

The USA PATRIOT Act was signed into law by President George W. Bush on Oct. 26, 2001. The 342-page bill was approved with a vote of 357 to 66 in the House of Representatives, and 98 to 1 in the Senate. No Congressional review was conducted; and no House, Senate or conference report was prepared prior to its enactment. Key alterations made to the bill by the Senate and House Judiciary Committees were expunged at the last moment. Senators and Representatives were hardly given sufficient time to read through the bill before voting on it.

Under pressure from the Department of Justice to act swiftly and decisively on the matter, the House and Senate versions were reconciled, and hastily rushed through on Oct. 25, 2001. The next day, in a White House ceremony, the president affixed his signature on the new, compromise bill. The proceedings for the enactment of this legislation were completed in less than six weeks. The “Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism” (USA PATRIOT) Act of 2001 had an unusually rapid and smooth passage.

The circumstances under which the bill was presented to and approved by Congress may provide an explanation. Just 45 days prior to the passage of the Act, four trans-continental airplanes were hijacked simultaneously. Two were flown into the twin towers of the World Trade Center (WTC) in lower Manhattan; a third, into the Pentagon building in Washington D.C.; and a fourth.

2. Ibid.
3. Democratic Congressman John Conyers is quoted in the Village Voice as having said on C-Span that “only two copies of the bill were available to his side of the aisle.” Nat Hentoff, “Terrorizing the Bill of Rights: Why Should We Care? It’s Only the Constitution,” Village Voice, Nov. 10, 2001.
4. EPIC, “The USA PATRIOT Act.”
crashed into a field in Pennsylvania. The Sept. 11, 2001 death toll from the attacks on New York City and Washington, D.C. totaled nearly 3,000.

The unprecedented attacks shocked the country, not only because of their sheer enormity, but because the perception of impenetrability of the United States was irrevocably shattered. That there were people who had the means and the motivation to orchestrate such an attack was brought home painfully. Nine days later, in an address to the nation, President Bush declared that the United States was at war—not with a country, but an organization: al Qaeda, a conglomerate of several terrorist groups that were behind the bombings of the World Trade Center in 1993, the U.S. embassies in Kenya and Tanzania in 1998, and the USS Cole off the coast of Yemen in 2000.

The leader of al Qaeda, Osama bin Laden, had connections to the U.S. that dated as far back as the Cold War. The son of a wealthy Saudi Arabian family of Yemeni origin, Osama bin Laden became a CIA protégé in 1979, when he traveled to Afghanistan and joined the U.S.-backed Afghani resistance against Soviet forces occupying the country.

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5. American Airlines flight 11 and United Airlines flight 175, both from Boston, crashed into the WTC towers at 8:44 a.m. and 9:03 a.m. on Sept. 11, 2001. American Airlines flight 77 from Washington, D.C., hit the Pentagon at 9:37 a.m. United Airlines flight 93 crashed in Shanksville, Penn., at 10:10 a.m. Nafeez Mosaddeq Ahmed, The War on Freedom: How and Why America was Attacked, September 11, 2001 (Joshua Tree, CA: Tree of Life Publications, 2002), 144–164.

6. Initial estimates were much higher, as Eric Lipton of the New York Times describes: “The number tumbles. First 6,700, then 5,000. Down, down, down, 4,500, 4,000, now 3,300. The death toll in the World Trade Center attack keeps falling as officials refine their count. When they are finished, the toll will be much smaller than anyone anticipated, probably about 3,000, less than half the number that made headlines in the weeks following the attack.” Eric Lipton, “A New Count of the Dead, But Little Sense of Relief,” New York Times, Dec. 2, 2001. As early as Sept. 12, the Fox News Channel put death toll estimates at 10,000. The New York Times and the Washington Post were more conservative, with Sept. 14, 2001 estimates in the region of 5,000.


9. Ibid.
After the Soviet withdrawal from a war-crippled Afghanistan, a decade later, bin Laden’s ire turned toward the West, particularly toward the United States and its allies in the Middle East. Bin Laden’s criticism of the Saudi Arabian government for cooperating with the United States resulted in his expulsion from Saudi Arabia and the termination of his citizenship. Osama bin Laden lived in Sudan for five years, and then relocated to Afghanistan, under the auspices of the Taliban.

The Taliban had emerged as a powerful Islamic fundamentalist faction in post-Soviet Afghanistan. In 1996, under the leadership of Mohammed Omar, the Taliban captured Kabul. The former president, Mohammed Najibullah, was executed. Omar instituted the Islamic sharia law in the country, adopted the title of “mullah” and declared himself Spiritual Leader of Afghanistan.

The new regime’s poor human rights practices only served to alienate them from the international community. On a 1997 visit to Afghanistan, the European Union’s Commissioner for Humanitarian Affairs, Emma Bonito, sharply criticized the Taliban’s policies towards women, education, healthcare, basic rights and civil liberties. The United Nations refused to recognize the Taliban as the legitimate government of Afghanistan, and allotted the country’s UN seat to the

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10. “The war left Afghanistan with severe political, economic, and ecological problems. More than 1 million Afghans died in the war and 5 million became refugees in neighboring countries. […] Economic production was drastically curtailed, and much of the land laid waste.” Ibid.

11. Ibid.

12. “Saudi Arabia’s rulers feared that, with his vast financial resources, bin Laden would start a radical Islamic movement to fight the corruption of the monarchy, and use veterans from the war against Russia in his endeavor… [He was] stripped of his Saudi nationality in April 1994 after having sharply criticized the ruling monarchy and its submission to the United States.” Osama bin Laden and the Saudi Sunni fundamentalists were unhappy with the Saudi royal family, and accused the Americans of “contaminating their homeland and the sacred sites of Islam.” Jean-Charles Brisard and Guillaume Dasquié, Forbidden Truth: U.S.-Taliban Secret Oil Diplomacy and the Failed Hunt for Bin Laden (New York: Thunder’s Mouth Press/Nation Books, 2002), 25–26.

13. Ibid.


15. Ibid, 24.
Taliban’s main adversary, the Northern Alliance, led by Burhanuddin Rabbani. When the American embassies in Nairobi and Dar es Salaam were bombed in 1998, the United States retaliated by shelling al Qaeda training camps in Afghanistan, and an aspirin factory in Sudan. Mullah Omar denounced the attacks, and announced that his regime was sheltering Osama bin Laden. In December 2000, two months after the attack on the USS Cole, the United Nations imposed economic sanctions on Afghanistan.

The new American administration led by George W. Bush, Jr. reopened bilateral negotiations with the Taliban, offering attractive economic remunerations in exchange for the extradition of Osama bin Laden, but to no avail. As of July 2001, the Taliban steadfastly refused to hand over bin Laden, repeatedly assuring the U.S. that it would “never allow anyone to use [their] soil for attacks against Americans.” Two months later, four planes were hijacked by al Qaeda operatives, two of which were flown into the World Trade Center and one into the Pentagon. The U.S. bombing of Afghanistan began on Oct. 7, 2001.

Meanwhile, back home, the Bush administration scrambled to put together measures to counter terrorism and prevent future attacks. The checks on the powers of law-enforcement and intelligence agencies were dramatically reduced. Policymakers were reluctant to impede (or be seen as

17. Ibid, 28.
20. In an interview given to TV reporter Bakr Atiani in June, 2001, Osama bin Laden and his aides “delivered a message that was direct, clear and chilling. ‘They said there would be attacks against American and Israeli facilities within the next several weeks,’ recounted Atiani … ‘[I]t was absolutely clear they had brought me there to hear this message.” Pamela Constable, “In Bin Laden's Lair, Small Talk and a Warning,” Washington Post, July 8, 2001.
impeding) the crusade against world terrorism. As early as Sept. 16, 2001, U.S. Attorney General John Ashcroft had the blueprint for a drastic anti-terrorism bill in place. Within two months of the attacks, legislators ushered in, among other terrorism-related bills, the USA PATRIOT Act of 2001.

The earliest news media references to an anti-terrorism bill in the making appeared within a week of the WTC-Pentagon attacks. The drastic Mobilization Against Terrorism Act (MATA) was proposed by the Department of Justice as a response to the attacks. In a joint statement with FBI Director Robert Mueller on Sept. 17, 2001, Attorney General John Ashcroft urged members of Congress to expedite the passage of the bill in the making:

Now, we will be working diligently over the next day or maybe two to finalize this comprehensive proposal, and we will call upon the Congress of the United States to enact these important antiterrorism measures this week. We need these tools to fight the terrorism threat which exists in the United States, and we must meet that growing threat. [Emphasis added.]

22. Georgetown University Law Center professor David Cole describes the mood among legislators during times of emergency: “In the midst of security crises, government officials often see rights protections as little more than obstacles to getting the job done. …In such periods, Congress tends to want to be seen as having done something, and readily passes laws giving government more power, whether or not those powers are appropriate or necessary to greater security.” David Cole, Enemy Aliens: Double Standards and Constitutional Freedoms in the War on Terrorism (New York: New Press, 2003), 228.


24. Ibid.


The proposed bill (MATA) was redrafted as the Anti-Terrorism Act (ATA) of 2001, and introduced to Congress, but it was not passed. Senator Patrick Leahy (D-VT), chairman of the Senate Judiciary Committee negotiated with the Department of Justice to make significant changes to the bill. Members of the House of Representatives also made several alterations, removing or modifying some of the more objectionable provisions of the bill. Changes included the introduction of sunset clauses for some parts of the legislation, and some judicial oversight in others.

On Oct. 2, 2001, the Provide Appropriate Tools Required to Intercept and Obstruct Terrorism (PATRIOT) Act, HR 2975, was introduced in the House of Representatives by Congressman James F. Sensenbrenner, Jr., (R-WI), followed two days later by the introduction of the Uniting and Strengthening America (USA) Act, S 1510, in the Senate. Both bills were approved, the Senate bill on Oct. 12, 2001, and the House bill on Oct. 13, 2001.

The text of the final version of the legislation was drafted by reconciling two versions of the anti-terrorism bill passed in the House and Senate. The process was hurried by renewed warnings from the Attorney General of impending terrorist attacks; and the compromise version of the legislation, HR 3162, was divested of several of the changes incorporated by Congress. Nevertheless, the bill was passed on Oct. 25, 2001, and signed into law by the president the next day.

The Electronic Privacy Information Center (EPIC) web site lists some of the statutes that the USA PATRIOT Act alters, including the Wiretap Statute (popularly known as TITLE III), the

28. EPIC, “The USA PATRIOT Act.”
29. Ibid.
30. Ibid.
31. Ibid.
32. Ibid.
33. Ibid.
34. Ibid.
Electronic Communications Privacy Act, the Pen Register and Trap-and-Trace Statute, the Computer Fraud and Abuse Act, the Money Laundering Act, the Money Laundering Control Act, the Bank Secrecy Act, the Right to Financial Privacy Act, the Fair Credit Reporting Act, the Family Education Rights and Privacy Act, the Immigration and Nationality Act, and the Foreign Intelligence Surveillance Act (FISA).\[35\]

Debate about the USA PATRIOT Act has centered by and large on certain provisions of the act that are perceived to infringe upon First, Fourth, Fifth, Sixth, and Fourteenth Amendments to the Constitution. Certain sections have achieved a sort of notoriety among critics of the USA PATRIOT Act, such as Section 215, which broadens the FISA search-and-seizure provisions that were previously limited to business records, to include “any tangible things.”\[36\]

Other parts of the legislation have received mixed responses. The consolidation of data from various government agencies has troubled those who contend that if abused, these provisions could result in unwarranted and unchecked invasion of privacy. Other opponents of the USA PATRIOT Act dismiss these provisions as having merely updated the law by facilitating the sharing of information already at the disposal of law enforcement.

Various analyses of the USA PATRIOT Act have appeared in law journals, such as the *American University Law Review*,\[37\] the *Journal of Legislation*,\[38\] the *Loyola University Law Review*,\[39\] etc.,\[40\] providing a comprehensive breakdown of its most troubling aspects, as summarized below.

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35. Ibid.
36. See below, Section 215.
A summary of the more controversial sections of the USA PATRIOT Act

TITLE I: ENHANCING DOMESTIC SECURITY AGAINST TERRORISM

Section 106: Presidential authority. Section 106 allows the president to have the property or assets of foreign persons or organizations within U.S. jurisdiction that “he determines has planned, authorized, aided, or engaged in such hostilities or attacks against the United States. This violates the Fifth Amendment right to due process that anyone subject to U.S. laws—irrespective of citizenship or nationality—is entitled to.

TITLE II: ENHANCED SURVEILLANCE PROCEDURE

Section 201: Authority to intercept wire, oral, and electronic communications relating to terrorism; and Section 202: Authority to intercept wire, oral, and electronic communications relating to computer fraud and abuse offenses.

Sections 201 and 202 expand the government’s wiretap authority to be used in terrorism, chemical weapons, and computer fraud investigations.

Section 203: Authority to share criminal investigative information. Section 203 allows for the disclosure of “foreign intelligence information” (as defined by the act) about any person, obtained by the grand jury process. By obliterating the traditional secrecy of grand juries, this section allows the presumption of guilt, rather than innocence, to drive the investigative process.

Section 206: Roving surveillance authority under the Foreign Intelligence Surveillance Act of 1978. Under Section 206, FISA is amended to allow roving wiretaps on any subject, which may be imposed on any communication provider that the subject may use, rather than on a specific telephone or computer as earlier required.


This compromises the security of any individual who may inadvertently use the computer, network or ISP that the FBI may have tapped.

Section 207: Duration of FISA surveillance of non-United States persons who are agents of a foreign power. Under this section, FISA surveillance wiretap warrants are expanded from 90 to 120 days, and searches are expanded from 45 to 90 days, which may be extended to 120 days if the subject is an agent of a foreign power.

Section 209: Seizure of voice-mail messages pursuant to warrants. The seizure of “wire communications,” which includes voicemail messages, was previously only possible through a wiretap order. Section 209 incorporates this category into the definition of “electronic communications,” which makes such messages available to law enforcement officials through an ordinary search warrant.

Section 213: Authority for delaying notice of the execution of a warrant. Section 213 allows law enforcement authorities to delay notice to the subject of a search warrant, till after the execution of the warrant. There is no mandatory period within which the subject must be notified, either: this section states only that the notification must take place “within a reasonable period of its execution,” which itself may be extended for a “good cause.”

Section 214: Pen register and trap and trace authority under FISA. By including all investigations to obtain foreign intelligence information, this section removes the warrant requirement for pen register and trap-and-trace on any investigation that the government asserts involves terrorism.

Section 215: Access to records and other items under the Foreign Intelligence Surveillance Act. Section 215 expands the FISA authority of law enforcement officials, who could previously only obtain business records under a FISA court order, to include “any tangible things.” In addition, it gags anyone involved in turning over the material to the FBI, so that unless prosecution follows, the individual will never know that his privacy has been compromised.

Section 216: Modification of authorities relating to use of pen registers and trap and trace devices. Section 216 extends the application of pen register and trap-and-trace searches to the Internet, by expanding the range of the surveillance authority to anywhere in the United States, not limited by court jurisdiction.

Section 218: Foreign intelligence information. Section 218 reduces the requirement for issuance of a FISA search or wiretap warrant to “significant purpose” in an investigation.
TITLE III: INTERNATIONAL MONEY LAUNDERING ABATEMENT AND ANTI-TERRORIST FINANCING

Section 355: Authorization to include suspicions of illegal activity in written employment references.

and Section 356: Reporting of suspicious activities by securities brokers and dealers; investment company study. Sections 355 and 356 require that financial institutions and securities brokers document and report “suspicious activities” by their current or former employees.

Section 358: Bank secrecy provisions and activities of United States intelligence agencies to fight international terrorism. The Right to Financial Privacy Act is amended to allow law enforcement agencies to obtain records and financial analyses and credit reports for intelligence purposes.

TITLE IV: PROTECTING THE BORDER

Section 411: Definitions relating to terrorism. Under Section 411, the Secretary of State can designate any group that has ever engaged in violent activity a terrorist organization, and deport non-American members of such organizations, whether or not they were aware of the designation, and whether or not they were aware of or extended support to the group’s violent (“terrorist”) activities.

Section 412: Mandatory detention of suspected terrorists; habeas corpus; judicial review. Section 412 requires that the Attorney General detain any alien defined in the Section 411 as a member of a terrorist organization. The detainee must be charged with a criminal offense within a week, or deportation proceedings must be initiated. However, if a detainee is in custody for immigration reasons, there is no prescribed period—he may, in effect, be held indefinitely.

TITLE V: REMOVING OBSTACLES TO INVESTIGATING TERRORISM

Section 507: Disclosure of educational records. This section bypasses the normal subpoena required to obtain educational records, lowering the probable cause requirement to a mere certification by law enforcement authorities that the records may be relevant to a terrorism investigation.

TITLE VIII: STRENGTHENING THE CRIMINAL LAWS AGAINST TERRORISM

Section 802: Definition of domestic terrorism. The criminal code is expanded under Section 802 to define the new crime of “domestic terrorism” as activities within U.S. jurisdiction that pose a danger to human life in violation of federal or state criminal laws, and appear to be motivated to “intimidate or coerce a
civilian population,” “influence the policy of a government by intimidation or coercion,” OR “affect the conduct of a government by mass destruction, assassination or kidnapping.”

Section 808: Definition of Federal crime of terrorism. Section 808 centralizes the investigation of federal crimes, reassigning investigative authority from several federal law enforcement agencies to the Department of Justice. According to one analysis, “The extent to which these executive powers have been consolidated in one official, the Attorney General, is unprecedented in recent history.”*

TITLE IX: IMPROVED INTELLIGENCE

Section 904: Temporary authority to defer submittal to Congress of reports on intelligence and intelligence-related matters. Section 904 allowed the executive agencies to postpone reporting to Congress about progress made in investigating the events of Sept. 11, 2001. The deadline could be postponed to Feb. 2, 2002 or later, if the Secretary of Defense or the Attorney General asserted that such a report would impede their efforts in collecting counterterrorism information.

SOURCES: See notes 37–40 above.


In the two years following the passage of the USA PATRIOT Act, debate over the controversial legislation has flared up. The American Civil Liberties Union (ACLU) and other civil libertarian groups who protested the passage of the bill in 2001 have continued to voice concerns about the government’s new surveillance powers, and the lack of oversight and accountability in the use of those powers by law enforcement agencies.41 Apprehensions about invasion of privacy and the chilling effect it can have on the exercise of First Amendment rights prompted opposition from booksellers, librarians, and organizations such as the American Library Association (ALA)42 and the Association of Research Libraries.


The indefinite internment of citizens and non-citizens without disclosing their identities or locations and without access to an attorney has drawn criticism from people from across the political spectrum. The Department of Justice and law-enforcement agencies battle to justify the USA PATRIOT Act to their critics and the public. Attorney General John Ashcroft embarked on a nationwide tour in August, 2003 to garner support for the USA PATRIOT Act. In addition, the Department of Justice constructed a USA PATRIOT Act Web site countering allegations of real and potential misuse made by ACLU and other civil libertarian organizations.

From the legal analyses and the recent debate generated by this act, one can conclude that the content of the USA PATRIOT Act is of significant import to Americans (and non-Americans residing in the U.S.) and could potentially affect their constitutional rights, if it has not already done so. Where was this debate before the bill was passed? Where were the policymakers, the public, and the press?

Franklin D. Roosevelt once said that the real safeguard of democracy is education. If the people were aware of all the facts, and had access to a variety of opinions expressed in a healthy public debate on the benefits and shortcomings of the upcoming legislation, the ensuing decision would be consistent with the ideals of democracy. If the populace in this country was informed about the bill under discussion, and chose not to oppose or question it, it carries greater moral authority for being enacted through a truly democratic process. However, if one were to find that this was not the case—that the mute masses were not aware of the contents and consequences of the proposed bill—this raises serious questions about its constitutional legitimacy.

43. EPIC, “The USA PATRIOT Act.” See also note 44 below.
The prior research that the following literature review draws upon establishes that the education of the public is one of the primary functions of the media. Making the relevant information available and accessible to its readership is one of the implicit—and often stated—goals of the mainstream print media. The responsibility of informing the public through comprehensive coverage of the development of this legislation rested on the shoulders of the press. (See Chapter 2: Literature Review.)

For this study, the entire coverage of the USA PATRIOT Act by a representative sample of newspapers and news magazines during the six-week period between the WTC-Pentagon attacks and the bill’s passage was examined to determine the basic attributes of the coverage, such as length, location, dates and authorship; the characteristics and hierarchy of sourcing; the number and variety of aspects of the legislation introduced and dealt with, and the balance or predominance of angles or frames in coverage; and the editorial treatment of the topic in terms of angles and tone.

From the findings, the extent, depth and scope of print media coverage of the USA PATRIOT Act before its passage were described quantitatively and discussed. The following research questions were posed:

1. Which sources and opinions received preferential treatment in the media?
2. What aspects of the legislation were discussed, and how was the discussion framed?
3. How did the editorial treatment of the topic differ from the overall coverage?

Finally, from the results of the quantitative analysis and the discussion, this study drew conclusions about the overarching thesis question: What would an average reader have learnt about the USA PATRIOT Act from its print media coverage prior to its passage? Was this knowledge sufficient to assume the public’s sentient approval of the legislation, an essential condition of democracy?
A Note about Broadcast News Coverage

Before delving into the question of whether or not the print media were effective in their coverage of the USA PATRIOT Act before it was passed, it is important to take a look at the treatment of the topic by the more popular and pervasive broadcast news media. While studies such as the periodic surveys conducted by the Pew Research Center suggest that the viewership of television news in general—and of nightly network news programs in particular—has declined steadily over the past decade, television still remains a major source of news for Americans.

A 2002 Pew Research Center survey showed that the trends in the public's use of news media did not change significantly after Sept. 11, 2001. When respondents were asked if they watched television news the previous day, 55% of those polled answered in the affirmative in 2002, down from 72% in 1994, but not significantly different from the previous year's statistic of 56%.

Although only 32% of those polled watched the nightly network news on a regular basis in 2002, compared to 60% in 1993, this was nevertheless a sizeable proportion of the American populace. The survey also showed that the audience for National Public Radio (NPR), unlike most other broadcast media, has grown over the past decade, from 9% in 1994 to 16% in 2002.

The survival of newspapers and news magazines despite the advent and popularity of radio and television suggests that print and broadcast news media each fulfill at least some informational needs of the public that the other cannot. In the context of this study, if the broadcast news coverage of the USA PATRIOT Act was found to be timely and comprehensive, the role of print media in

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48. Ibid.

49. Ibid.

50. Ibid.
informing the public becomes less crucial. This section examines the treatment of the USA PATRIOT Act in broadcast news in the weeks before its passage.

Two major networks, NBC and CBS, were selected to represent television news. News transcripts from Sept. 11, 2001 through Oct. 27, 2001, available on the Lexis Nexis database, were searched for news reports mentioning the anti-terrorism legislation in Congress. The anti-terrorism bill was mentioned on 25 programs on CBS and 14 programs on NBC in the weeks prior to its passage.

However, of these 39 programs, 28 contained 12 or fewer sentences in their references to the legislation; of these, 15 were 1 to 3 sentences long. That is, only 11 programs were of sufficient length, ranging from 18 to 102 sentences, to contain more than a mere update or mention of the progress of the legislation. Of the 39 programs, only 11 were evening news programs, all 12 or fewer sentences in length. An additional 3 programs were morning news items, also 1 to 12 sentences long. More than a third (14) of the programs aired between Oct. 23 and Oct. 27, which caused a spike in the coverage toward the end of the period under review.

Guests were interviewed on 10 programs, but the only program to feature non-governmental sources was an Oct. 27 interview with civil liberties advocate Jerry Berman of the Center for Democracy and Technology and historian Jay Winik on NBC's Saturday Today show. Only two programs featured an in-house specialist: CBS News Legal Analyst Andrew Cohen appeared on The Early Show on Oct. 1 and Oct. 27.

Fourteen programs featured video footage related to the legislation. The first two were live footage from Attorney General John Ashcroft’s press conferences on Sept. 16 and 17. Of the remaining 12 recorded shots, five were of Attorney General John Ashcroft, five of President Bush, one of Rep. Porter Goss and one of Sen. Tom Daschle.
It is interesting to note that in the interval between Sept. 30 (when CBS featured an expanded edition of *Face the Nation*) and Oct 26, none of the programs were more than 12 sentences in length in their discussion of the USA PATRIOT Act. In fact, in Attorney General John Ashcroft’s appearance on Tim Russert’s *Meet the Press* on NBC on Oct. 14, the anti-terrorism proposal was never mentioned.

One may arrive at the conclusion that the networks did not devote sufficient airtime in the discussion of the pending anti-terrorism legislation; that coverage, minimal during the weeks preceding the passage of the act, spiked once it was too late to influence policy; and that supportive voices from the Administration and the Legislature were heard almost to the exclusion of dissenting opinion from outside the government.

Broadcast news guidebooks often point out the importance of maintaining an active, conversational style on the air.\(^5\) News is often condensed to the bare basics; technical terms and statistics are either omitted or explained in simpler, everyday language.\(^5\) Guidebooks also stress the need to evaluate what news translates well into the broadcast medium.\(^5\) News that has a concrete, palpable impact on the lives of viewers takes precedence over news that does not.\(^5\)

Legislation often falls into the latter category. The complexity of legislative procedure and language is compounded by the fact that its effects are seldom obvious, immediate, or even measurable. The immediacy and urgency of the minute-to-minute updates and news flashes that


characterize broadcast news, cater to (and demand) shorter attention spans from their audiences. As a result, television news tends to lack the depth and detail that the print news media can afford.55

The sparse and perfunctory coverage given to the USA PATRIOT Act by the networks leads us to this conclusion: if the American public were at all informed about the important legislation under consideration in Congress, it was not through television news. This thesis attempted to determine whether or not the mainstream print media distinguished themselves from their broadcast counterparts with more thoroughly researched and informative coverage of the USA PATRIOT Act.

55. One broadcast news guidebook discusses the difference between newspapers and television news as a warning against adopting the style of writing employed by the former: “As newspaper style developed over the centuries, it deviated further and further from the way people speak. […] That’s why we have developed our own broadcast style, one that’s geared to a receiver far different from the eye: the ear.” Block, Writing Broadcast News—Shorter, Sharper, Stronger, 31.
Chapter 2: Literature Review

The general populace relies on certain sources for information, foremost among which are newspapers, magazines, radio, television, and more recently, the Internet. These sources, by definition, comprise the mass media, because their target audience is large, diverse, and indistinguishable as individuals.¹

It is essential to scrutinize the nature of the relationship between the press and the public to answer certain questions pertinent to this study. First, how does the public use the media? If the functions of the mass media are vital to their audience or readership and their lifestyle, what responsibilities, if any, do these media then have? How can these responsibilities—which eventually must operate as restrictions—be reconciled with the ideal of a free press?

One of the earliest studies about press rights and responsibilities took place in the pre-television era, toward the end of World War II. The 12-member Commission on Freedom of the Press² was chaired by Robert M. Hutchins, President of the University of Chicago.³ The Hutchins Commission’s study sought to examine the mass media of the day—radio, newspapers, movies, magazines, and books—and establish their societal role and responsibilities, especially in the context of the ongoing world war.⁴

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In the foreword, Hutchins stated that the objective of the commission was to research and report the role “of the agencies of mass communication in the education of the people in public affairs [and] the responsibilities of the owners and managers of the press to their consciences and the common good for the formation of public opinion.”

Whether or not the press had any responsibility toward the public had been debated in the press itself. Opinions varied widely. A 1925 *Wall Street Journal* editorial, for instance, stated, “A newspaper is a private enterprise, owing nothing whatsoever to the public, which grants it no franchise.”

The commission argued that freedom of the press (from government control) can only be safeguarded by the responsible use of that freedom. Loss of credibility, according to the report, endangers the press because, in the eyes of the populace, the media ceases to serve a valid purpose (the dissemination of information), and even becomes a threat to society (by misleading the public) and therefore, justifies the imposition of governmental regulation. The report identified five stipulations for the press to meet the requirements of a free, self-governing republic.

1. A truthful, comprehensive, and intelligent account of the day’s events in a context which gives them meaning,
2. A forum for the exchange of comment and criticism,
3. The projection of a representative picture of the constituent groups in the society,
4. The presentation and clarification of the goals and values of the society, and
5. Full access to the day’s intelligence.

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5. Ibid.

6. Bates, *Realigning Journalism with Democracy*. Bates explains that the issue of owners’ control over published content and their justification of the resultant bias, and other problems of the press (decline in competition, tabloid sensationalism, lack of protest against censorship, racial prejudice in stories, and politically biased reportage) did not seem to particularly disturb the Hutchins Commission.

The Hutchins Commission report did not resonate well with the press. The members of the commission had little or no journalistic experience; their opinions lacked legitimacy in the eyes of those who worked in mass communication.\textsuperscript{8} The advent of television and the Internet make it seem, in addition, an anachronism today. Despite these drawbacks, the relevance of the report lies in its early and relatively lucid articulation of the functions of the mass media.

Charles R. Wright's \textit{Mass Communication: A Sociological Perspective}, written in 1959, distinguishes between the agencies of the mass media (i.e., newspapers, television, radio, etc.) and the process of mass communication. Wright defined this process in terms of the audience, the communication experience, and the communicator.

It [the mass communication process] is directed toward relatively large, heterogeneous, and anonymous audiences; messages are transmitted publicly, often timed to reach most audience members simultaneously, and are transient in character; the communicator tends to be, or operate within, a complex organization that may involve great expense.\textsuperscript{9}

This definition would encompass most of the mainstream mass media of today,\textsuperscript{10} including the print media examined in this study. (See Chapter 3: Research Method.)

Wright's study drew from the research of political scientist Harold Lasswell, who observed that mass communicators performed three main functions: surveillance, correlation and transmission.\textsuperscript{11} Wright modified Lasswell's categories and added a fourth.

\textsuperscript{8} Bates, \textit{Realigning Journalism with Democracy}.
\textsuperscript{9} Wright, \textit{Mass Communication}, 15.
\textsuperscript{10} Internet news sources fall in a gray area: they may or may not be affiliated with a larger organization, and almost never involve great expense. While the messages are public and usually available to audiences simultaneously, they may not be transient. Current stories are often linked to related, older news stories. Even when archived stories are removed from the Web site, they may be cached and made available through search engines. Internet news sources are not included in this study.
1. News: The collection and distribution of information concerning events in the environment, both outside and within any particular society.

2. Interpretation: Editorial construal of information about the environment and prescription for conduct in reaction to these events.

3. Education: Transmission of culture (information, values and social norms) from one generation to another or from members of a group to newcomers.

4. Entertainment: Communicative acts primarily intended for amusement irrespective of any instrumental effects they might have.\(^{12}\)

Wright stressed the importance of selection and interpretation in the conveyance of news that could otherwise trigger panic, seclusion or apathy in the audience.\(^{13}\) He stated that the objective reporting of facts must be supplemented with evaluation and analysis of events within a larger social and historical context.\(^{14}\) He pointed out how the editorial function also operates as an instrument of propaganda:

> When news is edited for him, the individual does not have to sift and sort, interpret and evaluate, information for himself…. [T]he consumer of predigested ideas, opinions, and views becomes… less capable of functioning as a rational man.\(^{15}\)

Noam Chomsky, in *Media Control: The Spectacular Achievements of Propaganda*, criticized some of the assumptions of social scientists and communicators, including the underlying hypothesis behind

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13. The undesirable side-effects of “uncensored news,” according to Wright, include discontent that threatens the structure of a society; panic generated by “uninterpreted warnings of danger”; “privatization” or introversion of an individual’s activities; and “narcotization,” or apathy that rises from the individual’s perception that being informed about one’s environment automatically makes one an active citizen. Ibid, 20.


15. Ibid.
the stated need for selection and analysis of news that “the mass of the public are just too stupid to be able to understand things.”\textsuperscript{16} He described propaganda as democracy’s tool for thought control and the manufacture of consent.\textsuperscript{17} He quoted such prominent figures as Walter Lippman,\textsuperscript{18} Reinhold Niebuhr\textsuperscript{19} and Harold Lasswell justifying the use of propaganda. Chomsky stated:

> In the 1920s and early 1930s, Harold Lasswell, the founder of the modern field of communications and one of the leading American political scientists, explained that we should not succumb to “democratic dogmatisms about men being the best judges of their own interests.”\textsuperscript{20}

Wright applied the functional theory research of sociologist Robert K. Merton to the process of mass communication to demarcate its intended and unintended goals.\textsuperscript{21} Merton differentiated between the aims (or manifest functions) and the consequences (or latent functions) of an activity.\textsuperscript{22} In adopting this analogy, however, Wright did not define news, interpretation, education or entertainment specifically as either manifest or latent functions of mass media.


\textsuperscript{17} Ibid, 17–18, 25–29.

\textsuperscript{18} Chomsky states that Lippman advocated a brand of democracy in which there were two classes of citizens: the first, a small group of individuals who are in control, “analyze, execute, make decisions, and run things in the political, economic, and ideological systems.” The remaining majority of the population that Lippman called “the bewildered herd” was to only have the occasional power of electing a representative from a limited choice of candidates to that governing elite. Ibid, 10–16.

\textsuperscript{19} Ibid, 15–16. The author’s criticism of Niebuhr, foreign policy critic and member of the Hutchins Commission, is equally scathing. Niebuhr is quoted as saying that rationality, a narrowly restricted skill, needs to be put to use to create “necessary illusions” and “oversimplifications” to retain control over the masses who are guided by mere “emotion and impulse.” Ibid.

\textsuperscript{20} Ibid, 16.

\textsuperscript{21} Wright, \textit{Mass Communication}, 17–18.

This leaves open the question of press responsibility. Is the media duty-bound to fulfill any but its manifest functions? What if the sole manifest function of a newspaper is entertainment, and it performs this function through news and interpretation? If the news coverage proves incomplete and the interpretation biased, can the paper be held accountable? Do the news media owe their readership coverage of key legislation that will have a significant impact on their lives and rights? If the impact of the proposed legislation is not likely to be seen in the immediate future, and the news lacks the entertainment value of, say, a sensational celebrity scandal, are newspapers or news magazines obliged to risk sacrificing their readership by carrying the supposedly dull, though important story?

Newspapers and magazines are not bound, legally or otherwise, to publish everything from the pool of “permissible” news. Gatekeeping is left to the discretion of the individual publication. Factors influencing the selection of stories for publication include space constraints and unevenness of the volume of news. Mainstream news publications, nevertheless, thrive on their reputation for balanced and extensive news coverage.

The avowal of this goal is made through the mission statements of newspapers and news magazines themselves. Associations such as the Society of Professional Journalists (SPJ) and the American Society of Newspaper Editors (ASNE) provide templates for ethical journalistic practices from within the system and advocate accountability through clearly stated principles.

Excerpts from the code of ethics of some news associations, media groups, newspapers and magazines are shown below. Accuracy of reportage and comprehensive analysis of relevant issues are


demonstrably incorporated among the manifest functions of the mainstream news media; having voluntarily embraced these standards, mainstream newspapers and magazines can therefore be held accountable for upholding them.

<table>
<thead>
<tr>
<th>PUBLICATION/GROUP</th>
<th>MISSION STATEMENT (Excerpts)</th>
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<tbody>
<tr>
<td>Society of Professional Journalists</td>
<td>[P]ublic enlightenment is the forerunner of justice and the foundation of democracy. The duty of the journalist is to further those ends by seeking truth and providing a fair and comprehensive account of events and issues.25</td>
</tr>
<tr>
<td>American Society of Newspaper Editors</td>
<td>The primary purpose of gathering and distributing news and opinion is to serve the general welfare by informing the people and enabling them to make judgments on the issues of the time… Every effort must be made to assure that the news content is accurate, free from bias and in context, and that all sides are presented fairly.26</td>
</tr>
<tr>
<td>USA Today</td>
<td>[E]xclusive features and investigative reports give readers a global perspective of the world… the important news of the day in our “what it means to me” style of journalism.27</td>
</tr>
<tr>
<td>Hearst Newspapers</td>
<td>It is our singular mission to be the most trusted, most respected and most accurate source of news and information in the… communities that we serve. We… dedicate ourselves to the principles of truthfulness, fairness and independence.28</td>
</tr>
<tr>
<td>New York Times</td>
<td>To cover the news as impartially as possible… and to treat readers, news sources, advertisers and others fairly and openly, and to be seen to be doing so… [W]e tell our readers the complete, unvarnished truth as best we can learn it.29</td>
</tr>
<tr>
<td>Washington Post</td>
<td>The first mission of a newspaper is to tell the truth as nearly as the truth may be ascertained. The newspaper shall tell ALL the truth so far as it can learn it, concerning the important affairs of America and the world.30</td>
</tr>
</tbody>
</table>

We seek to inform, to explore, to entertain… To be the indispensable source of trusted relevant and authoritative news and information for all our readers… To set a thoughtful agenda of issues that require attention in the communities we serve… To provide a lively forum for a variety of viewpoints.  

[L]e should strive to achieve balance and fairness in all reporting and news decisions… in sourcing, writing, editing, photo play, layout and headline writing… [and] [g]etting all sides of the story.

[The San Francisco Chronicle] strives to cover the news accurately, fairly and honestly.

As stated in the Hutchins Commission report, the press can only be free if there is no governmental control upon its content; and this freedom can only be preserved if the press is fair and responsible in its coverage. But does the freedom of the press incorporate freedom from the tyranny of the majority?

The news media has to cater to the sustaining force of its readership. The media’s perception of the public’s opinions and information needs can, for good or for evil, influence the integrity of reportage. What does the public want to hear, see and read? Or, more precisely, what does the publication in question think its readers want to see in its pages?

35. John Stuart Mill asserted that the tyranny of public opinion is one of the “evils against which society requires to be on its guard.” Mill’s explanation for this propensity for misuse and victimization of minority beliefs and opinions was that society “can and does execute its own mandates: and if it issues wrong mandates instead of right, or any mandates at all in things with which it ought not to meddle, it practises a social tyranny more formidable than many kinds of political oppression, since… [it often] leaves fewer means of escape, penetrating much more deeply into the details of life, and enslaving the soul itself.” John Stuart Mill, “On Liberty,” in Basic Writings of John Stuart Mill: On Liberty, the Subjection of Women & Utilitarianism (New York: Modern Library, 2002), 6–7.
Concern over press credibility in the eyes of the public resurfaced in a recent study conducted by the ASNE, comparing the perception of readers with that of journalists and editors about newspapers. The 1999 report, titled “Perspectives of the Public and the Press: Examining Our Credibility,” was part of the ASNE’s Journalism Credibility Project, launched in 1997. Based on telephone interviews with a representative sample of 3,000 Americans, discussions with focus groups, questionnaires filled out by 1,714 newspaper journalists and editors, the report found that:

- 78 percent of U.S. adults agree with the assessment that there is bias in the news media.
- 58 percent believe that the public’s dissatisfaction with the media is justified.
- 59 percent say newspapers are concerned mainly with making profits rather than serving the public interest.
- 56 percent feel that newspapers make biased (rather than objective) decisions about what news to publish.  

The press, according to the report, is more complacent on the issue of bias: only 17% agree with the public that their dissatisfaction with the media is justified, while 32% blamed other media, such as television and tabloid papers, for the loss of credibility. However, during one of the ASNE think tank sessions, journalists were more critical in self-introspection, admitting:

- “Our political reporting is completely without depth and totally ‘inside’.”
- “Journalists [have a] willingness to print the 'official' version of events instead of going to the real authority—real people.”

37. Ibid.
38. Ibid.
“The presentation of news is a reflection of the personality of the publisher or editor and their frailties and foibles.”

A follow-up report was published in 2000, and the ASNE compiled guidelines for editors and reporters in a Newspaper Credibility Handbook in 2001. The handbook reiterated the Journalism Credibility Project’s goals “to better understand reasons for the decline in public confidence, to strengthen industry commitment to improvement and to test methods for addressing public concerns about newspaper accuracy, fairness and values.”

Regaining the trust of their readership meant, among other things, dispelling the perception that journalists were insensitive and driven purely by their desire for sensationalism. Only 28% of those interviewed (as opposed to 48% of members of the press) believed that journalists would tone down a story to avoid unnecessarily hurting the people they were writing about.

Given the volatile atmosphere in the aftermath of the WTC-Pentagon attacks, the question of media sensitivity became an unusually pressing concern. The indecision of the press can be seen in its mixed reactions to the remarks of comedian and talk show host Bill Maher. On Sept. 17, 2001, Maher’s late-night talk show on ABC, Politically Incorrect, featured among its guests author Dinesh D’Souza, who disagreed with President Bush’s characterization of the terrorists as cowardly.

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39. Ibid.
41. Ibid.
43. E! Online quotes the words of Dinesh D’Souza that preceded Maher’s own remarks: “Although I think Bush has been doing a great job, one of the themes we hear constantly is that the people who did this are cowards,” D’Souza told Maher. “Not true. Look at what they did. First of all, you have a whole bunch of guys who are willing to give their life. None of them backed out. All of them slammed themselves into pieces of
concorded with D’Souza, adding, “We have been the cowards lobbing cruise missiles from 2,000 miles away. That's cowardly. Staying in the airplane when it hits the building, say what you want about it, it's not cowardly.”

A few days later, the show’s sponsors, Sears and FedEx, withdrew their support. Seventeen channels, including Channel 7 (WJLA) in Washington, stopped airing the show. Maher issued an apology, and then a second. The Bush administration was not far behind in putting in their two cents; a week after the incident, White House Press Secretary Ari Fleischer, who admitted to not having viewed the transcript of the show, issued a chilling warning: “The reminder is to all Americans that they need to watch what they say, watch what they do, and that this is not a time for remarks like that. It never is.”

Critical comment from the press was primarily directed toward Fleischer, but even mainstream newspapers remained cautious in expressing support for Maher. A San Francisco Chronicle article quipped:

Some words are spoken at your own risk. Loose lips can sink ego trips. Ask the formerly smug talk show host Bill Maher, who said it wasn't cowardly of terrorists to crash planes into buildings. He had to get down and crawl.

The article went on to call Fleischer's remarks “unacceptable,” a sentiment echoed by Jonathan Alter of Newsweek, who questioned “whether the White House spokesman should be a thought concrete. These are warriors […] and we have to realize that the principles of our way of life are in conflict with people in the world.” E! Online, http://www.eonline.com/ (accessed Jan. 14, 2004).

46. Ibid.
47. Ibid.
49. Ibid.
policeman,” but was careful to condemn Maher’s comments as “obnoxious.”\(^5\) Maureen Dowd of the New York Times was more critical of Fleischer’s comments in her column:

> Even as the White House preaches tolerance toward Muslims and Sikhs, it is practicing intolerance, signaling that anyone who challenges the leaders of an embattled America is cynical, political and—isn't this the subtext?—unpatriotic. …

Mr. Fleischer acts offended—and vindictive—when someone has the nerve to challenge the White House while our country is a target. But especially when we are a target, we should not suppress the very thing that makes our foul enemies crazed with twisted envy—our heady and headache-inducing clash of ideas. We should dread a climate where the jobs of columnists and comedians are endangered by dissent.\(^5\)

The majority of newspaper articles, however, refrained from comment, simply stating the facts and quoting Maher and Fleischer. The reaction and the debate generated by a comment by the host of a talk show that is, after all, called Politically Incorrect, suggests an uncertainty on the part of the press in deciding how far they were willing to exercise (and support those who exercised) their First Amendment rights. For instance, The Daily Show with John Stewart, which airs on Comedy Central, aired reruns, taking care not to include any that lampooned the President.\(^5\) Comedic content targeting Bush, a staple before Sept. 11, was also scrapped from shows like Saturday Night Live.\(^5\)

Self-censorship extended to the print media as well. Reporters who criticized the government, the President or the political policies of the country risked losing their jobs, especially in newspapers serving smaller communities. Tom Gutting, columnist for the Texas Sun (Texas City,


Texas) and Dan Guthrie of the Daily Courier (Grants Pass, Oregon) were fired from their newspapers for writing unfavorably about the President in the days following the WTC-Pentagon attacks.54

In his 2004 book, Casualty of War: The Bush Administration’s Assault on a Free Press, David Dadge described how the media capitulated to the combined pressure of a freshly nationalistic public and unsympathetic publishers and network executives, and collectively toned down their criticism of the Bush administration:

The result was a profession that felt extremely vulnerable to the charges of failing to support the war on terrorism and the war in Afghanistan. Instead of fighting against these changes, many journalists either acquiesced to the wishes of public opinion, providing Americans with a steady diet of patriotic rhetoric, or they lapsed into silenced on the subject.55

Dadge documented the systematic disinformation campaign that was carried out by the Bush administration since the WTC-Pentagon attacks, and the inability of the media to recuperate from that initial blow to its ability to function as an independent, critical body.56

Under these circumstances, when the administration rushed the USA PATRIOT Act through Congress, what was the realistic likelihood that the media would be thorough and unbiased in their coverage and criticism of the proposed anti-terrorism bill? How much would newspapers


56. Ibid, 283–293.
investigate the benefits and potential hazards of the legislation? Would the voices of those supporting and those opposing the bill be given an equal chance to speak through the press?

Theories of press nationalism suggest that in matters of international news coverage, the press assumes the role of an unofficial spokesperson, instead of that of a critic or an objective outsider. This ranges from the nearly exclusive use of government sources in a news story to overt or implicit justification of the government’s policies in relation to the country or countries in question.

Bernard C. Cohen’s 1963 book, *The Press and Foreign Policy*, dealt with this phenomenon, and studied three aspects of media behavior: as observer, participant and catalyst in the process of framing foreign policy. Cohen theorized that the more the press attempts to be a neutral observer and interpreter of news, “the more easily it lends itself to the uses of others, and particularly to public officials that the reporters have come to regard as prime sources of news, merely by virtue of their positions in government.”

In explaining the “participant” role of the press, Cohen’s interviews with reporters revealed that criticism and advocacy of government policy are often intertwined. In supporting specific foreign policy measures, the press may even act as a domestic “lobby,” with a more sustained relationship with the government than special interest groups with intermittent access to policymakers.

Leon V. Sigal examined international news coverage by the *New York Times* and the *Washington Post*, in his 1973 study, *Reporters and Officials: The Organization and Politics of Newsmaking*. Sigal defined official proceedings, press releases, and press conferences as *routine* channels of

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59. Ibid, 36.
60. Ibid, 38–39.
information. Informal channels included background briefings, leaks and other news reports and editorials. Channels of information that were reporter-initiated, such as interviews, research and investigation, were termed enterprise channels.

Sigal tested the hypothesis that most national and foreign news comes to reporters from U.S. government officials and agencies, through what he termed as routine channels. He found that 58.2% of the information came through routine channels; U.S. government officials were dominant sources, comprising 53.8% of the routine news channel sources, and 46.5% of all stories.

A 1979 analysis of agenda setting in the news media by Herbert Gans, *Deciding What’s News: A Study of CBS Evening News, NBC Nightly News, Newsweek, and Time*, examined the coverage of foreign news as an avenue for the freer expression of “explicit value judgments” that in domestic news is latent, disguised or deliberately erased, and therefore difficult to pinpoint.

The study found that foreign news was dominated by U.S. allies and the Communist bloc, while the rest of the world only received coverage for wars, coups d’état, famines and natural disasters, and other dramatic events. Gans also found that most foreign news stories dealt with the activities of Americans in a foreign country, or with the events or policies of a foreign country that impact the

63. Ibid.
64. Ibid.
65. Ibid, 119.
66. Ibid, 121.
67. Ibid, 122.
68. Ibid.
70. Ibid.
71. Ibid, 31–32.
U.S. and its own policies. Stories that dealt with countries like the Soviet Union or China were
treated as involving the U.S. in some way or the other, by virtue of the adversarial relationship of the
U.S. with the Communist bloc. Gans noted that “news from Russia and China is concerned almost
entirely with those governments’ problems and failures; if successes [were] reported, these [were] apt
to be labeled suspected propaganda.”

This finding was the basis for the propaganda model developed by Edward S. Herman and
propaganda model postulates that apart from timeliness, relevance and the other factors commonly
enumerated as determinants in what becomes news, the process of mass communication is subject to
five “filters” that news needs to trickle through, in order to reach the audience:

1. Size, ownership, and profit orientation of the mass media
2. The advertising license to do business
3. Sourcing mass-media news
4. Flak and the enforcers
5. Anticommunism as a control mechanism

Herman and Chomsky examined the treatment of several foreign policy issues involving
client states of the U.S. and designated enemy states. The authors studied U.S. media coverage of
victims of crime at the hands of the governments (or government-controlled forces) of Poland (an
enemy state) and of Latin American countries (client states); elections held in Nicaragua (an enemy

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72. Ibid, 32–34.
73. Ibid, 33.
74. Ibid.
77. Ibid, 37–86.
state), and in El Salvador and Guatemala (client states)\textsuperscript{78}; and the Vietnam War.\textsuperscript{79} The coverage was found to unquestioningly repeat and reiterate the government’s stance on each of these issues.\textsuperscript{80}

After the disintegration of the Soviet bloc and the end of the Cold War, anticommunism has been replaced by anti-terrorism as a national ideology to “mobilize the populace against the enemy,”\textsuperscript{81} a drive that has gained enormous impetus in the wake of the WTC-Pentagon attacks. The propaganda model would predict that since the USA PATRIOT Act was passed as a consequence of an act of terrorism by non-American agents, the sourcing, opinions, and frames of discussion would reflect the government policy, and tend to ignore or play down dissenting points of view.

Press nationalism has been examined by comparing coverage of a country or international news event to the U.S. government’s policies toward that country, or involvement in that event, sometimes pitting this against the same media’s coverage of another country or event where the U.S. policy is radically different. It has also been tested by comparing coverage by American media with that of another country’s press, the other country being either neutral or participating on the other side of the conflict.

Studies examining the American media’s coverage of the Israel-Palestine conflict and of Arabs in general\textsuperscript{82} have found an overrepresentation of Israel when compared to Arab countries in the Middle East. A study of the New York Times’ coverage of the Soviet Union during the period of its intervention in Afghanistan (1979–1989) comparing 5-year periods before and after Gorbachev’s 1985 announcement of the policies of glasnost and perestroika, found that newspaper coverage reflected

\textsuperscript{78} Ibid, 87–142.
\textsuperscript{79} Ibid, 169–296.
\textsuperscript{80} Ibid.
\textsuperscript{81} Ibid, 29.
administrative policy, negative between 1979 and 1985, but becoming positive between 1985 and 1989.83

Government-media congruence was shown in more studies such as Herman and Chomsky’s, constructed around the crises in Latin American countries in which the U.S. was involved. In the coverage of the U.S. invasion of Panama, the New York Times predominantly repeated themes used by the government, such as the depiction of Gen. Noriega as a drug trafficker, and of the invasion as necessary to save American lives and to secure the Panama Canal.84 After a popular socialist revolution in Nicaragua overthrew the Somoza dictatorship, the Reagan administration intervened and funded Contras to oust the Sandinista government. Studies examining the New York Times and Washington Post found that journalists selected “credentialed” sources, or people whose opinions reflected U.S. policy, over sources that deviated from the policy line.85 Similarly, during the civil uprising against the right wing junta in power in El Salvador, the Reagan administration’s support for the Salvadoran government was reiterated in the New York Times.86

In her 1990 book, The Press, Presidents, and Crises, Brigitte Lebens Nacos tested the hypothesis that the press-government relationship changed from a mixture of adversarial and cooperative to hostile and confrontational over the course of the Vietnam War and the Watergate scandal. Nacos


presented six case studies, three involving crises faced by American governments before 1968, and three, after 1974. Three of these case studies delved into coverage of international events: the 1962 Cuban missile crisis, and the invasions of the Dominican Republic in 1965 and Grenada in 1983. The three newspapers studied were the Chicago Tribune, the New York Times, and the Washington Post.

Nacos found that during the 6-day period between President John F. Kennedy’s announcement of a naval blockade on Cuba and the resolution of the missile crisis with Soviet Premier Nikita Khrushchev agreeing to dismantle the offensive missile sites, the three newspapers, no matter what their pre-crisis stance, were unanimously supportive of the president in their editorials.\(^87\) Dissenting voices went virtually unheard even in news stories in this period.\(^88\) Overall, an overwhelming 69.4% of domestic sources in non-editorial articles were favorable to the president.\(^89\) Dissent from foreign sources was more frequent, though the Times’ foreign sources were more likely to be supportive than critical.\(^90\)

Kennedy’s successor, Lyndon Johnson, authorized the invasion of the Dominican Republic four days after civil war broke out on the island.\(^91\) What was in its initial stages a rescue operation to evacuate the Americans on the island\(^92\) turned into a full-scale invasion that President Johnson justified as a move to prevent a Communist takeover.\(^93\) During this crisis period, the press, which

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88. Ibid, 29–33.
89. 62.5% of the domestic sources appearing in the New York Times were supportive of President Kennedy’s handling of the crisis. The percentages were even higher for the Washington Post (81.6%) and the Chicago Tribune. (71.4%). Ibid, 29.
90. Ibid.
92. Ibid, 49.
had hitherto been neutral, began to give space to voices that supported the president, although neutral sources continued to be used fairly frequently.\textsuperscript{94}

Plans for the U.S. invasion of Grenada were not revealed or leaked by the Reagan administration to the press or the public till the day it occurred.\textsuperscript{95} Journalists were barred from entering or staying on the island to cover the invasion, and had to rely on sources within the administration for information.\textsuperscript{96} Resentment over press exclusion led to the newspapers searching for critical voices that largely originated outside the U.S.\textsuperscript{97} In spite of this, supportive sources had an edge over critical sources in the linage they received in all three papers in the study.\textsuperscript{98}

Recent studies of the coverage of the first Gulf War\textsuperscript{99} and of the war in the former Yugoslavian republics of Bosnia and Croatia\textsuperscript{100} also show the media’s tendency to suppress criticism of the administration in both its news and editorial pages during the crucial crisis phase of international events involving the U.S. But the WTC-Pentagon attacks on Sept. 11, 2001 differed from all the other events described above, because they took place on American soil. It is important to see how this event—and others stemming from it—fit the profile of an international crisis.

Beyond the fact that more than a tenth of the casualties at the World Trade Center were non-Americans, it is more likely that what gave the attacks an international news scope was that the

\begin{itemize}
\item \textsuperscript{94} Ibid, 61–63.
\item \textsuperscript{95} Nacos, “The Grenada Invasion,” in \textit{The Press, Presidents, and Crises}, 157–58.
\item \textsuperscript{96} Ibid, 160–61.
\item \textsuperscript{97} Ibid.
\item \textsuperscript{98} Ibid, 165–71.
\end{itemize}
perpetrators were foreigners. The television and newspaper headlines, the President’s declaration of war, and the subsequent attack on Afghanistan are testament to this. Did the display of patriotism by the media translate into press nationalism in reportage of all matters relating to the attacks?

The USA PATRIOT Act was passed as a consequence of, and within weeks of, the WTC-Pentagon attacks. If press nationalism did come into play in media coverage of the USA PATRIOT Act, the theories of Cohen and Sigal would predict that the majority of sources used would be governmental, in particular from the executive branch; and that sources quoted would be more likely to support rather than oppose the legislation.

Studies of the American media’s coverage of important legislation, especially in recent years, seem to indicate that the attention of the media is captured more frequently by events rather than issues or developments around the process. The actual passage of a bill is often covered as a newsworthy event, and is often the vehicle for criticism and evaluation of the policy itself. The fallout is that coverage spikes immediately before and after the legislation’s passage, too late to make a difference.

C. Ann Hollifield’s study of the coverage of the National Information Infrastructure proposal, titled “The Specialized Business Press and Industry-Related Political Communication: A Comparative Study,” compared the coverage of the policy proposal by newspapers, industry-related trade magazines, and non-industry trade magazines, during two of three phases of the policy process. Phase I was the 15-month interval between the first public mention of NII and the first formal policy

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101. Some newspaper headlines on Sept. 12, 2001 include “Act of War” on the front page of USA Today; “Terror Hits Home” on the Houston Chronicle and the Cleveland Plain Dealer; “U.S. Attacked” on the front pages of the Philadelphia Enquirer and the New York Times; “America’s Bloodiest Day” (with the subhead “This is the second Pearl Harbor”) in the Honolulu Advertiser. Several U.S. and foreign newspaper front pages from Sept. 12, 2001 may be viewed at http://www.newseum.org/frontpages/ (accessed June 8, 2004).

proposal. Mobilization took place over the next 15 months, defining Phase II. Hollifield found that communications-industry trade publications devoted significantly more coverage to policy issues during Phase I, when the policy proposal was being drafted, than either newspapers or non-industry trade press. During Phase II of the coverage, however, the communications trade press coverage dropped nearly 15 percentage points from the period before the policy proposal. Newspaper coverage remained very nearly the same (dropping 0.2%), gaining a 7-point lead during Phase II over the industry trade press.

Hollifield’s study suggested that while trade press coverage peaks during the framing of the policy and drops significantly once the mobilization phase has begun, the newspaper coverage does not increase when information may be instrumental in policy change, nor does it decrease once the period of policy construction is over.

Martin Linsky’s *Impact: How the Press Affects Federal Policymaking* evaluates direct press involvement in the process of federal legislation. Traditionally, the press is regarded as a facilitator of democracy, by relaying public opinion to the government and government actions to the public. The idea of the neutrality of the press assumes that while the public sentiment it mirrors may have an impact on the government, the press itself has no direct involvement in setting the agenda for federal policymaking.

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103. Ibid, 761.
104. Ibid.
106. Ibid.
Linsky’s book, accompanied by six case studies,\textsuperscript{108} challenged that concept by showing how press focus on a particular issue can create the public opinion that it professes to only reflect. In the formulation of federal policy, Linsky found that a constant struggle existed between the press and the officials who interacted with them for the upper hand in agenda setting and framing of an issue.\textsuperscript{109}

Foreign policy and defense officials had less influence than their agriculture, economics, commerce, or trade counterparts on the news media’s choice of events to cover, mainly because they were not the sole sources of news pertaining to their area, mainly due to the presence of foreign sources for international news connected to U.S. actions or policies.\textsuperscript{110} However, in deciding what news got priority coverage in the press, senior foreign policy officials often felt that they could influence the order of importance given to various stories by the press.\textsuperscript{111}

However, Linsky found that the framing of an issue by the press could impact public perception of a policy to the extent of putting pressure on the administration to alter its own agenda. Linsky demonstrated how, in the cases of the 1979 neutron bomb story\textsuperscript{112} and the Reagan administration’s Social Security Disability Reviews,\textsuperscript{113} initial unfavorable framing snowballed into massive negative press that resulted in the collapse of the programs.

Whether the press functions as the fourth branch of the government or as an outside observer and critic who cannot influence or be influenced by the administration and its policies, the function and responsibility of the press to inform its public is undeniable. When legislation as

\begin{itemize}
\item[109.] Linsky, \textit{Impact}, 88–95.
\item[110.] Ibid, 92–93.
\item[111.] Ibid, 93–94.
\end{itemize}
momentous as the USA PATRIOT Act is rushed through Congress, it becomes all the more crucial that the press investigates and initiates a debate in the public forum.

The controversy that surrounds the USA PATRIOT Act today, more than two years after its creation, might have been crucial in determining its fate in the weeks preceding its passage. Did that controversy and debate exist, at least in the media? Hollifield’s study would lead us to expect mainstream media coverage to be event-based rather than issue-based: to be minimal before and during policy construction, but to peak once policy construction is over and the legislation has passed.

If the literature reviewed is any indicator of media behavior, one might predict the responses that this study will provide to the research questions posed:

1. *Which sources and opinions received preferential treatment in the media?* Sigal’s study would predict that official channels of information would be given more importance in the coverage than unofficial ones, and that government sources would be quoted more often than non-governmental sources. The theories of Herman and Chomsky would additionally predict that sources supportive of government policy would be more prevalently used than critical sources.

2. *What aspects of the legislation were discussed, and how was the discussion framed?* From the press nationalism theory and propaganda model of Herman and Chomsky, one may expect to find that aspects of the legislation repeatedly discussed by official government sources, and the assertions made about the purpose and consequences of the legislation by official government sources, would frame the discussion of the legislation in the media.

3. *How did the editorial treatment of the topic differ from the overall coverage?* As a corollary to the previous two research questions, one would predict that editorial treatment would not be significantly different from the overall coverage in terms of both opinion and framing.
Chapter 3: Research Method

This study examined print news media coverage of the USA PATRIOT Act before it was passed into law. The publications used in this study were selected to represent the print news media of the U.S., in terms of both circulation and geographical distribution.

Seventeen publications were analyzed, including fourteen top-30-circulation newspapers, and three news magazines, *Time*, *Newsweek* and *U.S. News and World Report*. All the newspapers, with the exception of *USA Today*, were metropolitan dailies that have been in publication for 90 to 150 years.¹

The *New York Times*, the *Washington Post* and the *Boston Globe* were selected from among the numerous dailies that serve the densely populated and well-developed Northeast and Mid-Atlantic region. The Midwest was represented by the *Chicago Tribune*, the *Cleveland Plain Dealer*, and the *St. Louis Post-Dispatch*. The *Houston Chronicle*, the *Atlanta Journal-Constitution* and the *Miami Herald* were chosen as representative newspapers of the Southern and Southeastern states of the U.S.

California has more than 1.5 times the inhabitants of the next populous state, Texas, and nearly an eighth of the population of the U.S.² The two top-circulation dailies from California, the *San Francisco Chronicle* and the *Los Angeles Times*, were included in this study to represent its economically and culturally distinct northern and southern regions, respectively. The *Portland Oregonian* represented the Pacific Northwest, and the *Denver Post*, the Rocky Mountain region.

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¹ The youngest of the metropolitan dailies, the *Miami Herald*, was established in 1910; the oldest, the *Portland Oregonian*, was started in 1850, a year earlier than the *New York Times*.

² According to the 2000 census, the population of California was 33,871,648, while that of Texas, the next populous state, was 20,851,820. The difference in the populations of these two states itself was greater than the population of every other state, with the exception of New York and Florida. Approximately 12% of the population of the U.S. lives in California, which is the third largest state in terms of area, after Alaska and Texas.
List of newspapers used in this study³

<table>
<thead>
<tr>
<th>NEWSPAPER</th>
<th>ST.</th>
<th>Estd.</th>
<th>RANK (Circ.)</th>
<th>SOURCE</th>
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<tbody>
<tr>
<td></td>
<td>National</td>
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<tr>
<td>USA Today</td>
<td>VA</td>
<td>1984</td>
<td>01 (2,149,933)</td>
<td>Microfilm, LexisNexis</td>
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<td></td>
<td>Northeast/Mid-Atlantic</td>
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<tr>
<td>New York Times</td>
<td>NY</td>
<td>1851</td>
<td>03 (1,109,371)</td>
<td>Microfilm, LexisNexis</td>
</tr>
<tr>
<td>Washington Post</td>
<td>DC</td>
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<td>05 (759,864)</td>
<td>Microfilm, LexisNexis</td>
</tr>
<tr>
<td>Boston Globe</td>
<td>MA</td>
<td>1872</td>
<td>14 (471,199)</td>
<td>Microfilm, LexisNexis</td>
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<td>Midwest/Great Plains</td>
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<tr>
<td>Chicago Tribune</td>
<td>IL</td>
<td>1847</td>
<td>07 (675,847)</td>
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<td>1842</td>
<td>20 (359,978)</td>
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<tr>
<td>St. Louis Post-Dispatch</td>
<td>MO</td>
<td>1878</td>
<td>30 (290,615)</td>
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<td>South/Southeast</td>
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<tr>
<td>Houston Chronicle</td>
<td>TX</td>
<td>1901</td>
<td>09 (551,854)</td>
<td>Microfilm, ProQuest</td>
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<td>Atlanta Journal-Constitution</td>
<td>GA</td>
<td>1883/68</td>
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<tr>
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<td>FL</td>
<td>1910</td>
<td>26 (317,897)</td>
<td>Microfilm, ProQuest</td>
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<td>West Coast/Rocky Mts.</td>
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<tr>
<td>Los Angeles Times</td>
<td>CA</td>
<td>1881</td>
<td>04 (944,303)</td>
<td>Microfilm</td>
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<tr>
<td>San Francisco Chronicle</td>
<td>CA</td>
<td>1865</td>
<td>11 (512,042)</td>
<td>Microfilm, LexisNexis</td>
</tr>
<tr>
<td>Portland Oregonian</td>
<td>OR</td>
<td>1850</td>
<td>22 (351,303)</td>
<td>Microfilm, ProQuest</td>
</tr>
<tr>
<td>Denver Post</td>
<td>CO</td>
<td>1891</td>
<td>29 (305,929)</td>
<td>Microfilm, LexisNexis</td>
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</table>

Time, Newsweek, and U.S. News and World Report, the top three American magazines exclusively dedicated to news coverage were used in this study to represent the news magazine sub-sector of the American print media.

The period under review encompassed the 45 days between the WTC-Pentagon attacks on Sept. 11, 2001, and the passage of the USA PATRIOT Act on Oct. 26, 2001. Coverage on Oct. 27, the day after the bill was signed into law, was also included in the study. The coverage period was roughly divided into seven weeks as shown below.

**Time division of period under review**

- **Week 0:** Tuesday, Sept. 11 – Saturday, Sept. 15 [5 days]
- **Week 1:** Sunday, Sept. 16 – Saturday, Sept. 22
- **Week 2:** Sunday, Sept. 23 – Saturday, Sept. 29
- **Week 3:** Sunday, Sept. 30 – Saturday, Oct. 6
- **Week 4:** Sunday, Oct. 7 – Saturday, Oct. 13
- **Week 5:** Sunday, Oct. 14 – Saturday, Oct. 20
- **Week 6:** Sunday, Oct. 21 – Friday, Oct. 27

Although most newspaper coverage of the attacks themselves began on the next day, the earliest reference to counter-terrorism measures in the offing came from Attorney-General John Ashcroft on Sunday, Sept. 16, and was reported in the next day’s papers. Week 0, starting on Tuesday, Sept. 11 and ending Saturday, Sept. 15, was therefore characterized by no mention whatsoever of any upcoming legislative moves to counter terrorism. The two articles from Week 0 that speculated about the consequences for civil liberties and privacy were included in the study.

**Data Collection**

Newspapers on microfilm (and their microfilm indices), the LexisNexis database, and the ProQuest database were used as the main sources of archived articles. Keyword and phrase searches on the two databases were used to obtain copies of all the articles that referred to or dealt with the USA PATRIOT Act. Newspaper microfilm indices were searched for terms such as “Patriot Act,” “USA PATRIOT Act,” “Terrorism,” “National security,” “Federal legislation,” “Law enforcement,” “Ashcroft,” “Surveillance,” “Privacy,” “Civil Rights,” “Immigration,” etc.

The indices often listed other similar terms to refer to; the articles listed under such terms were also searched. For instance, under the entry for “Immigration” in the *San Francisco Chronicle*
newspaper index, one finds the phrase “See also Aliens.” Those articles listed under “Aliens” were also examined to minimize the accidental exclusion of relevant articles.

Similar search terms were used to obtain the maximum number of relevant articles from the LexisNexis and ProQuest databases. All word and phrase searches were conducted on the full text of the articles. A search for “terrorism and legislation” pulled up all articles that contained the words “terrorism” and “legislation.” A search for “USA or Patriot” yielded all articles that contained the word “USA,” the word “Patriot,” and both “USA” and “Patriot.” (Hyphenated words like “anti-terrorism,” “counter-terrorism” etc. are automatically incorporated by both databases in their searches, but non-hyphenated extensions of the search items, like “antiterrorism,” are not.)

In the initial screening, duplicates were removed, and the articles obtained from the searches were sifted through to eliminate those that definitely do not pertain to the USA PATRIOT Act. This meant that while an article that referred to “anti-terrorism measures” was to be included in the study, as USA PATRIOT Act falls under that category, an article that dealt with specific non-USA PATRIOT Act anti-terrorism legislation, such as the Port and Maritime Security Act (S. 1214), was excluded.

Articles were divided into three broad categories as defined below:

1. **Type 1.** Full length articles in which the anti-terrorism legislation, any of its provisions, or its repercussions form a substantial part of the article, i.e., more than five sentences OR more than a third of the article (in number of contiguous sentences), whichever number is smaller.

2. **Type 2.** Full-length articles in which the anti-terrorism legislation, its provisions, or its repercussions are only mentioned in passing, i.e., five or fewer contiguous sentences OR less than a third of the article (in number of contiguous sentences), whichever number is smaller.

3. **Type 3.** A series of short news items, of which one short news item is about the anti-terrorism legislation, its provisions, or its repercussions.
4. **Type 4.** Front- or second-page synopses of full-length articles found in the inner pages of the newspaper.

Full length articles in which the contiguous space devoted to the USA PATRIOT Act crossed the threshold length were defined as significant to this study. For articles of fewer than 15 sentences, the threshold was set at a third of the article. For articles of 15 sentences or more, the threshold was five contiguous sentences. Type 1 articles crossed the applicable threshold of significance, and were therefore included in the study.

Type 2 articles were excluded from the quantitative aspect of the study. The purpose of the content analysis was to determine trends in the nature of the coverage of the anti-terrorism legislation. Incidental references, if treated on an equal basis to articles that were written with the anti-terrorism legislation as one of the central foci of interest, would only distort the statistics.

Type 3 articles were included in the analysis. These, like Type 1 articles, are informational pieces devoted to the USA PATRIOT Act and differ from Type 1 articles only in length. This difference does not necessarily translate into a difference in significance; short news items grouped together have a different attraction to the reader: the prospect of getting a quick news update.

Type 4 articles were not used, since the full-length inner-page articles that they referred to were already included in the universe of articles examined in the study. Besides, the Type 4 article in question would only contain a subset of the information in the full-length article that they direct the reader to. A reader would treat such an article not as separate from the full-length article it referred to, but as a preview.

Articles of types 1 and 3 were therefore used in the content analysis, while types 2 and 4 were excluded. The articles were arranged by newspaper, and within each newspaper, by date, with a rough division into 7 weeks to correspond with the chronological sequence of events that led up to the passage of the USA PATRIOT Act.
Coding Categories, Definitions, and Procedure

The coding sheet was designed to record the characteristics of each article included in the study. Eleven coding categories were created: headline, publication, date, section/page, number of paragraphs, article type, author, sources, order, angles, and tone. The general characteristics of coverage such as the number of articles, their distribution over time, the proportion of news and editorial pieces, etc. were documented.

The numbers of sources from various branches of government and from non-governmental and non-specific sources were examined over time and as a whole. Non-specific sources were defined to include unidentified and generic sources. An opinion attributed to “critics” or “proponents” for instance, would fall under this category. Non-specific sources are typically quoted indirectly.

The numbers of supportive and critical quotations, both direct and indirect, from various sources, over time, and overall, were tallied and compared. While the executive branch, by virtue of being the main sponsors of the legislation, can be expected to be overwhelmingly supportive of the Act, the presence of supportive and critical voices in other branches of government and outside, would call for a comparison of how often these voices were quoted.

Apart from the sheer number of times a source is quoted, direct quotation confers a certain value upon a source used in an article. Direct quotations are more visible, more potent, and more effective than indirect quotations. The numbers of direct quotations from various sources were added and compared.

The placement of a source within an article was also said to add weight to a quotation. The first three sources occurring in each article were noted, and defined as having “prominence.” Prominent sources from all branches of government and from outside the government were summed and compared. The percentage of quotations from each source that had prominent placement in
articles was also calculated. The above source characteristics were evaluated in combination with each
other, to detect any patterns or bias in sourcing in coverage.

The variety of aspects of the legislation discussed in the articles, irrespective of whether the
author’s own interpretation validated them or not, measured the depth and range of coverage. An
angle was defined as a mention of the constituent provision or an established or predicted
consequence of the anti-terrorism legislation. Each angle was counted once for every clause in which
it occurred. A significant prevalence of a certain angle over others would be indicative of a one-
dimensional construction of the issue in the press.

The angles that were used in coverage were grouped into six categories: counterterrorism,
government powers, civil liberties, privacy, non-citizen issues, and other. The civil liberties and
privacy categories consisted of sub-categories for general and specific angles, as shown below.

1. **Counterterrorism**: All references to foreign intelligence gathering, changes in FISA regulations, and
domestic terrorism.

2. **Government powers**: Powers granted to police and law enforcement agencies, including the ability to
share information, access to grand jury testimony, and lowering of judicial oversight.

3. **Civil liberties**
   
   (i) **General**: Non-specific references to civil liberties, freedoms, the Bill of Rights, and the
   Constitution.

   (ii) **Freedom of speech**: All First Amendment issues, primarily chilling of dissent and freedom of
   speech, but also freedom of religion, association, assembly, etc.

   (iii) **Search and seizure**: Physical, black-bag, and property searches; delayed notification; and the
   “sneak-and-peak” provision.

4. **Privacy**

   (i) **General**: Non-specific references to privacy issues.
(ii) **Communication surveillance:** Surveillance and wiretapping of telephones, cell phones, voicemail, electronic mail, pagers, etc.; monitoring of Internet activity; and Carnivore and other computer/ISP spying programs.

(iii) **Financial privacy:** Money laundering regulations; credit reports; bank and business records; and the reporting of “suspicious activity” to federal authorities by financial institutions and their employees.

(iv) **Educational privacy:** College and university student records.

(v) **Biometric identification:** Suggestions to issue ID cards; collection and use of biometric data such as fingerprints, iris scans, etc. for identification.

5. **Non-citizen issues:** The impact of the legislation on non-Americans (legally or illegally) in the U.S.; the rights of immigrants and non-immigrants; issuance of visas; screening of aliens seeking to enter the U.S.; tracking of movement of aliens within the U.S.; detention and deportation of aliens; etc.

6. **Miscellaneous**

   (i) **Bipartisanship:** The impact of the legislation in fostering unity; or partisan bickering induced by the legislation.

   (ii) **Economy:** The legislation’s impact on consumer confidence and investment in the economy.

   (iii) **Biological toxins:** The possession and use of biological toxins and agents.

   (iv) **Other:** Medical privacy; due process rights; etc. All aspects of the bill that added up to fewer than 15 references were included here.

Finally, observations about the editorial treatment of the USA PATRIOT Act were noted. The number, distribution and tone of editorials and opinion pieces were recorded, as were the frequencies of angles; the trend in editorial treatment was compared to news coverage for points of similarity and of divergence.
Inter-coder Reliability

The inter-coder reliability test was calculated to find the percentage congruence between three coders. From the universe of 354 articles, a representative sample of 29 articles was selected across publications and dates. The articles in the sample were coded simultaneously by the author and two individuals. The two coders were American citizens, Caucasian, native speakers of English, graduate students pursuing degrees in the fields of communication and international studies, 28 and 34 years of age, respectively.

Reliability values for each of the coding categories, based on the percentage of agreement, ranged from 85.1% to 100%. The overall inter-coder reliability was calculated to be 95.3%.

Quantitative Analysis

The data from the completed coding sheets was statistically evaluated, and the results derived were tabulated to show patterns in the coverage during the period being studied. Specific research questions were tackled as described below.

1. *Which sources and opinions received preferential treatment in the media?* The numbers of direct and indirect quotations from various sources, the number and variety of opinions expressed, and the prominence of source quotations, were calculated to show trends in sourcing.

2. *What aspects of the legislation were discussed, and how was the discussion framed?* The quantitative study measured the relative numbers of various angles of discussion in the coverage. Angle frequencies for front-page articles were compared to the overall coverage. Major angles in the coverage were categorized into frames describing the media’s message to the public regarding the legislation.

3. *How did the editorial treatment of the topic differ from the overall coverage?* Editorial tone was described and compared to sourcing in news articles. Angle frequencies in editorials were compared to overall coverage frequencies.
Trends indicated by the quantitative analysis were discussed, illustrated and explained with examples from the articles. The results for the specific thesis questions were used to derive conclusions about the efficacy of the print media in its coverage of the USA PATRIOT Act in the period prior to its passage.
Chapter 4: Results

The statistical analysis of the data revealed the number and distribution of articles over time, and indicated that the coverage of the USA PATRIOT Act was biased in sourcing and lopsided in the prioritization and exploration of angles.

The universe consisted of 354 articles from the interval between the WTC-Pentagon attacks and the passage of the USA PATRIOT Act, of which 344 were from the 14 newspapers selected for this study, and 10 articles, from the three news magazines. The *Washington Post* and the *New York Times* published the largest number of articles about the anti-terrorism legislation from this period, 42 and 41 respectively.

Of the 344 newspaper articles, 62 were front-page news items, and an additional 25 appeared on the first page of another section. Articles in the study varied in length from one to 55 paragraphs; the mean length was 17.32 paragraphs, with a median length of 17 paragraphs and a mode of 19 paragraphs. Front page articles had a mean length of 24.76 paragraphs.

News articles made up 61.9% of the total; opinion and editorial pieces made up 16.4%. Feature stories, which made up 16.7%, and short news assortment items, 5%, constituted the rest of the articles. The majority of the articles, 64.7%, were authored by bylined staff writers. Newspaper editorial boards contributed 10.7%; news wires, 8.5%; other syndicated material, 5.4%; and freelance writers, 7.1%.

Unless otherwise specified, the number of articles referred to include both newspaper and magazine articles. Magazine articles numbered 10, contributing 2.8% of the total. These articles did not perceptibly differ from or affect the trends described in the content analysis. The magazine articles were included in the sourcing and framing aspects of the analysis, but did not contain any newspaper-style editorials, and therefore did not contribute to the study of editorial treatment of the
legislation. The location of articles in newspapers and magazines also differ in terms of significance; “front-page” articles in newspapers have no magazine equivalent. These and other characteristics of the ten magazine articles were examined qualitatively in the discussion.\footnote{1}{See Chapter 5: Discussion.}

**Distribution of articles**

One of the first observable results from the content analysis, the distribution of articles over time, showed a sharp spike in coverage toward the end of the final week, in the Oct. 24–26 range. A similar sharp rise in the number of front-page articles in that period showed a total of 18 front-page news items published in Week 6. Figure 1 shows how the distribution of all articles and of front-page news items varied from one day to the next over the entire period under review.

However, when the total numbers of articles for each week are compared, despite this sudden surge in coverage, the final week of publication has a total of 68 articles, compared to 74 articles in Week 3; and the penultimate week shows the lowest number of articles (33) and the lowest number of front-page news items (1) of the six weeks after Attorney General John Ashcroft announced the Justice Department’s anti-terrorism proposal.\footnote{2}{See Chapter 1: Introduction, notes 23–25.} The distribution of articles for Weeks 0–6 is summarized in Table 1 by adding the total numbers of articles published in each week.

The first few weeks were marked by sustained coverage, after which media interest in the anti-terrorism legislation appeared to wane until it was passed. During Weeks 4 and 5, one may observe two more spikes in the coverage, in spite of which Weeks 4 and 5 showed a drop in the number of articles published.

This drop continued into the first part of Week 6, as evidenced by the fact that despite the enormous spike in coverage towards the end of that week, the total number of articles published in Week 6 (68) was only second highest, after Week 3 (74).
Figure 1: The variation in the number of articles about the USA PATRIOT Act published in 14 newspapers and 3 news magazines between Sept. 11, 2001 and Oct. 27, 2001.
Table 1: Weekly totals of the number of front-page, inner-page, and all articles about the USA PATRIOT Act published in 14 newspapers and 3 news magazines between Sept. 11, 2001 and Oct. 27, 2001.

<table>
<thead>
<tr>
<th>ARTICLES</th>
<th>0</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th></th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front-page Articles</td>
<td>0</td>
<td>0.0%</td>
<td>11</td>
<td>18.3%</td>
<td>11</td>
<td>17.7%</td>
<td>11</td>
<td>14.9%</td>
<td>10</td>
</tr>
<tr>
<td>— per newspaper*</td>
<td>0</td>
<td>0.8</td>
<td>0.8</td>
<td>0.8</td>
<td>0.7</td>
<td>&lt;0.1</td>
<td>1.3</td>
<td>4.4</td>
<td></td>
</tr>
<tr>
<td>Inner-page Articles</td>
<td>2</td>
<td>100%</td>
<td>49</td>
<td>81.7%</td>
<td>51</td>
<td>82.3%</td>
<td>63</td>
<td>85.1%</td>
<td>45</td>
</tr>
<tr>
<td>— per publication†</td>
<td>0.1</td>
<td>2.9</td>
<td>3</td>
<td>3.7</td>
<td>2.6</td>
<td>1.9</td>
<td>2.9</td>
<td>17.2</td>
<td></td>
</tr>
<tr>
<td>All Articles</td>
<td>2</td>
<td>100%</td>
<td>60</td>
<td>100%</td>
<td>62</td>
<td>100%</td>
<td>74</td>
<td>100%</td>
<td>55</td>
</tr>
<tr>
<td>— per publication†</td>
<td>0.1</td>
<td>3.5</td>
<td>3.6</td>
<td>4.4</td>
<td>3.2</td>
<td>1.9</td>
<td>4</td>
<td>20.8</td>
<td></td>
</tr>
</tbody>
</table>

* Since front-page articles only appeared in newspapers, the average weekly numbers of front-page articles were obtained by dividing the weekly totals by 14.

† The average numbers of inner-page and all articles were obtained by dividing the weekly totals by the number of publications, 17 (14 newspapers and three news magazines).
Sourcing

Four properties of sourcing—incidence, opinion, direct quotation, and prominence—were quantitatively evaluated to find out whether any sources received preferential treatment in the press. Government sources were quoted (directly or indirectly) 1,292 times in the coverage period, more than twice as many times as non-governmental sources, which were quoted (directly or indirectly) 518 times. The executive and legislative branches were quoted 533 and 739 times, respectively. Judiciary branch sources were the least frequently quoted, 20 times.

Table 2 shows the total number of quotations from government, non-government and non-specific sources, and indicates how many of these were supportive of the legislation; how many were critical or cautionary; and how many neutral, ambiguous, or unrelated. Table 3 shows how many of the quotations from government, non-government and non-specific sources were direct, and how many were indirect (i.e., paraphrased). Tables 2 and 3 also show how these were distributed among the various branches of government, and how many came from the most-quoted individuals from both within and without the government. Supportive, critical, neutral, and total numbers of quotations from governmental, non-governmental and non-specific sources have been highlighted.

The single most frequently quoted source was Attorney General John Ashcroft, with 212 quotations, nearly two-fifths (39.8%) of all executive department quotations. Senator Patrick Leahy (D-Vt.), who was quoted 99 times, was the most-quoted legislative source. On the whole, Democrats and Republicans in Congress were quoted 387 and 265 times, respectively. The most-quoted non-governmental source, the American Civil Liberties Union (ACLU), was quoted 77 times.

Administration sources were almost unanimously supportive of the anti-terrorism legislation that would give them more powers with lowered judicial oversight. The disparity between the number of supportive and critical quotations was narrower for legislative sources, but the administrative opinion was nevertheless echoed here, with 381 quotations favoring, and 244
Table 2: The number of supportive, critical, and neutral quotations (direct and indirect), and the total number of quotations (direct and indirect) from various sources in all articles about the USA PATRIOT Act published in 14 newspapers and 3 news magazines between Sept. 11, 2001 and Oct. 27, 2001.

<table>
<thead>
<tr>
<th>SOURCE</th>
<th>QUOTES BY TONE</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Supportive</td>
<td>Critical</td>
</tr>
<tr>
<td><strong>GOVERNMENTAL SOURCES</strong></td>
<td>773</td>
<td>256</td>
</tr>
<tr>
<td>Executive Branch</td>
<td>390</td>
<td>1</td>
</tr>
<tr>
<td>—President George Bush</td>
<td>31</td>
<td>0</td>
</tr>
<tr>
<td>—Attorney General John Ashcroft</td>
<td>198</td>
<td>0</td>
</tr>
<tr>
<td>Legislative Branch</td>
<td>381</td>
<td>244</td>
</tr>
<tr>
<td>Senate Republicans</td>
<td>79</td>
<td>7</td>
</tr>
<tr>
<td>House Republicans</td>
<td>75</td>
<td>65</td>
</tr>
<tr>
<td>House Democrats</td>
<td>41</td>
<td>83</td>
</tr>
<tr>
<td>Senate Democrats*</td>
<td>148</td>
<td>59</td>
</tr>
<tr>
<td>—Senator Patrick Leahy</td>
<td>61</td>
<td>28</td>
</tr>
<tr>
<td>Judiciary Branch</td>
<td>2</td>
<td>11</td>
</tr>
<tr>
<td><strong>NON-GOVERNMENTAL SOURCES</strong></td>
<td>107</td>
<td>312</td>
</tr>
<tr>
<td>—American Civil Liberties Union</td>
<td>0</td>
<td>64</td>
</tr>
<tr>
<td><strong>NON-SPECIFIC SOURCES</strong></td>
<td>31</td>
<td>97</td>
</tr>
<tr>
<td>All Quotes</td>
<td>911</td>
<td>665</td>
</tr>
</tbody>
</table>

* Note: The numbers indicated for Senate Democrats are inclusive of the numbers for Senator Patrick Leahy.
Table 3: The number of direct and indirect quotations and the total number of quotations from various sources in all articles about the USA PATRIOT Act published in 14 newspapers and 3 news magazines between Sept. 11, 2001 and Oct. 27, 2001.

<table>
<thead>
<tr>
<th>SOURCE</th>
<th>DIRECT QUOTES</th>
<th>INDIRECT QUOTES</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>GOVERNMENTAL SOURCES</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Executive Branch</td>
<td>892</td>
<td>400</td>
<td>1292</td>
</tr>
<tr>
<td>—President George Bush</td>
<td>342</td>
<td>191</td>
<td>533</td>
</tr>
<tr>
<td>—Attorney General John Ashcroft</td>
<td>41</td>
<td>5</td>
<td>46</td>
</tr>
<tr>
<td>Legislative Branch</td>
<td>530</td>
<td>209</td>
<td>739</td>
</tr>
<tr>
<td>Senate Republicans</td>
<td>184</td>
<td>73</td>
<td>257</td>
</tr>
<tr>
<td>House Republicans</td>
<td>140</td>
<td>24</td>
<td>164</td>
</tr>
<tr>
<td>House Democrats</td>
<td>118</td>
<td>12</td>
<td>130</td>
</tr>
<tr>
<td>Senate Democrats*</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>—Senator Patrick Leahy</td>
<td>70</td>
<td>29</td>
<td>99</td>
</tr>
<tr>
<td><strong>Judiciary Branch</strong></td>
<td>20</td>
<td>0</td>
<td>20</td>
</tr>
<tr>
<td><strong>NON-GOVERNMENTAL SOURCES</strong></td>
<td>452</td>
<td>66</td>
<td>518</td>
</tr>
<tr>
<td>—American Civil Liberties Union</td>
<td>58</td>
<td>19</td>
<td>77</td>
</tr>
<tr>
<td><strong>NON-SPECIFIC SOURCES</strong></td>
<td>0</td>
<td>147</td>
<td>147</td>
</tr>
<tr>
<td>All Quotes</td>
<td>1344</td>
<td>613</td>
<td>1957</td>
</tr>
</tbody>
</table>

* Note: The numbers indicated for Senate Democrats are inclusive of the numbers for Senator Patrick Leahy.
opposing the anti-terrorism legislation. Overall, government sources in favor of the legislation were quoted 773 times, nearly three times as frequently as critical governmental sources, who were quoted 256 times.

Quotations from Senate Republicans were consistent with the Bush administration’s opinions, with 79 supportive of the legislation and only 7 critical. It is interesting, however, to note that Senate Democrats were quoted supporting the legislation 148 times, and criticizing it only 59 times. The most-quoted Senate Democrat, Sen. Patrick Leahy, had 61 supportive and 28 critical quotations attached to his name. Therefore, though Senate Democrats were quoted more than 2.5 times as often as Senate Republicans, they were mostly quoted endorsing the same point of view as their political adversaries.

Critical quotations from non-governmental and non-specific sources (312 and 97) were both approximately three times as frequent as supportive quotations (107 and 31); however, this could not counter the overwhelming number of governmental sources supporting the legislation. The total number of supportive quotations exceeded the total number of critical quotations every week of the coverage (except for Week 0).

Table 4 records the total weekly number of supportive and critical quotations from the government, non-governmental sources, and non-specific sources. Figure 2 illustrates the total number of supportive and critical quotations from all sources for each week of publication. Solid gray columns represent all supportive quotations for each week; dotted white columns represent all critical and cautionary quotations.

For the entire period, this study found that supportive quotations outnumbered critical quotations, 911 to 665. The edge that the supportive quotations had over critical quotations grew dramatically in the last two weeks of coverage; in Week 5, supportive quotations numbered twice as many as critical quotations; in Week 6, the ratio was 1.8.
Table 4: Weekly totals of supportive and critical quotations (direct and indirect) from various sources in all articles about the USA PATRIOT Act published in 14 newspapers and 3 news magazines between Sept. 11, 2001 and Oct. 27, 2001.

<table>
<thead>
<tr>
<th>SOURCE</th>
<th>Week 0</th>
<th>Week 1</th>
<th>Week 2</th>
<th>Week 3</th>
<th>Week 4</th>
<th>Week 5</th>
<th>Week 6</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>SUP</td>
<td>CRT</td>
<td>SUP</td>
<td>CRT</td>
<td>SUP</td>
<td>CRT</td>
<td>SUP</td>
<td>CRT</td>
</tr>
<tr>
<td>GOVT.</td>
<td>5</td>
<td>1</td>
<td>159</td>
<td>42</td>
<td>132</td>
<td>72</td>
<td>170</td>
<td>61</td>
</tr>
<tr>
<td>Executive</td>
<td>0</td>
<td>0</td>
<td>102</td>
<td>1</td>
<td>83</td>
<td>0</td>
<td>60</td>
<td>0</td>
</tr>
<tr>
<td>Legislature</td>
<td>5</td>
<td>1</td>
<td>57</td>
<td>38</td>
<td>49</td>
<td>67</td>
<td>109</td>
<td>58</td>
</tr>
<tr>
<td>Judiciary</td>
<td>0</td>
<td>0</td>
<td>3</td>
<td>0</td>
<td>5</td>
<td>1</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td>NON-GOVT.</td>
<td>0</td>
<td>6</td>
<td>16</td>
<td>88</td>
<td>21</td>
<td>58</td>
<td>22</td>
<td>55</td>
</tr>
<tr>
<td>NON-SPECIFIC</td>
<td>0</td>
<td>0</td>
<td>3</td>
<td>19</td>
<td>4</td>
<td>19</td>
<td>9</td>
<td>19</td>
</tr>
<tr>
<td>Total</td>
<td>5</td>
<td>7</td>
<td>178</td>
<td>149</td>
<td>157</td>
<td>149</td>
<td>201</td>
<td>135</td>
</tr>
</tbody>
</table>

TOTAL          | 773    | 256    | 381    | 244    | 107    | 312    | 911    | 665   |
Figure 2: Weekly totals of supportive and critical quotations (direct and indirect) in all articles about the USA PATRIOT Act published in 14 newspapers and 3 news magazines between Sept. 11, 2001 and Oct. 27, 2001.
The sudden increase in the distance between the supportive and critical tallies for the last two weeks can be seen in Figure 3. The number of supportive and critical quotations for each day of publication was tallied, and plotted. Towards the end of the final week of publication, there was a surge in the number of quotations, corresponding with the increase in the number of articles published. The gap between the supportive and critical quotations is vividly clear in this period. Neutral, ambiguous and unrelated quotations have not been used in the figure.

This study found that government sources were quoted directly more often than non-governmental sources, consistently, throughout the period of coverage. In fact, the number of direct quotations from government sources was greater than the total number of quotations (direct and indirect) from non-governmental sources for all the weeks of publication after Week 0. Of the 1,292 quotations from government sources, 892 were direct quotations. This is nearly twice the 452 direct quotations from non-governmental sources. The number of direct quotations and the total number of quotations from government and non-government sources are tabulated in Table 5.

Figure 4 illustrates the proportion of direct quotations from government and non-government sources compared to the total number of quotations from these sources for each week of publication. The height of each column represents the total number of quotations; the direct quotations are represented by the lower, darker section of the column.

Prominence in source positioning was calculated in almost an identical fashion to direct quotation of sources. The sources that appeared first, second, and third in each article were noted, and the number of times each source appeared in prominent positions in articles was tallied, as shown in Table 6. [Of the 354 articles in this study, 58 articles did not contain any quotations, 24 had just one quotation, 20 had two quotations, and the remaining 252 articles contained three or more quotations. So there were a total of 820 prominent positions (58×0 + 24×1 + 20×2 + 252×3) available in the entire universe of articles.]
Figure 3: The variation in the numbers of supportive and critical quotations in all articles about the USA PATRIOT Act published in 14 newspapers and 3 news magazines between Sept. 11, 2001 and Oct. 27, 2001.
Table 5: Weekly totals of the number of direct and all quotations (direct and indirect included) from government and non-governmental sources in all articles about the USA PATRIOT Act published in 14 newspapers and 3 news magazines between Sept. 11, 2001 and Oct. 27, 2001.

<table>
<thead>
<tr>
<th>SOURCE</th>
<th>Week 0</th>
<th>Week 1</th>
<th>Week 2</th>
<th>Week 3</th>
<th>Week 4</th>
<th>Week 5</th>
<th>Week 6</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Dir.</td>
<td>All</td>
<td>Dir.</td>
<td>All</td>
<td>Dir.</td>
<td>All</td>
<td>Dir.</td>
<td>All</td>
</tr>
<tr>
<td>GOVT.</td>
<td>6</td>
<td>6</td>
<td>176</td>
<td>267</td>
<td>168</td>
<td>245</td>
<td>187</td>
<td>286</td>
</tr>
<tr>
<td>NON-GOV.</td>
<td>8</td>
<td>8</td>
<td>112</td>
<td>123</td>
<td>95</td>
<td>103</td>
<td>78</td>
<td>91</td>
</tr>
<tr>
<td>TOTAL</td>
<td>14</td>
<td>14</td>
<td>288</td>
<td>390</td>
<td>263</td>
<td>348</td>
<td>265</td>
<td>377</td>
</tr>
</tbody>
</table>
Figure 4: Weekly totals of the numbers of direct and indirect quotations from government and non-governmental sources in all articles about the USA PATRIOT Act published in 14 newspapers and 3 news magazines between Sept. 11, 2001 and Oct. 27, 2001.
Table 6: The number of quotations (direct and indirect) from various sources, placed first, second, and third in all articles about the USA PATRIOT Act published in 14 newspapers and 3 news magazines between Sept. 11, 2001 and Oct. 27, 2001.

<table>
<thead>
<tr>
<th>SOURCE</th>
<th>1st</th>
<th>2nd</th>
<th>3rd</th>
<th>OVERALL PROMINENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>No Source</td>
<td>58</td>
<td>82</td>
<td>102</td>
<td>—</td>
</tr>
<tr>
<td>GOVERNMENTAL SOURCES</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Executive Branch</td>
<td>114</td>
<td>85</td>
<td>77</td>
<td>276</td>
</tr>
<tr>
<td>—President George Bush</td>
<td>12</td>
<td>9</td>
<td>7</td>
<td>28</td>
</tr>
<tr>
<td>—Attorney General John Ashcroft</td>
<td>58</td>
<td>44</td>
<td>26</td>
<td>128</td>
</tr>
<tr>
<td>Legislative Branch</td>
<td>120</td>
<td>114</td>
<td>109</td>
<td>343</td>
</tr>
<tr>
<td>House Republicans</td>
<td>28</td>
<td>24</td>
<td>24</td>
<td>76</td>
</tr>
<tr>
<td>House Democrats</td>
<td>19</td>
<td>21</td>
<td>20</td>
<td>60</td>
</tr>
<tr>
<td>Senate Republicans</td>
<td>9</td>
<td>16</td>
<td>16</td>
<td>41</td>
</tr>
<tr>
<td>Senate Democrats*</td>
<td>46</td>
<td>39</td>
<td>39</td>
<td>122</td>
</tr>
<tr>
<td>—Senator Patrick Leahy</td>
<td>15</td>
<td>20</td>
<td>16</td>
<td>51</td>
</tr>
<tr>
<td>Judiciary Branch</td>
<td>4</td>
<td>4</td>
<td>5</td>
<td>13</td>
</tr>
<tr>
<td>NON-GOVERNMENTAL SOURCES</td>
<td>38</td>
<td>51</td>
<td>42</td>
<td>131</td>
</tr>
<tr>
<td>—American Civil Liberties Union</td>
<td>4</td>
<td>6</td>
<td>9</td>
<td>19</td>
</tr>
<tr>
<td>NON-SPECIFIC SOURCES</td>
<td>20</td>
<td>18</td>
<td>19</td>
<td>57</td>
</tr>
</tbody>
</table>

* Note: The numbers indicated for Senate Democrats are inclusive of the numbers for Senator Patrick Leahy.
One can see that the executive and the legislature, and governmental sources overall, were quoted first, second, and third in articles much more frequently than non-governmental sources. In all three positions, the single most-quoted source, Attorney General John Ashcroft, appeared most frequently, 128 times. Where the Attorney General’s total of 212 quotations were placed in a prominent position 60.4% of the time, the ACLU, the most-quoted non-governmental source with 77 quotations, was sourced prominently only 24.7% of the time.

Source prominence over the weeks of publication was tallied by adding the number of sources from each category that appeared first, second, or third in an article for all the articles published each week, as shown in Table 7.

The table shows that government sources were given prominent placing several times more frequently than non-governmental sources consistently, over Weeks 1 through 6. This ranged from government sources being quoted prominently more than 7 times as frequently as non-governmental sources (in Week 3) to government sources being quoted just under three times as frequently as non-governmental sources (in Week 5).

Overall, a reader could expect to encounter government sources quoted first, second or third in an article nearly five times more frequently than non-governmental sources. Executive branch sources were placed in prominent positions more than twice as often as non-governmental sources; legislative branch sources were placed prominently 2.6 times as frequently as non-governmental sources.

An important difference between direct quotation and source positioning is the fact that while the hypothetical number of direct quotations in an article is endless, the number of prominent quotations for each article is limited to three. The number of prominent quotations from the different sources were therefore linked to one another; for increased prominence for one source meant automatically lowered prominence for other sources.
Table 7: Weekly totals of the number of quotations (direct and indirect) from various sources placed prominently in all articles about the USA PATRIOT Act published in 14 newspapers and 3 news magazines between Sept. 11, 2001 and Oct. 27, 2001.

<table>
<thead>
<tr>
<th>SOURCE</th>
<th>0</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>No Source</td>
<td>0</td>
<td>26</td>
<td>40</td>
<td>48</td>
<td>37</td>
<td>41</td>
<td>50</td>
<td>—</td>
</tr>
<tr>
<td>GOVT.</td>
<td>3</td>
<td>121</td>
<td>107</td>
<td>145</td>
<td>98</td>
<td>40</td>
<td>118</td>
<td>632</td>
</tr>
<tr>
<td>Executive</td>
<td>0</td>
<td>72</td>
<td>54</td>
<td>53</td>
<td>26</td>
<td>12</td>
<td>59</td>
<td>276</td>
</tr>
<tr>
<td>Legislature</td>
<td>3</td>
<td>47</td>
<td>47</td>
<td>88</td>
<td>72</td>
<td>27</td>
<td>59</td>
<td>343</td>
</tr>
<tr>
<td>Judiciary</td>
<td>0</td>
<td>2</td>
<td>6</td>
<td>4</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>13</td>
</tr>
<tr>
<td>NON-GOVT.</td>
<td>3</td>
<td>25</td>
<td>29</td>
<td>20</td>
<td>17</td>
<td>14</td>
<td>23</td>
<td>131</td>
</tr>
<tr>
<td>NON-SPEC.</td>
<td>0</td>
<td>8</td>
<td>10</td>
<td>9</td>
<td>13</td>
<td>4</td>
<td>13</td>
<td>57</td>
</tr>
</tbody>
</table>
A new value—normalized source prominence—was created by calculating the ratio of prominent quotations to all the quotations from a source, and the percentage of quotations from each source that are placed in prominent positions in an article, to counter the inflation of source prominence for more frequently quoted sources as shown in Table 8.

The normalized source prominence statistics demonstrate that even when the gap between government and non-governmental sourcing is accounted for, government sources were still found to consistently receive more prominent positioning in articles than non-governmental sources. Nearly half of all quotations from the government were placed at the beginning of articles; little more than a fourth of the non-governmental sources quoted were given the same prominent positions.

Figure 5 illustrates how many of the quotations from each source were placed in prominent positions in articles over the weeks of publication. The height of the bars represents the total number of direct and indirect quotations, while the lower, darker section shows how many of those were prominently placed quotations.

**Angle frequencies**

Table 9 shows what angles were discussed, and how frequently, for each of the weeks and for the entire period. When the frequencies of angles in coverage were tallied, this study found that counterterrorism and government powers angles constituted a substantial proportion of the angles in coverage: 26.9% and 17.5% respectively. This was consistently true over the entire period of coverage: counterterrorism and government powers were the two most frequently discussed aspects of the legislation over Weeks 1 through 6.

In the discussion of civil liberties, it is interesting to note that generalized references to the civil liberties and freedoms were far more frequent than specific civil liberties issues. Among the latter, First and Fourth Amendment issues were present in the discussion. They nevertheless only
Table 8: The percentage of quotations (direct and indirect) from governmental and non-governmental sources, that were placed prominently in all articles about the USA PATRIOT Act published in 14 newspapers and 3 news magazines between Sept. 11, 2001 and Oct. 27, 2001.

<table>
<thead>
<tr>
<th>SOURCE</th>
<th>0</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>OVERALL</th>
</tr>
</thead>
<tbody>
<tr>
<td>GOVT.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prominent Quotes</td>
<td>3</td>
<td>—</td>
<td>121</td>
<td>—</td>
<td>107</td>
<td>—</td>
<td>145</td>
<td>—</td>
</tr>
<tr>
<td>All Quotes</td>
<td>6</td>
<td>—</td>
<td>267</td>
<td>—</td>
<td>245</td>
<td>—</td>
<td>286</td>
<td>—</td>
</tr>
<tr>
<td>Ratio / Percentage</td>
<td>0.5</td>
<td>50.0%</td>
<td>0.4532</td>
<td>45.3%</td>
<td>0.4367</td>
<td>43.7%</td>
<td>0.5069</td>
<td>50.7%</td>
</tr>
<tr>
<td>NON-GOV'T.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prominent Quotes</td>
<td>3</td>
<td>—</td>
<td>25</td>
<td>—</td>
<td>29</td>
<td>—</td>
<td>20</td>
<td>—</td>
</tr>
<tr>
<td>All Quotes</td>
<td>8</td>
<td>—</td>
<td>123</td>
<td>—</td>
<td>103</td>
<td>—</td>
<td>91</td>
<td>—</td>
</tr>
<tr>
<td>Ratio / Percentage</td>
<td>0.375</td>
<td>37.5%</td>
<td>0.2033</td>
<td>20.3%</td>
<td>0.2816</td>
<td>28.2%</td>
<td>0.2198</td>
<td>22.0%</td>
</tr>
</tbody>
</table>
Figure 5: Weekly totals of the number of quotations (direct and indirect) from governmental and non-governmental sources, that were placed prominently in all articles about the USA PATRIOT Act published in 14 newspapers and 3 news magazines between Sept. 11, 2001 and Oct. 27, 2001.
Table 9: Frequencies of various frames of discussion in all articles about the USA PATRIOT Act published in 14 newspapers and 3 news magazines between Sept. 11, 2001 and Oct. 27, 2001.

<table>
<thead>
<tr>
<th>ANGLE</th>
<th>WEEK</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Counterterrorism</td>
<td>14</td>
<td>589</td>
</tr>
<tr>
<td>Government Powers</td>
<td>4</td>
<td>348</td>
</tr>
<tr>
<td>Civil Liberties</td>
<td></td>
<td></td>
</tr>
<tr>
<td>—General</td>
<td>22</td>
<td>41.5%</td>
</tr>
<tr>
<td>—First Amendment</td>
<td>3</td>
<td>5.7%</td>
</tr>
<tr>
<td>—Search/Seizure</td>
<td>0</td>
<td>0.0%</td>
</tr>
<tr>
<td>Privacy</td>
<td></td>
<td></td>
</tr>
<tr>
<td>—General</td>
<td>0</td>
<td>0.0%</td>
</tr>
<tr>
<td>—Comm. Surveillance</td>
<td>6</td>
<td>11.3%</td>
</tr>
<tr>
<td>—Money Trails</td>
<td>0</td>
<td>0.0%</td>
</tr>
<tr>
<td>—Educational Records</td>
<td>0</td>
<td>0.0%</td>
</tr>
<tr>
<td>—ID cards/Biometrics</td>
<td>0</td>
<td>0.0%</td>
</tr>
<tr>
<td>Non-citizen Issues</td>
<td>4</td>
<td>7.5%</td>
</tr>
<tr>
<td>Miscellaneous</td>
<td></td>
<td></td>
</tr>
<tr>
<td>—Bio Toxins/Agents</td>
<td>0</td>
<td>0.0%</td>
</tr>
<tr>
<td>—Bipartisanship</td>
<td>0</td>
<td>0.0%</td>
</tr>
<tr>
<td>—Economy</td>
<td>0</td>
<td>0.0%</td>
</tr>
<tr>
<td>—Other</td>
<td>0</td>
<td>0.0%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>53</td>
<td>100%</td>
</tr>
</tbody>
</table>
contributed 1% and 2.6%, respectively, in comparison to the generalized civil liberties angle, which constituted 7.9% of the discussion.

The privacy angle showed a different trend, with the generalized reference to privacy only constituting 1.4% of the discussion, in comparison to the more popular specific privacy issues, communication surveillance (17.4%) and financial privacy (9.3%). Educational privacy (1.3%) was a less significant element of the discussion; medical privacy was an even more miniscule constituent, with fewer than 15 mentions in the overall coverage. Biometric identification was mentioned 103 times (0.9%) in the coverage.

Non-citizen issues constituted an important topic of discussion, appearing 1,411 times (11.7%) in the entire period of coverage. The legislation’s effect on improving consumer confidence in the economy was discussed 21 times (0.2%); the legislation’s role as a catalyst or evidence of bipartisanship, or as a trigger of partisan bickering made up 1.1%; other aspects of the discussion constituted the remaining 0.5%.

Table 10 shows the distribution and frequency of each of the angles in front-page newspaper articles. The trends observed in the entire coverage are mirrored in front-page coverage as well. Counterterrorism and government powers constituted 27% and 18.2%, and were among the most recurrent angles throughout the coverage period.

Communication surveillance (18.1%) was the third most frequent angle in front-page news coverage, just as it was in the overall coverage; the discussion also featured non-citizen issues and financial privacy prominently, with 13.7% and 6.9% respectively. Similarly, generalized references to civil liberties were far more frequent than any specific civil rights angle.

The only discrepancy between front-page and overall coverage was in the educational privacy angle, which got far more attention in front-page articles than it did elsewhere. Fully half the references to educational records and student privacy appeared in front-page news, a much higher
Table 10: Frequencies of various frames of discussion in front-page articles about the USA PATRIOT Act published in 14 newspapers and 3 news magazines between Sept. 11, 2001 and Oct. 27, 2001.

<table>
<thead>
<tr>
<th>ANGLE</th>
<th>WEEK</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Counterterrorism</td>
<td>110</td>
<td>115</td>
</tr>
<tr>
<td>Government Powers</td>
<td>58</td>
<td>85</td>
</tr>
<tr>
<td>Civil Liberties</td>
<td></td>
<td></td>
</tr>
<tr>
<td>—General</td>
<td>40</td>
<td>35</td>
</tr>
<tr>
<td>—First Amendment</td>
<td>5</td>
<td>4</td>
</tr>
<tr>
<td>—Search/Seizure</td>
<td>8</td>
<td>8</td>
</tr>
<tr>
<td>Privacy</td>
<td></td>
<td></td>
</tr>
<tr>
<td>—General</td>
<td>5</td>
<td>6</td>
</tr>
<tr>
<td>—Comm. Surveillance</td>
<td>40</td>
<td>51</td>
</tr>
<tr>
<td>—Money Trails</td>
<td>14</td>
<td>7</td>
</tr>
<tr>
<td>—Educational Records</td>
<td>0</td>
<td>55</td>
</tr>
<tr>
<td>—ID cards/Biometrics</td>
<td>4</td>
<td>3</td>
</tr>
<tr>
<td>Non-citizen Issues</td>
<td>57</td>
<td>102</td>
</tr>
<tr>
<td>Miscellaneous</td>
<td></td>
<td></td>
</tr>
<tr>
<td>—Bio Toxins/Agents</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>—Bipartisanship</td>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td>—Economy</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>—Other</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>TOTAL</td>
<td>343</td>
<td>477</td>
</tr>
</tbody>
</table>
proportion than that of any other angle. On the whole, however, the distribution and frequencies of angles in front-page articles was found to show the same relative proportions as the distribution and frequencies of angles in the overall coverage of the USA PATRIOT Act.

**Editorial Tone**

Editorials, on the other hand, showed more divergence from the norm in their discussion of the legislation. Of the 58 opinion and editorial pieces that appeared in the newspapers between Sept. 11, 2001 and Oct. 26, 2001, 15 were found to be supportive; 31, critical; and 12, mixed in their tone. As Table 11 and Figure 6 amply illustrate, editorial tone appears to have been overwhelmingly critical of the anti-terrorism legislation. Week 0 did not carry any editorials; in the subsequent weeks, critical editorials numbered more than supportive editorials for all weeks but two (Week 4, when supportive editorials outnumbered critical ones, and Week 5, with equal numbers of critical and supportive editorials).

When editorial opinion is compared to its closest news counterpart—source opinion—the statistics show very little correlation. Where Weeks 1 and 2 show a minor difference in the numbers of supportive and critical sources (with supportive sources holding an edge over critical sources), editorial tone is overwhelmingly critical, with nine of the editorials in Week 1, and eight of the editorials published in Week 2, decidedly critical in tone.

While supportive news sources surpassed critical news sources consistently through the rest of the period, editorial tone showed no such uniform trend. Although critical op-ed pieces continued to outnumber supportive ones through Week 3, the gap showed signs of narrowing. The rest of the period displayed no discernable pattern; the total numbers of supportive, critical and mixed editorials for Weeks 4 through 6 were nearly equal.

The difference between editorials and news articles in their coverage of the legislation was not as obvious in the relative frequencies of angles. Counterterrorism and government powers were
Table 11: Weekly totals of the number of supportive, critical and mixed opinion and editorial pieces about the USA PATRIOT Act published in 14 newspapers and 3 news magazines between Sept. 11, 2001 and Oct. 27, 2001.

<table>
<thead>
<tr>
<th>EDITORIAL TONE</th>
<th>0</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>TOTAL</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supportive</td>
<td>0</td>
<td>1</td>
<td>3</td>
<td>5</td>
<td>3</td>
<td>3</td>
<td>0</td>
<td><strong>15</strong></td>
<td>25.9%</td>
</tr>
<tr>
<td>Critical/Cautionary</td>
<td>0</td>
<td>9</td>
<td>8</td>
<td>7</td>
<td>1</td>
<td>3</td>
<td>3</td>
<td><strong>31</strong></td>
<td>53.4%</td>
</tr>
<tr>
<td>Mixed/Ambiguous</td>
<td>0</td>
<td>0</td>
<td>4</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>4</td>
<td><strong>12</strong></td>
<td>20.7%</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>0</td>
<td>10</td>
<td>15</td>
<td>13</td>
<td>5</td>
<td>8</td>
<td>7</td>
<td><strong>58</strong></td>
<td>100%</td>
</tr>
</tbody>
</table>
Figure 6: Weekly totals of the number of supportive, critical and mixed opinion and editorial pieces about the USA PATRIOT Act published in 14 newspapers and 3 news magazines between Sept. 11, 2001 and Oct. 27, 2001.
the two most recurrent angles in editorials, just as they were in the overall coverage. Throughout the entire period under review, counterterrorism was the most frequent angle, constituting 29.3% of the coverage overall. The government powers angle constituted 19% of the discussion. Table 12 shows the angle frequencies in editorials for Weeks 0–6.

It was found that non-citizen issues received relatively more attention (14.4%), and financial privacy relatively less (4.8%), in comparison to the overall coverage. Communication surveillance was a major presence in the discussion, constituting 12.3% of angles in editorials. Editorials also showed the relatively higher proportion of the generalized civil liberties angle (11.4%) compared to specific First and Fourth Amendment issues (2.9% and 2.4% respectively) that was observed in the overall coverage.

The results found that coverage of the legislation waned after the initial introduction of the legislation, but spiked at the end of the period under review, when the legislation was passed in both chambers and signed into law. The responses to the research questions posed by this study were:

Which sources and opinions received preferential treatment in the media?

The study found that government sources were used more frequently, placed more prominently, and quoted directly more often than non-government sources. Sources that endorsed the government’s point of view outnumbered critical and dissenting voices. Government sources and opinion that was harmonious with the official policy line were found to have received preferential treatment in the press in every facet of sourcing.

What aspects of the legislation were discussed in the coverage?

The two aspects of the legislation most frequently addressed in the coverage were counterterrorism and government powers. Communication surveillance and financial privacy were significant topics in the discussion, as were non-citizen issues. The trends in angle frequency were.
Table 12: Frequencies of various frames of discussion in opinion and editorial pieces about the USA PATRIOT Act published in 14 newspapers and 3 news magazines between Sept. 11, 2001 and Oct. 27, 2001.

<table>
<thead>
<tr>
<th>ANGLE</th>
<th>WEEK 0</th>
<th>WEEK 1</th>
<th>WEEK 2</th>
<th>WEEK 3</th>
<th>WEEK 4</th>
<th>WEEK 5</th>
<th>WEEK 6</th>
<th>OVERALL</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Counterterrorism</strong></td>
<td>111</td>
<td>149</td>
<td>123</td>
<td>45</td>
<td>51</td>
<td>51</td>
<td>530</td>
<td>29.3%</td>
</tr>
<tr>
<td><strong>Government Powers</strong></td>
<td>63</td>
<td>82</td>
<td>76</td>
<td>42</td>
<td>38</td>
<td>43</td>
<td>344</td>
<td>19.0%</td>
</tr>
<tr>
<td><strong>Civil Liberties</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>—General</td>
<td>40</td>
<td>76</td>
<td>49</td>
<td>13</td>
<td>15</td>
<td>13</td>
<td>206</td>
<td>11.4%</td>
</tr>
<tr>
<td>—First Amendment</td>
<td>7</td>
<td>13</td>
<td>10</td>
<td>1</td>
<td>1</td>
<td>20</td>
<td>52</td>
<td>2.9%</td>
</tr>
<tr>
<td>—Search/Seizure</td>
<td>6</td>
<td>10</td>
<td>9</td>
<td>2</td>
<td>3</td>
<td>6</td>
<td>43</td>
<td>2.4%</td>
</tr>
<tr>
<td><strong>Privacy</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>—General</td>
<td>5</td>
<td>4</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>9</td>
<td>0.5%</td>
</tr>
<tr>
<td>—Comm. Surveillance</td>
<td>33</td>
<td>50</td>
<td>59</td>
<td>33</td>
<td>15</td>
<td>32</td>
<td>222</td>
<td>12.3%</td>
</tr>
<tr>
<td>—Money Trails</td>
<td>23</td>
<td>19</td>
<td>4</td>
<td>3</td>
<td>10</td>
<td>8</td>
<td>87</td>
<td>4.8%</td>
</tr>
<tr>
<td>—Educational Records</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>5</td>
<td>5</td>
<td>12</td>
<td>0.7%</td>
</tr>
<tr>
<td>—ID cards/Biometrics</td>
<td>0</td>
<td>2</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>4</td>
<td>0.2%</td>
</tr>
<tr>
<td><strong>Non-citizen Issues</strong></td>
<td>45</td>
<td>93</td>
<td>56</td>
<td>20</td>
<td>25</td>
<td>21</td>
<td>260</td>
<td>14.4%</td>
</tr>
<tr>
<td><strong>Miscellaneous</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>—Bio Toxins/Agents</td>
<td>0</td>
<td>12</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>14</td>
<td>0.8%</td>
</tr>
<tr>
<td>—Bipartisanship</td>
<td>1</td>
<td>4</td>
<td>10</td>
<td>1</td>
<td>3</td>
<td>3</td>
<td>22</td>
<td>1.2%</td>
</tr>
<tr>
<td>—Economy</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0.1%</td>
</tr>
<tr>
<td>—Other</td>
<td>0</td>
<td>3</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>3</td>
<td>0.2%</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>334</td>
<td>519</td>
<td>400</td>
<td>161</td>
<td>186</td>
<td>209</td>
<td>1809</td>
<td>100%</td>
</tr>
</tbody>
</table>
replicated almost identically in front-page articles; educational privacy, however, received relatively more front-page attention than other angles.

How did the editorial treatment of the topic differ from the overall coverage?

Editorial tone was markedly critical during the first half of the period under review, but equally divided in tone (critical, supportive, and mixed) during the second half. In terms of angles, editorials did not differ significantly from the overall coverage; the primary angles of discussion were counterterrorism and government powers, closely followed by non-citizen issues and communication surveillance. The financial privacy and money-laundering issue did not receive as much attention in opinion and editorial pieces as it did in mainstream coverage. While editorials did not merely mimic news articles in their treatment of the USA PATRIOT Act, one could see a great degree of congruence in the issues discussed.
Chapter 5: Discussion

C. Ann Hollifield’s study on press coverage of the National Information Infrastructure indicated a tendency among mainstream news publications to only begin in-depth coverage of legislation towards the end of policy construction. This study found a similar trend in print media coverage of the USA PATRIOT Act in the six-week period prior to its passage.

This study found that the first few weeks were marked by a degree of sustained coverage, after which media interest in the anti-terrorism legislation appeared to wane until it was passed. During Week 1, the Attorney General’s public statements seemed to imply that the anti-terrorism legislation would be passed that very week.\(^1\) The same assertions were made in Weeks 2 and 3, which suggests that during these weeks, the media operated under the assumption that the passage of the legislation was imminent.

Correspondingly, media coverage averaged 9.3 articles a day (0.55 per day per publication) during Weeks 1 through 3. In Week 4, this average dropped to 7.9 articles (0.46 per day per publication), and in Week 5, to 4.7 articles a day, or 0.28 articles per day per publication. This was in spite of two spikes in the coverage, corresponding with the Oct. 2 introduction of the PATRIOT Act (HR 2975) in the House of Representatives and the Oct. 12–13 passage of the anti-terrorism legislation in both houses of Congress.\(^2\)

The initial few days of Week 6 showed a continuing drop in the number of articles published, only to end in the largest spike in the coverage, in the period between Oct. 24 and Oct. 27. The legislative proceedings had come to an end, and the passage of the USA PATRIOT Act caught


\(^2\) Ibid.
the attention of the media, well into the closing stages of policy construction and enactment. This period also showed the highest proportion of front-page news coverage for the legislation, 26.5% (18 front-page articles), a significant leap from the previous week’s single front-page article.

While the correlation between the spikes in coverage and the announcements and events on Capitol Hill are perhaps natural, the extreme troughs in coverage in between such occurrences, and the slacking off of the media’s attention to this issue in the latter half of the period, until the passage of the USA PATRIOT Act, leads to the conclusion that the mainstream media coverage of this legislation was event-based rather than issue-based.

An average of 24.6 articles appeared in each newspaper during the entire period under review. But the average number of front-page articles for each newspaper was 4.4, that is, fewer than one front-page article every ten days. Only in the final week of publication did every newspaper publish at least one front-page article; in the previous weeks, fewer than one in five articles each week appeared on the front-page. A large proportion of the articles were therefore published after the conclusion of events; the process leading up to those events was by and large ignored by the mainstream press.

The message that the press transmitted to its readership may be interpreted from this coverage pattern. During the first half of this period, the press indicated that this was a topic of some interest; but by the end of September, the waning coverage might have suggested that that was no longer the case. Although independent organizations from across the political spectrum were trying to raise awareness about the pitfalls of this legislation, press fatigue with this topic set in, and continued until the act was passed.

Event-based coverage of the USA PATRIOT Act meant that during the period when it was most crucial to provide information to the public—when public opinion might have influenced
policy construction—newspapers and magazines devoted minimal room to the coverage of the Act, and relegated what little coverage it received to the back pages.

**Which sources and opinions received preferential treatment in the media?**

Herman and Chomsky listed “sourcing mass media news” as one of the filters operating in the news process. The authors noted that government sources are often treated as more credible, and quoted more often in the mainstream media’s effort to appear objective and reliable. Herman and Chomsky also noted that the use of the readily available official source involves less research and expense to the media; and the government draws its own benefits from this symbiotic arrangement, including ready access to—and the consequent ability to manipulate—mainstream media outlets.

Sourcing in the coverage of the USA PATRIOT Act before its passage appears to support this model. The results of the content analysis showed that government sources were predominantly supportive of the legislation, while non-governmental sources were critical of it. The results of this study also mirrored those described by Leon V. Sigal in his 1973 book, *Reporters and Officials: The Organization and Politics of Newsmaking*, in which government officials were the dominant news sources in national and international news stories.

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5. Ibid.
7. However, while the President was the most frequently used news source from the executive branch in Sigal’s work, the Attorney General was the most frequently quoted news source in the coverage of the USA PATRIOT Act. Leon V. Sigal, *Reporters and Officials: The Organization and Politics of Newsmaking* (Lexington, MA: D. C. Heath, 1973), 122.
Within the government, the **executive branch** was almost unanimously supportive of the legislation (being its chief architects and beneficiaries). Attorney General John Ashcroft, the chief proponent of the anti-terrorism legislation, was found to be the single most visible source.

Not only was the Attorney General twice as frequently as the next most quoted source (Sen. Patrick Leahy) and three times as often as the ACLU, he was also the most prominent and most directly quoted source. 60.4% of the Attorney General’s quotations were placed first, second, or third in articles, in comparison to only 24.5% of quotations from the ACLU that were placed first, second, or third. This overrepresentation of Attorney General John Ashcroft, combined with the overall dearth of critical source quotations, leads to his comments being placed prominently in articles, in close juxtaposition with each other, and therefore insulated from counterbalancing critical commentary.

For instance, an Oct. 3, 2001, article in the *Houston Chronicle* begins as follows:

> Saying America understands what Congress does not, Attorney General John Ashcroft Tuesday sharply criticized lawmakers for slowing consideration of his proposed anti-terrorism measures.

> “I'm deeply concerned about the rather slow pace at which we seem to be making this come true for America,” Ashcroft said after meeting with lawmakers.  

The article then refers to polls that indicate willingness among Americans to sacrifice civil liberties.  

The first strongly critical quotation from a non-governmental source comes after 21 more paragraphs, at the tail end of the article.

The president and officials from the Department of Justice were often sourced in the same manner. For example, an Oct 1, 2001 *Miami Herald* article opened with the statement,

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9. Ibid.

10. Ibid.
Bush administration officials said Sunday there will likely be more terrorist strikes in the United States, and they urged Congress to expand police powers by Friday to counter the threat.\footnote{11. Dana Milbank, “Bush Officials: Pass Police Laws by Friday,” \textit{Miami Herald}, Oct. 1, 2001.}

The article then quotes the Attorney General, Defense Secretary Donald Rumsfeld, and White House Chief of Staff Andrew Card, and captures the acquiescent mood in Congress by saying, Lawmakers, meanwhile, indicated there would be rapid action on the antiterrorism legislation. There is wide agreement on various provisions, \textit{etc.}\footnote{12. Ibid.}

Not a single non-governmental or dissenting voice is quoted in the article.

Sigal postulated that the reason executive branch sources are given such importance by the news media is that their pronouncements are treated as news events in themselves. As a result, the executive branch sources have the unique ability to control the news through press conferences and interviews. In the coverage of the USA PATRIOT Act, the press gave the executive branch the ample room and the choicest spots to sell their antiterrorism product to the public.

The legislative branch, on the other hand, originated a fairly substantial number of critical statements quoted in the articles. Quotations from the legislative branch numbered more than those from the executive branch, but were also from a greater variety of sources. No individual legislative voice received as much space in the press as the executive. Besides, since the numbers of supportive and critical quotations from the legislative were relatively more balanced, the overall discrepancy in source opinion came from the executive sources.

Legislative quotations were found to fall into four broad categories:

(i) \textit{Staunch, vociferous Republican support for the bill.}

Quotations from most Senate Republicans, typified by the often-quoted Sen. Orrin Hatch and Sen. Trent Lott, fall under this category. (A notable exception was Sen. Arlen Specter, the main
source of critical quotations from Senate Republicans.) Of the direct and indirect quotations from Senate Republicans, 78.2% were supportive of the bill. This often included counterattacks on critics. In an Oct. 12, 2001, an article in the *Los Angeles Times* quoted Sen. Orrin Hatch, saying, “To those concerned about the potential loss of civil liberties in increasing the powers of the FBI and other agencies, Hatch advised them to ponder ‘the loss of civil liberties of those who died’ in the terrorist attacks of Sept. 11.”13

(ii) Conciliatory Democratic support for the bill. Democratic support for the bill was probably a far more effective propaganda tool than supportive quotations from any other faction, given the fact that the legislation was proposed by a Republican administration. This support came from Sen. Tom Daschle and Sen. Patrick Leahy, and even such avowed liberals as Sen. Dianne Feinstein, who were frequently quoted stating that it was time to put aside partisan bickering and rally behind the President. Supportive quotations from Senate Democrats numbered more than any other legislative group, equaling the total number of critical quotations from House Republicans and Democrats.

(iii) Defensive Democratic criticism of the bill. Democrats were frequently quoted criticizing certain provisions of the bill, while simultaneously praising other sections of the legislation in an apparent attempt to not seem un-patriotic or wavering in their stance against terrorism. Sen. Patrick Leahy’s occasional criticism of Attorney General John Ashcroft’s unrelenting tactics in pushing the anti-terrorism legislation through Congress was often diluted by a placatory enumeration of areas of agreement. A *USA Today* article published on Sept. 20, 2001, paraphrased one such instance:

Leahy said that although there were points of agreement—for example, allowing “roving” wiretaps on individuals rather than just telephones—he had concerns that the administration might be moving too quickly and going too far in terms of impinging liberties. But he and

other Democratic leaders emphasized that they were trying to work with the Republican administration to strengthen the nation’s antiterrorism capabilities.\textsuperscript{14}

(iv) \textit{Aggressive Republican and Democratic criticism of the bill.} A vast amount of unapologetic criticism seemed to emanate from the House of Representatives, from Republicans and Democrats alike. Foremost among these were Rep. Bob Barr and Rep. John Conyers, the most frequently quoted critics from the House of Representatives. A Sept. 25, 2001 \textit{Denver Post} article quotes Rep. Conyers, stating:

\begin{quote}
… Rep. John Conyers of Michigan… complained that the members were rushing to consider a bill that had not even been committed to paper. Further, he told Ashcroft, ‘there are a number of provisions in your measure that give us constitutional trouble.’\textsuperscript{15}
\end{quote}

The limited space available to \textbf{non-governmental sources} meant that outside critics of government policy would find their arguments pared down to short quotations simply stating the opposite of the policy line, without the capacity to explain and substantiate their opposition to the legislation. Quotations from such critical sources were often abbreviated in this manner, as in this \textit{San Francisco Chronicle} article:

\begin{quote}
Although some civil liberties groups praised the measure as a significant improvement over Ashcroft’s initial proposal, …others contend that the new revisions are still insufficient. “It’s inadequate,” said Laura W. Murphy, director of the ACLU’s national office in Washington, D.C. “The potential for abuse is still great here.”\textsuperscript{16}
\end{quote}


Counterarguments from two different sources were sometimes juxtaposed in articles, but as the example below from an Oct. 26, 2001 article from the *New York Times* illustrates, context and wording often lent credibility to governmental sources, while discrediting critical outsiders:

Eliot Mincberg, the legal director of People for the American Way, a liberal group, *asserted* that the legislation was essentially saying, “We’re the government. Trust us.”

But Mr. Dinh of the Justice Department *countered*, “We’re not saying you should trust us. I do not think these powers will be abused nor can they be abused.” Mr. Dinh said that, in the end, the Constitution’s protections still apply—and that the courts will have the final say on many parts of the legislation. [Emphasis added.]

The article then goes on to add that supporters of the legislation cite the sunset provision as a satisfactory tool of Congressional oversight.

Finally, the positioning of non-governmental sources towards the tail end of articles worked against these sources and their opinions. The “inverted pyramid” structure of news stories places important information at the beginning of the article; every subsequent piece of information is of diminishing importance. By this standard, non-governmental sources were “tagged” as less credible and less important, and were more likely to be ignored or overlooked by readers.

During the course of the passage of the anti-terrorism legislation, non-governmental sources were far from silent. Conservative, libertarian, and non-partisan groups had issued statements of protest; a coalition of organizations from across the political spectrum had united under the banner “In Defense of Freedom” to voice their concerns about the provisions and the pace of the passage of the bill. [Emphasis added.]

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18. Ibid.

libertarian activist Morton Halperin to conservative association leader Grover Norquist of the Americans for Tax Reform, vocal critical voices were demanding to be heard.\textsuperscript{20}

The sourcing advantage that the government held over non-governmental sources meant that the government and its supporters were allotted more room in the coverage to state and to stress their point of view. The readership was therefore deprived of the opportunity to hear all the sides of the debate, and to understand the rationale behind the critical opinions of dissenting individuals.

**What aspects of the legislation were discussed, and how was the discussion framed?**

In their description of government manipulation of the mainstream media, Herman and Chomsky described what they termed a “management process,” which “consists of inundating the media with stories, which serve sometimes to foist a particular line and frame on the media, …and at other times to help chase unwanted stories off the front page or out of the media altogether.”\textsuperscript{21}

More recently, Martin Linsky’s interviews with senior government officials revealed that while they may not always have much power over the media’s choice of stories to cover, government officials exercise greater control over the direction that those stories take.\textsuperscript{22}

This study examined the framing of the discussion in the media by developing five major framing categories: counterterrorism, government powers, civil liberties, privacy, and non-citizen issues. (A sixth category titled “Miscellaneous” captured the remainder.) The frequency of the occurrence of each of these categories in the coverage was tallied to evaluate what the media’s message to the readers about the legislation was. This study found some substantiation for the theories of Herman and Chomsky, and Linsky, about the ability of the government to manipulate the framework of media coverage of an issue.

\textsuperscript{20} Ibid.
\textsuperscript{21} Herman and Chomsky, *Manufacturing Consent*, 23.
This study also discovered the repetitive nature of the coverage, manifested not only in the recurrence of these five frames, but of the content itself. That is, newspaper content was not only paraphrased across publications, but repeated within publications from day to day. The results of the content analysis quantified the recurrent framing of the USA PATRIOT Act in terms of counterterrorism, government powers, civil liberties, privacy, and non-citizen issues.

The various aspects of the legislation discussed in the text of the articles were found to have been constrained by the parameters set by government sources, and cemented by the formulaic repetitiveness of the content. Each of the framing categories revolved around an official policy statement. The five main assertions (corresponding with the five framing categories described in the study) around which the media discussion was built, are summarized below.

1. **Counterterrorism.** “Additional domestic counterterrorism and foreign intelligence measures are necessary in the light of the WTC-Pentagon attacks.”

2. **Government powers.** “Government agencies require more tools and powers, including the ability to share information with one another,” and its corollary, “Several powers requested by government for terrorism investigations, are already available for other criminal investigations.”

3. **Civil liberties.** “Civil liberties are not threatened by the legislation, as judicial oversight and the sunset provisions will ensure.”

4. **Privacy.** “Privacy expectations are unrealistic, and must be compromised in order to combat terrorism.”

5. **Non-citizen issues.** “The attack was perpetrated by non-citizens, who are not entitled to the protections that Americans are.”

Newspapers appeared to more or less take at face value the claim that the USA PATRIOT Act was a **counterterrorism** measure at its core, if not in its entirety. Lead sentences such as this one
from a Sept. 26, 2001 article in the Atlanta Journal-Constitution reinforced this assumption and used it as the basis for the rest of the article:

President Bush pressed for new anti-terrorism laws Tuesday as his attorney general delivered a chilling warning of terrorists trying to obtain chemical and biological weapons.23

On a similar note, an opening sentence of an Oct. 26, 2001 article in the New York Times said:

Lawmakers today hailed the antiterrorism legislation passed by Congress as an appropriate balance between civil liberties and the heightened security needs of a nation at risk.24

The single most quoted (directly and overall) entity in the coverage, Attorney General John Ashcroft, often stated the need for counterterrorism measures, and cited the urgency of the need when applying pressure upon Congress to pass the bill. News articles frequently placed his words within the first few paragraphs—the Attorney General was also the single most prominent source—rendering his statements more credible that those of non-governmental sources typically placed lower in the hierarchy of opinions.

The counterterrorism argument is most vividly seen in the headlines to the articles, such as “Ashcroft: Terrorists Ahead until New Laws Pass,” from the Miami Herald;25 “Congress Urged to Act Quickly on Anti-terrorist Legislation,” from the Cleveland Plain Dealer;26 “Bill to Fight Terrorism

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Takes Shape,” from the *San Francisco Chronicle*; and “Bill OK’d to Expand Anti-terror Powers,” from the *Chicago Tribune*.

Critics of the legislation were often troubled by the domestic terrorism clause as defined in the USA PATRIOT Act, stating that the broad definition of domestic terrorism could be interpreted to encompass several legitimate activities, as well as crimes that already carry adequate penalties.

Press discussion of this issue was relatively successful in making this point, as seen in this excerpt from a *Houston Chronicle* article, quoting Nadine Strossen, national president of the ACLU and constitutional law professor at the New York Law School, extensively:

> Peaceful anti-abortion advocates could be lumped together with radicals who bomb abortion clinics. Animal rights advocates could be targeted if a member of their groups lobs a tomato at the commissioner of agriculture, Strossen said.

However, the press by and large failed to put the pieces together and comment on the fact that a sizeable portion of this legislation has at best a tenuous connection to terrorism. The article concluded with a quotation from the President, asserting: “We’re a nation of law, a nation of civil rights,’ he said. ‘We’re also a nation under attack.”

The *government powers* angle was the natural offshoot to the counterterrorism theme, which, through repetition, had established that additional measures—and the powers to implement them—were necessary. The government used two main arguments to justify their demand for more powers: first, that these were nothing new or unusual, and second, that judicial oversight continued to apply.

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30. Ibid.
A Sept. 30, 2001 *Washington Post* article stated:

Lawmakers emphasize that they are eager to pass anti-terrorism legislation—possibly within the next two weeks—and that they have no quarrel with many aspects of the Bush proposal. They say they share the administration’s view that law officers chasing terrorists should have the same powers that apply to cases involving drug trafficking and other crimes—something that is not always true under current law.\(^{31}\)

The increased capability for information-sharing among government agencies granted by the USA PATRIOT Act was often cited, but its dangers were seldom explained. Aside from occasional references to the CIA and FBI abuses of the past,\(^{32}\) the discussion was often framed as shown in this example from an Oct. 25, 2001 article in the *Cleveland Plain Dealer*:

[House Speaker Dennis Hastert] praised provisions in the bill that knock down legal barriers that prevent the FBI, CIA and other law enforcement agencies from sharing information, a factor often cited in the security lapses that contributed to the Sept. 11 attacks.\(^{33}\)

Counterterrorism and government powers, the two most frequently discussed issues in both overall and front-page coverage, were linked by a causal argument—the need for counterterrorism measures was the rationale behind the increase in government powers. Counterterrorism and government powers were the two main positive official source assertions. Together, these two frames constituted 44.4% of the discussion (and 45.2% of front-page coverage).

Media coverage is rife with mentions and quotations of civil liberties concerns raised by the anti-terrorism legislation. But civil liberties were often depicted as part of the liberal agenda—a misrepresentation that only adds to the existing biased perception and public distrust of the issue.\(^{34}\)


\(^{32}\) See below, note 67.


\(^{34}\) See above, note 17.
Combating this bias would require that the media systematically illustrate the universality of the civil liberties problem, with descriptions of how the legislation would impact specific rights of citizens. Scrutiny reveals that much of the civil liberties coverage consisted of rather generalized statements such as this sentence in an Oct. 25, 2001 article in the *Portland Oregonian*:

Three Oregon Democrats voted against the anti-terrorism bill that passed the House overwhelmingly Wednesday, agreeing with other critics who say it threatens civil liberties and was a rush job.  

The second source in the article, the ACLU, was indirectly quoted by the author, who said, “… but critics such as the American Civil Liberties Union say it goes beyond what’s needed to fight terrorists.”

When the angles explored in coverage were measured in the quantitative study, it was found that the vague “civil liberties and freedoms” angle was mentioned 956 times, but specific references to the First and Fourth Amendment amounted to only 119 and 312 respectively.

First Amendment issues, such as the possibility that the legislation would lead to the chilling of dissent and to judgment on the basis of associations appear to have enjoyed more attention in editorial pages than in news articles. While the freedom of speech angle constituted only 1% of the overall coverage, it contributed 2.9% of the editorial debate. The search and seizure angle, on the other hand, received relatively more space in the front-page news articles (3.2%) than in the entirety of the coverage (2.6%) or in editorials (2.4%).

The predominance of generalized civil liberties references over discussions of specific civil liberties issues damages the credibility of the argument that civil liberties might have been jeopardized by the USA PATRIOT Act. The media failed to explain the reasons for this criticism,

36. Ibid.
and fortified the government’s first negative assertion: that the critics’ accusation of erosion of civil liberties was a groundless and exaggerated fear.

Generalized references to privacy concerns numbered a mere 173 instances. Specific references to educational and medical privacy were even fewer; the former totaled 151, and the latter, which was coded in the “Other” category, less than 66; however, two areas discussed in detail were privacy of communication and of financial records, with frequencies of 2,094 and 1,117 respectively.37

Communication surveillance encompassed the interception of telephone, email, and wireless communication, and the tracking of Internet activity and voicemail messages. The communication surveillance angle mentioned two pieces of information repeatedly: the first was that “roving” wiretaps followed suspects from place to place across jurisdictions, and were applicable to any device that the suspect was likely to use—telephone, cell phone, pager, computer terminal, etc.—was being used; and the second was that roving wiretaps are already available in several other routine criminal investigative procedures, but not for terrorism-related investigations, and hence the need for the legislation. A typical description went something like this front-page Oct. 27, 2001 article from the Chicago Tribune: “Prosecutors can now get faster approval to eavesdrop on phone calls and other types of communications by using “roving wiretaps” designed to thwart terrorists’ ability to evade surveillance.”38

What was seldom explicitly mentioned was that should public terminals such as public library computers be subject to monitoring, the privacy of several legitimate, law-abiding users would be compromised. Such concerns, if at all voiced or conveyed in an article, were immediately invalidated by the reminder that the Sept. 11 hijackers used computers and email to communicate.

37. See Chapter 4: Qualitative Results.
An Oct. 15, 2001 article in the San Francisco Chronicle began: “Reports that suspects in last month’s terrorist attacks may have communicated online has renewed interest in a controversial technology used by the FBI to monitor email.” Such facts were also alluded to as a justification of the legislation’s assault upon the confidentiality of medical, financial and educational records, and just as the repetition of the fact that the attacks were perpetrated by foreigners was used to justify the curtailment of non-citizens’ rights.

Non-citizens are historically the single most vulnerable group in times of unrest. The rights of non-citizens in this country are nebulous, because several protections are afforded in the Bill of Rights to “United States persons”; but whether legal immigrant, non-immigrant, and illegal immigrant foreigners fall into this category is open to interpretation. In the weeks after the WTC-Pentagon attacks, the Department of Justice held hundreds of non-citizens in custody, indefinitely and incommunicado, stating that non-citizens do not have the same rights as Americans.

Non-citizens’ rights were the primary casualties of the Anti-Terrorism and Effective Death Penalty Act of 1996, passed in response to the Oklahoma City bombing, an act of terrorism planned and perpetrated by an American citizen. Given that all the hijackers involved in the WTC-Pentagon attacks were non-citizens, terrorism was even more easily construed to be an alien problem, one that could be combated by restricting and monitoring the inflow and movement of foreigners.

Quotations from Attorney General John Ashcroft, such as the following part of an Oct. 27, 2001 article in the Los Angeles Times, were often placed in the text of articles unchallenged:

Atty. Gen John Ashcroft pledged to use the powers to pursue terrorist suspects relentlessly. “Let the terrorists be warned,” he said in a speech to the nation’s mayors. “If

you overstay your visas even by one day, we will arrest you; if you violate a local law, we
will... work to make sure that you are put in jail and kept in custody as long as possible.”

The underlying assumption—that anyone who gets caught in the USA PATRIOT Act
dragnet must be a terrorist—goes unquestioned. The mainstream media made a significant
contribution to sustaining this fallacy in their description of the detention clause of the anti-terrorism
legislation. Take the following sentence from the Atlanta Journal-Constitution, for example: “The U.S.
House approved legislation increasing the government’s power to spy on, detain and punish
suspected terrorists.”

The USA PATRIOT Act gave the Attorney General the power to detain any non-citizen: the
detention could be justified by the individual’s associations or other First Amendment activities; the
individual’s past crimes or misdemeanors, however minor; the individual’s visa violations, however
minor; or even the Attorney General’s “suspicions,” which did not need to be substantiated. The Act
did not give the Attorney General similar powers of detention over citizens.

So unless all terrorists were foreigners, and all foreigners who had overstayed their visas, or
read the ‘wrong’ books, or visited the ‘wrong’ places of worship, or participated in a protest, or were
involved in a drunken brawl and spent a night in jail, were terrorists, every statement in the news
media that referred to the detention of terrorism suspects was inaccurate, careless, and misleading.

The indefinite detention of non-citizens sought by the Department of Justice was shortened
by Congress in the final legislation to seven days, a fact noted repeatedly in the coverage. A Houston
Chronicle article stated:

Ashcroft unsuccessfully sought authority from lawmakers to jail foreigners suspected of
terrorism indefinitely without a hearing.

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Under the compromise bill, called the Patriot Act, such detainees could be held for seven days before the government would be required to either file charges or begin deportation proceedings. However, the text of most articles once again did not point out that this reduction was essentially meaningless, because non-citizens could be held by the Department of Justice under a different pretext—immigration violations, however minor—inde finitely.

The government’s justification of the curtailment of non-citizen rights thus escaped the scrutiny of the press. The reportage of this aspect of the legislation was limited to repeating the statements and counterarguments offered from within the executive and legislative branches; when the lawmakers declared the issue resolved, the press did, too.

The repetition of these five assertions from one article to the next was observed in the limited ways that the legislation was framed in coverage. The predominance of the counterterrorism and government powers angles indicate that the media played into the hands of the government by feeding public paranoia about the dangers of counterterrorism and the need for additional government powers.

The limited scope of the discussion about civil liberties shows that the main argument against the legislation was framed by the media in an equally formulaic manner, with even more damaging results. The more specific nature of the privacy debate was limited to two areas: communication surveillance and money laundering controls. Areas of concern such as educational and medical privacy were barely dealt with in the discussion.

However, the content of articles was found to be much more obviously repetitive in the word-to-word recycling of material from one day to the next. Entire paragraphs were lifted from the previous day’s articles and reused in a new article the next day.

The most blatant example of all came from the *Washington Post*, which repeated an Oct. 13 front-page article by John Lancaster, titled “Anti-terrorism Bill is Approved,” in its Oct. 14 edition, on page A12, with a few superficial alterations: the headline was changed to “House Approves Anti-terrorism Bill,” and all the ‘yesterday’s were converted to ‘on Friday’s. The articles took up 18 paragraphs (1,062 and 1,058 words, respectively), a prime—and sizeable—spot in one of the country’s leading newspapers.

Why would mainstream newspapers, with more money, contacts, resources, and credibility than most local news outlets, resort to using yesterday’s papers to fill today’s pages?

One of the challenges of a daily newspaper is sustaining the curiosity of its readers and keeping them up-to-date on the news without expecting them to devote an unreasonable amount of time on the process. Some information is often repeated from one day to the next, in order to provide background information when reporting new developments to a story. However, news repetition raises the risk of destroying the motivation for a reader to follow the news on a daily basis if nothing new seems to happen.

The WTC-Pentagon attacks left little room for frivolous news coverage in the nation’s papers. One would expect that the newspapers would be filled with new developments, new stories, new angles, on a daily basis. One would even be tempted to blame the superficial, perfunctory coverage of the anti-terrorism legislation on surfeit of news and the resulting lack of spare news space. Had the newspapers utilized what space was available for this story to the maximum capacity, the verdict of this study might have been more forgiving.

Instead, this study found that the newspapers served as little more than a mouthpiece for the government, making little or no effort to chase the story. Newspaper coverage of the USA PATRIOT Act suffered from a lack of context, a lack of balance, and ultimately, a lack of interest from the media.
A Note about the News Magazines

A total of ten articles published in this period in *Time*, *Newsweek*, and *U.S. News & World Report* were found to have dealt with the USA PATRIOT Act in significant measure (Type 1 and 3 articles, as defined in the research method). Of these, one was a Type 3 article—a short item in an assortment of short items—describing the efforts of Solicitor General Ted Olsen in promoting the Attorney General’s proposed anti-terrorism legislation:

“I don't understand the objections,” Olson says. Indefinite detention makes sense, he says, if the United States has evidence that a deportable alien might be involved in a terrorist plot—but lacks the proof needed to bring charges in court.43

The third in a series of nine items, the piece appeared in the “Periscope” department of the Oct. 8, 2001 edition of *Newsweek*. No other sources are quoted, no other opinions hinted at (apart from Olsen’s own quoted reference to “objections”).44 Having lost his wife in the WTC-Pentagon attacks, the Solicitor General is depicted in a sympathetic light, which also lends a glow to his opinions:

…Olson says he feels compelled to take a different course on the Justice Department's current push for broader powers to crack down on terrorists. "I have a direct personal stake that people understand," says Olson, whose wife, political commentator Barbara Olson, died on the hijacked flight that hit the Pentagon.45

Five of the remaining magazine articles contained a paragraph or two describing the legislation, even though the legislation did not form the main theme of the article. For example, an Oct. 8, 2001 article in *Time* on the new sense of insecurity and resultant change in attitudes among

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44. Ibid.
45. Ibid.
Americans, mentioned the shift in Sen. Patrick Leahy’s stance toward Attorney General John Ashcroft’s legislation:

Senate Judiciary Committee chairman Patrick Leahy told *Time* that "the biggest danger is that [terrorists] unravel the constitutional protections we’ve spent 200 years as a democracy to build." By last Thursday, however, Leahy was on the phone to Ashcroft, suggesting that staff members work through the weekend to iron out the remaining points of disagreement.  

Similarly, an Oct. 15, 2001 *Newsweek* article on the threat of cyber-terrorism, described the developments in Congress in its last two (of 23) paragraphs. Sen. Leahy was quoted attesting his concurrence with the Department of Justice on “cyber issues.”  

The final word in the article went to Shari Steele, executive director of the Electronic Frontier Foundation, who criticized the legislation as “overbroad”:  

Steele offers an example of an irate taxpayer who defaces the Internal Revenue Service Web site. Such an action would qualify as a federal terrorism act. “That’s criminal behavior, and you should be prosecuted for that, but it’s not terrorism, and we have to be careful because the punishment [can be] so high.”  

Of the four full-length articles devoted entirely to the anti-terrorism legislation, two dealt with money laundering banking regulations. An Oct. 22, 2001 article in *Time* clubbed terrorists and opponents of the money laundering provision together in its subhead, “Terrorists oppose scrutiny of offshore accounts. And so do many U.S. bankers and lawmakers.”  

The opening sentences of an Oct. 22, 2001 article in the *U.S. News & World Report* were similarly accusatory in tone:

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48. Ibid.  
49. Ibid.  
In the drive to strengthen the U.S. banking system against terrorists, Congress is finding it must first make it past another formidable force: the lobbyists.

The banking industry and an array of libertarian groups have been working relentlessly, if quietly, to blunt new money-laundering legislation that would give U.S. authorities enhanced oversight over the flow of money across the nation's borders. The article concluded by paraphrasing and countering the arguments of opponents of the legislation:

Opponents of the legislation say there's no evidence any of the proposed new controls over U.S. dealings with foreign institutions would have prevented last month's catastrophic terrorist attack. But bin Laden himself boasted in a newspaper interview last month that his followers have exploited “the cracks inside the Western financial system.” And as lawmakers are finding out, some of those cracks won't be sealed without a fight.

Another full-length *U.S. News & World Report* article, published on Oct. 8, 2001, brought up the issue of the Alien Terrorist Removal Court, established after the 1993 World Trade Center bombing. The article debated whether the government ought to request additional powers when the ones that it already had had not been used against suspected terrorists. The article’s concluding sentences quoted a former official from the Department of Justice:

Steven R. Valentine, a former Justice Department official who oversaw the Office of Immigration Litigation, says the government must deport or detain terrorist suspects--especially in light of the recent tragic attacks. In the past, he says, because of legal challenges,

52. Ibid.
54. Ibid.
the Justice Department has been unable to deport known terrorists. “That,” he adds, “is insane.”

The statements seem to imply that past legislation and measures were to blame for the ineffectuality of the government law enforcement agencies in identifying and apprehending terrorists. The further implication, discussed earlier in this chapter, is that terrorists are always “deportable,” that is, of foreign origin.

The only article to deal with the issue of civil liberties at any length appeared in *Newsweek* on Oct. 1, 2001. Focusing on the rights of both Americans and non-Americans in the U.S., the article argued against profiling and electronic surveillance. The article quotes both conservative and liberal voices, such as Sen. Bob Barr and ACLU Executive Director Anthony Romero criticizing Attorney General John Ashcroft’s broad anti-terrorism initiatives.

The ten magazine articles (of which only four were devoted entirely to the anti-terrorism legislation) seemed to conform to the pattern of coverage by mainstream print media, neither contributing significantly not deviating perceptibly from the overall trend.

**How did the editorial treatment of the topic differ from the overall coverage?**

Unlike the overall coverage, editorial attention to the USA PATRIOT Act was high and insistent in the early part of the time period. Nearly two thirds of the editorials appeared in Weeks 1 through 3, peaking at 15 (25.9%) in Week 2; but the number of editorials fell during the latter half of the period.

Early editorial coverage was also predominantly critical of the anti-terrorism legislation. Attorney General John Ashcroft’s announcement of the anti-terrorism legislation, and his insistence on its speedy passage, were faced with editorial skepticism in Week 1. The *Washington Post*, for
instance, published an opinion piece by Rep. John Conyers\textsuperscript{56} advocating a cautious and well-thought-out approach to drafting additional counterterrorism measures:

Certainly, we must update our counter-terrorism laws so that they reflect 21st century reality. But new expansion of government authority should be limited to properly defined terrorist activity or threats of terrorism. And with increased federal power, we must ensure accountability and oversight.

…. The keys to success in developing anti-terrorism legislation will be balance and prudence.\textsuperscript{57}

Nine of the ten of the editorials in Week 1 were cautionary in nature. A Sept. 20 op-ed column by former Denver Broncos player Reggie Rivers in the \textit{Denver Post} drew parallels between the war on terrorism and the war on drugs, and warned that the new laws proposed by the Justice Department “may become a more enduring form of terrorism than the crimes they purport to prevent.”\textsuperscript{58} A \textit{Miami Herald} editorial stated:

The president and Congress are rushing to cast the anti-terrorism net too wide, and in doing so, they threaten precious civil liberties and principles of law that embody this nation. Tread cautiously into this conflict between national security and civil liberties.\textsuperscript{59}

\begin{itemize}
\item \textsuperscript{57} Rep. Conyers was one of the main critics of the Attorney General’s attempts to rush the legislation through Congress, and worked with Rep. James Sensenbrenner on the House Judiciary Committee to draft an anti-terrorism bill that would curtail several of the Bush administration’s more extreme demands, and simultaneously incorporate Congressional and judicial oversight, including a two-year sunset clause. This version, unanimously approved by the House Judiciary Committee, was replaced by the House Republican leadership with a bill similar to the administration’s original draft, the night before the House was to vote on it. Rep. Conyers was among those who voted against this version of the bill.
\end{itemize}
The first editorial to address money laundering appeared in the *Washington Post* towards the end of Week 1. This Sept. 22 editorial expressed approval for the Bush administration’s antiterrorism proposal, saying:

…[T]he administration’s proposed legislation on counterterrorism includes useful measures to broaden its authority to go after terrorist networks. For example, the restrictions on providing tax information to law enforcement agencies that are hunting terrorists would be relaxed.

…New tools and a new commitment could turn financial surveillance into a worthwhile part of the struggle against terrorism.\(^{60}\)

Weeks 2 and 3 continued to show more critical opinion than supportive or mixed opinion in editorials, but the difference had begun to narrow. With legislative opposition to sections of the antiterrorism bill, editorial tone indicated an increase in support for the legislative branch of government. Editorials of mixed tone also began to appear, showing an ambivalent stance on the antiterrorism proposal.

Sept. 23, 2001, the first day of **Week 2**, showed the greatest number of editorials published in a single day. Of the eight editorials and opinion pieces that appeared that day, two are supportive, four are critical, and two are mixed in tone. A *Miami Herald* editorial expressed approval for the money-laundering measures in the bill, while simultaneously cautioning against taking extreme measures against immigrants.\(^{61}\) An editorial in the *Denver Post* opened with a concession:

We agree that the government may need some additional tools to fight global terrorist organizations, but we urge the Bush administration to tread carefully lest it trample the very civil liberties that distinguish us from the repressive regimes that would like to destroy this country.\(^{62}\)

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It went on to discuss the wiretapping authority requested by the government, and supported allowing law enforcement agencies to wiretap individuals rather than telephones, but criticized the proposed reduction in judicial oversight.63

A cautionary *New York Times* editorial opened with a scathing remark:

Whenever something terrible happens, the natural political response is to pass a bill.

Whether it will do any good is frequently less important than whether it looks dramatic.64

The article brought up the case of the Anti-Terrorism and Effective Death Penalty Act, passed soon after the 1995 Oklahoma City bombing, as a warning of the excesses that the government was capable of during a national tragedy.65

A Sept. 26 op-ed in the *Atlanta Journal Constitution* focused on Georgia conservative Bob Barr, calling him a “reasonable voice of restraint” in Congress.66 The article described Barr’s relentless questioning of Attorney General John Ashcroft, and congratulated Congress for not succumbing to the administration’s pressure.67

It’s a good thing members of Congress are showing skepticism about these new law enforcement requests, since a panicked public is willing to acquiesce.

…. Barr has the conservative credentials that give him a powerful voice in this debate. …. Long a defender of the gun lobby, no one can accuse him of being soft on terrorists. Let’s hope he continues to use that influence to protect his nation from its greatest enemy at a time like this: panic.68

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63. Ibid.
65. Ibid.
67. Ibid.
68. Ibid.
Week 2 generated the maximum number of editorials, 15 in total, of which eight were critical, three were supportive, and four were mixed in tone. Week 3 showed a slight shift in editorial tone in favor of the government: of the 13 editorials, seven were critical, five supportive, and one mixed.

A Sept. 30 editorial in the Portland Oregonian challenged the anti-terrorism proposal on its definition of terrorism, and its treatment of those suspected of terrorism.69 Similarly, a Chicago Tribune opinion piece stated, “[Y]ou don’t have to be a starry-eyed civil libertarian to look warily upon the administration’s sudden urge to rewrite federal limits on wiretapping, surveillance and detention.”70 The editorial referred to the bipartisan protest against the legislation from such unlikely allies as conservative Rep. Bob Barr and liberal Rep. John Conyers, and concluded by pointing out how partisanship had, in the past, come in the way of a united front against incursions on civil liberties.71

Week 4 showed the first signs of a reversed trend. Not only did supportive editorials outnumber editorials of critical and mixed tone, but overall editorial interest seemed to have plummeted all of a sudden. The number of editorials published dropped from 13 in Week 3 to five in Week 4, and would only rise marginally during the remaining weeks of coverage.

An Oct. 7 op-ed in the Boston Globe encapsulated this change of heart; it began by summarizing the provisions in the proposed antiterrorism legislation, and then dismissed the civil liberties concerns voiced by opponents of the bill.

Do the proposed amendments enhance the potential for abuse of civil liberties by unscrupulous officials? In theory, perhaps, but those opportunities exist in any system designed and operated by humans.72

71. Ibid.
In conclusion, the article stated:

The recent terrorist attacks have taught us that intelligence and criminal investigations cannot hermetically be separated and isolated. Proposals like those put forward by the president will ameliorate the concern felt by those who work to protect us that cooperation may put either the intelligence investigation or the criminal prosecution—or both—in jeopardy.\(^{73}\)

On a similar note, an Oct. 9 *Atlanta Journal-Constitution* editorial lauded the White House and the Justice Department for having “acted responsibly” on the anti-terrorist legislation;\(^{74}\) and the *New York Times* stated in an Oct. 11 editorial that the antiterrorism bills in both chambers of Congress: “…represent a more thoughtful attempt to balance civil liberties and national security than the measure hastily assembled by Attorney General John Ashcroft less than a month ago.”\(^{75}\)

From Weeks 3 through 5, there were a total of 11 supportive and 11 critical editorials. Of the eight editorials that appeared in **Week 5**, three were supportive, three critical, and two mixed in tone.

The *Atlanta Journal-Constitution* declared with alacrity:

…[H]appily, the Senate’s “Uniting and Strengthening America (USA) Act,” which would enhance investigative and surveillance powers for law enforcement, is indeed balanced. It doesn’t trade liberty for security.\(^{76}\)

The *Portland Oregonian* proclaimed in an editorial that it gave President Bush and the House of Representatives “high marks for… the passage of the anti-terrorism bill,” and urged Congress to

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\(^{73}\) Ibid.  
rapidly reconcile the two versions of the bill: “President Bush wants the package quickly. This week would not be too soon.”

The *Washington Post*, however, chastised the House of Representatives for allowing the Republican leadership to replace overnight the unanimously-approved House Judiciary version of the bill with one that was closer to the Bush administration’s original list of demands:

There followed a charade in which all manner of members of both parties complained that they had no idea what they were voting on, were fearful that aspects of the substitute bill went too far—yet voted for it anyway, lest there be a further terrorist attack and they be accused of not giving provided the government sufficient means to defend against it.

For the first time in *Week 6*, editorials of mixed tone outnumbered both supportive and critical editorials. The *Washington Post* once again proved to be a notable exception, publishing a scathing editorial on Oct. 26, 2001, the day the bill was signed into law:

Leaders of the effort were celebrating the complex bill’s enactment yesterday as a major bipartisan accomplishment that, not incidentally, rebounded to their credit. …. The measure contains some worthy provisions. But parts of it also infringe unnecessarily on civil liberties. They could and should have been excised; the bill would still have been sufficient. But Congress lost its nerve.

But for the most part, editorials in Week 6 were either mildly critical, or mixed in tone, such as this Oct. 26 editorial in the *St. Louis Post-Dispatch*, that wonders:

Mr. Ashcroft and the Bush administration face an important test. Will they abuse their new authority, as the FBI and CIA did in the 1960s, when federal agents kept secret files on


American dissidents? Or will they exercise their new powers wisely, using them in a way that keeps Americans safer and safeguards our freedoms?²⁸⁰

While op-eds were more frequent and more critical at the beginning of the period, editorial interest in the legislation, just like the overall coverage, declined towards the latter half of the period. While weeks 1–3 produced 10, 15, and 13 op-ed pieces respectively (65.5% of all editorials), weeks 4–6 only produced just over half as many: 5, 8, and 7 op-ed pieces respectively (34.5% of all editorials). But editorials of mixed tone rose in inverse proportion, contributing 35% to the second half of the period, compared to only 13.2% to the first half of the period of coverage.

This pattern indicated an increasing acceptance of the legislation on the part of the media as a whole, which trickled down to the even the most recalcitrant editorial departments. An Oct. 3, 2001 Chicago Tribune editorial captured this change in the attitude of the press: “What began as an overreaching anti-terrorist plan by the Bush administration that encroached on constitutional guarantees, is gradually—and properly—being trimmed by Congress into a bill that allows decisive action while protecting civil liberties.”²⁸¹

In this unquestioning editorial regurgitation of Congress’s own complacency lay the danger that the reader, accustomed to the hitherto critical tone of editorial coverage, would take this change as an indication that the bill had retained the best of the negotiators’ contributions, and that all its troubling aspects had been done away with.

This was a sentiment that the mainstream media would only wake up to, and systematically challenge, well after the legislation was passed and part of the law.

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Chapter 6: Conclusion

If an individual had read some, or even all, of the 14 top circulation newspapers and three news magazines cover to cover every day between Sept. 11, 2001 and Oct 26, 2001, what would s/he have known about the USA PATRIOT Act before its passage? This study concludes with a rather dismal response: not much.

The main inference drawn from this study is that mainstream news media in general, and the newspapers and news magazines in particular, did not provide sufficient coverage of the USA PATRIOT Act before it was passed. The coverage lacked depth and scope, was biased in its sourcing, and failed to inform the public about the content, provisions, and possible consequences of the anti-terrorism legislation.

Limitations of this study

One of the main drawbacks of this study was that in describing what the characteristics of coverage were, it lacked a frame of reference for what those characteristics ought to have been. While the ideals of media responsibility have been described in previous literature, they have not been quantified to describe precisely how much coverage is sufficient, and exactly when the media can rest assured that it has fulfilled its responsibility of informing the public.

The summary of the most controversial sections of the USA PATRIOT Act provide some indication of what the public needed to know before the Act was passed. This study was structured to examine whose opinions were voiced in the press, and what topics were discussed. The researcher could not quantify and accurately pinpoint how much the average (or even the avid) reader would have learnt about the USA PATRIOT Act from any one (or more) of these publications.

This study would benefit from an expansion of two coding categories: angles and editorial tone. During the course of the study, this researcher observed a redundancy in the framing of
counterterrorism and government powers angles, the analysis of which would have been more accurate if they had each been expanded into generalized and specific references (as the civil liberties and privacy angles have been).

Often, editorials that simultaneously criticized one branch of government for its stance, and praised another for its standpoint, were marked as “mixed” editorials. This, however, failed to note whom the said editorial favored, even though the opinion expressed might have been more strongly polarized than indicated. Also, the critical and cautionary editorials were tallied together, despite the subtle difference between the two. The statistics for editorial tone might have been more descriptive had a Likert scale or a greater number of coding options been used.

The headlines and graphics that accompanied articles in coverage have not been examined quantitatively in this study. This researcher’s observations suggest that a study of the headlines in coverage would show a definite slant towards the counterterrorism and government powers angles. As several of the databases from which articles were retrieved store only text, and do not archive graphics and photographs, they could not be studied here. The use of illustrations and sidebars would constitute an interesting study in itself, as would the subjects photographed and the captions to photographs and other graphics.

Finally, the study covers broadcast media briefly, and print media in depth; but it does not indicate what role, if any, online news sources played in informing the public about the legislation. With the resources currently at the researcher’s disposal, this would have been a near-impossible task.

While the existence of online news sources does not in any way lessen the mainstream media’s ability and responsibility to inform and educate the public, the endless possibilities offered by the Internet for the dissemination and the retrieval of information would be an interesting area for future research that might be further necessitated by the failure of the mainstream media in achieving those information goals.
Alternative information sources

It is unlikely that yet another study that documents and quantifies yet another case of media ineptitude and apathy will trigger any change in reporting practices. But while it may be less accessible than the newspaper on one’s doorstep, information does exist in the public forum. Trade magazines were shown to be an invaluable resource in C. Ann Hollifield’s study. Alternative news sources such as the *Nation*, *Mother Jones*, Slate.com, etc. offer unconventional points of view, compensating for the biased sourcing techniques of mainstream news media. This paper utilized another source of information, academic law journals that provide a comprehensive and erudite understanding of legislation. The chief disadvantage of this source is that what it achieves in detail, it loses in timeliness.

In the case of the USA PATRIOT Act, various non-governmental groups allied under the banner “In Defense of Freedom” to raise awareness about the anti-terrorism legislation under consideration in Congress.¹ The Web sites of these groups, such as the American Civil Liberties Union (ACLU),² the Electronic Privacy Information Center (EPIC),³ Center for Democracy and Technology (CDT)⁴ and the Electronic Frontier Foundation (EFF)⁵ provided up-to-date information at various stages of the legislative process.

Assuming that a reader possesses a basic level of awareness and curiosity about legislative (and other) issues, this offers another informational option. Most legislation is likely to have both supportive and critical non-governmental lobbyists. The Internet now offers them the option of making their point of view heard without having to rely on the traditional print and broadcast media.

Future research

For the researcher keen on exploring this area of study, the current circumstances have much to offer. In February 2003, Justice Department’s blueprint for a follow-up to the USA PATRIOT Act was leaked to the press. Dubbed “Patriot Act II,” the Domestic Security Enhancement Act was never brought to the floor of Congress.

But other anti-terrorism proposals followed, such as the Victory Act coauthored by Sen. Orrin Hatch, the Antiterrorism Tools Enhancement Act introduced by Rep. Tom Feeney, and the Anti-Terrorism Intelligence Tools Improvement Act sponsored by Rep. Porter Goss and Rep. James Sensenbrenner. Media coverage of these legislations would be an interesting topic to study.

One could also delve a little deeper into the past, and examine how the media covered the passage of the Anti-Terrorism and Effective Death Penalty Act of 1996, passed in response to the Oklahoma City bombing. The incubation period for that legislation, two months, was slightly longer than that of the USA PATRIOT Act; one might discover whether or not that succeeded in inspiring more vigilant and vigorous reportage by the press.

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7. Ibid.
8. Ibid.
9. Ibid.
10. Ibid.
Address of the President to the Joint Session of Congress, Sept. 20, 2001.


———. “Senate Debate on Surveillance Amendment S.A. 1562 to Bill H.R. 2500: From the Congressional Record (Sep. 13, 2001),” http://www.eff.org/.


Appendix: Coding Sheet

The coding sheet used for the newspaper and news magazine articles has been slightly modified to fit on these pages. The original coding sheet was a double-sided legal-size document with ¾ inch margins. The leading and font sizes have been enlarged for better viewing.

The content has not been altered.
**-7- AUTHOR:**

Bylined Staff Reporter ...1  
Unidentified Reporter ...2  
Columnist ...3  
Editorial ...4  
Freelance Writer ...5  
News Wire ...6  
Other ...7  

*Specify: ____________________________*

**-8- SOURCES**

**A. Government sources—Executive**

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Electronic Privacy Info. Center (EPIC) ......... 20
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Center for Democracy & Technology.............. 21
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Americans for Tax Reform .......................... 21
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Conservative group/think tank .................. 22
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Corporations/Businesses ...................... 23
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Other individuals (lawyer, academic, etc.) .... 24
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Other group (NRA, ALA, etc.) .................. 25
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C. Non-specific sources

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-9- ORDER: Please use the numerical codes for sources given above.

First Source in Article: .................. ___ ___
Second Source in Article: ............... ___ ___
Third Source in Article: ................. ___ ___

-10- ANGLES: No. of Instances:

Counterterrorism ....................... 01 ___ ___
EXAMPLES: Foreign intelligence gathering – domestic terrorism

Police/law enforcement powers .......... 02 ___ ___
EXAMPLES: Information-sharing between govt. agencies – judicial oversight

Bipartisanship ........................ 03 ___ ___
EXAMPLES: Evidence of bipartisanship – Triggering partisanship/bickering in Congress

Economy/consumer confidence .......... 04 ___ ___
EXAMPLES: Consumer confidence – market recovery

General civil liberties/freedoms ......... 05 ___ ___
EXAMPLES: Bill of Rights – civil liberties – Constitution – freedoms

First Amendment ...................... 06 ___ ___
EXAMPLES: Free speech – dissent – libraries/booksellers

Physical searches ...................... 07 ___ ___
EXAMPLES: Fourth Amendment – search & seizure – warrants – “sneak & peek” provisions

General privacy concerns ............... 08 ___ ___
EXAMPLES: Privacy rights – invasion/erosion of privacy

Communications surveillance .......... 09 ___ ___
EXAMPLES: Wiretapping – Internet monitoring – Carnivore – voicemail

Money trails/financial privacy .......... 10 ___ ___
EXAMPLES: Money-laundering – bank/business/credit records

Educational records/privacy .......... 11 ___ ___
EXAMPLES: Schools/universities – student/educational records

Non-citizens issues .................... 12 ___ ___
EXAMPLES: Non-citizens’ rights – detentions/deportations – visas

Other .................................. 13 ___ ___

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-11- TONE: ___

Neutral (e.g. news articles) .......... 1 Critical .................. 3
Supportive ............................ 2 Mixed/Ambiguous ....... 4