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## **Part 1.1:**

Doris Graber believes that freedom of expression is a key element of Democracy, and that the United States “essentially free” and that the right to a free press is guaranteed under the First Amendment of the Constitution. However, Garber has reserves as to how free the press actually is considering certain restrictions placed on the media by the U.S. government.

Garber has many arguments as to why the press is not entirely free. One of her first points is that it’s difficult for people other than journalists and public figures to gain access to the press (pg. 51). Because this is the case, individuals who may have vital information may not be able to transmit this information because they’re unable to broadcast it to a large amount of the public. Garber believes that while the Internet helps address this issue, ultimately it’s less effective at reaching the general public than traditional press outlets are (pg. 56).

In addition to this, those who do have the ability to publish to a large audience lack certain abilities to gain information. The press does not have access to information that wouldn’t otherwise be given to the public, meaning they are not given special privileges to investigate certain stories or leads that would otherwise be withheld from the general public (pg. 57). While there are avenues to get information not normally made public, such as through a Freedom of Information Act request, they are not given priority or guaranteed documents even if they file the request. Additionally, the press ultimately lacks the ability to protect sources and will generally reveal them if subpoenaed by a court. This turns individuals away from being a whistleblower on misconduct and corruption, because they fear they would ultimately be punished as well (pg. 67).

In addition to all of this, documents can also be withheld from the press if Executive Privilege is issued by the government. If the government considers the information sensitive, or believe it puts national security at risk, they have the ability to withhold information from the press and the general public.

I do agree with Garber's assertion that the United States lacks an entirely free press. With that said, I also believe there is certain information that the public simply shouldn't know. For example, the recent Wikileaks controversy did little than simply embarrass the United States on the global stage. Little, if any, valuable information was leaked by that organization. Not only that, but the organization also decided which documents to release and which to hold, and focused their attention on more embarrassing documents instead of allowing for all the documents to be reviewed. How is this any different than the government withholding information? It's not.

In addition to that, I believe there are clear instances where the government must withhold information. For example, military operations are often classified and top secret. If the press were to report on the details of an operation it would put the success of the mission at risk, and more importantly could put American lives at risk. With that said, I do believe some changes should be made. For example, I believe shield laws should be established to protect the sources of news stories not pertaining to national security. This would include, for example, whistleblowers on corporate or government corruption. Knowing that their names would be kept private may allow people step forward and speak out about wrongdoings.

## **Part 1.2:**

The Joint Chiefs of Staff inform me, the President of the United States, that a civilian Department of Defense employee leaked top-secret military documents to the New York Times about an upcoming mission to apprehend leaders of a terrorist organization. The story is likely

going to be published in tomorrow's edition. With this information, as President, I would invoke Executive Privilege and order the New York Times to withhold from publishing the story.

By invoking Executive Privilege and using prior restraint to stop the NYT from publishing the story, I'm acting in what I believe is the best interest of the United States's national security. This case is different from the Pentagon Papers for a few different reasons. First, the Pentagon Papers were about classified US operations that had already happened. In this instance, the operation has yet to happen. Second, the argument that it is in the interest of national security to withhold this information from the public is much stronger than it was in *NYT v. US* (1971). This is mainly because the operation has not occurred yet, and by disclosing the details of the operation the NYT would be putting the success of the mission at risk. I would be able to argue that the success of this mission is vital to the national security of the United States, because if it were to fail it would put the general public at risk of another terrorist attack against this nation. If a strong case can be made that it's in the interest of national security to withhold information from the public, than a court will allow prior restraint, as established in *Near v. Minnesota* (1931).

I would also go a step further, and order my administration to find who leaked the information to the NYT and try them under the Espionage Act. In the case of the Pentagon Papers, the individuals who leaked the documents were not acquitted of violating the Espionage Act, but they were freed due to errors made on the government's behalf during the investigation (Correll).

Ultimately, if this case were about the failure of a previous operation, I would not invoke Executive Privilege in an attempt to cover it up. But, because the operation has yet to occurred, I would be inclined to stop the NYT from publishing the documents to salvage the operation and execute it according to plan.

Citations: Correll, John T. "The Pentagon Papers" *Air Force Magazine*, February 2007.

## **Part 2:**

**Questions I would need answered before I can say whether the poll is valid.**

1. **What organization conducted the poll?** Is it reputable or does it have an ax to grind?
2. **How was the question phrased?** Does the question intentionally push the individual to answer it one way or another (For example: Are you pro-abortion vs. Are you pro-choice?)
3. **Was the sample size correct?** Did they ask too many people, too few?
4. **Was the sample size representative of the general public?** Did they sample too many Republicans, too many Democrats? Too many men?
5. **How was the information obtained?** Did they use an online poll where the individual had to seek the question before answering it, or was it a telephone poll? Did the poll include cell phones?
6. **Do the findings ultimately make sense?** Are they in-line with other polls conducted on the same issue by respected polling institutions, like Gallup and Pew?

## **Part 3.1:**

In his second presidential debate, Mitt Romney had a weaker performance than he did in the first debate. He had a couple missteps, including the use of the phrase "binders full of women." This phrase was one of the most highlighted moments off the debate, and took off in the social media realm. Only hours after the debate had concluded, over 160,000 people had liked a Facebook page titled "Binders Full Of Women," and currently over 355,000 people like it.

Ultimately, I did not find the comment offensive. In the context of what Governor Romney was talking about, in fact, he was making a good point. He was trying to form a Cabinet after he was elected Governor, but the applicants were predominantly men. To rectify this, he reached

out to women's groups and they presented him with "binders full of women" qualified to be in his administration. If anything, this comment shows Romney's awkwardness as a candidate, and it's hard for me to see any harm in it beyond that.

The only damage control that I believe Romney's campaign should do is to clarify his point. It's a winning argument if phrased correctly, and would have ultimately been overlooked had he not used such awkward language. The damage has been done, and Twitter accounts and Facebook pages have already received hundreds of thousands of followers. The Romney campaign will not be able to reverse the effect, but can only try their best to clarify the Governor's statement.

The big picture theme here is sound bites and how they can change the perspective of the public. The comment itself, though awkward, is not offensive in the context of what the Governor was talking about. However, because we have a 24-hour news cycle that feeds off of short sound bites, they replay this phrase over and over without the context it was in. Out of context, it sounds like Romney is making a weird sexist comment about receiving a literal "binder full of women," even though he's talking about making his Cabinet more diverse. Like the media, the public itself is more interested in sound bites than they are context. This phrase has become popular amongst Democrats who try to paint Romney as awkward, similar to the comment he made about Big Bird in the first debate.

This comment was awkward, but was ultimately taken out of context. Focusing on that specific comment actually takes the heat away from Romney for dodging the question asked. He was asked about equality for women, and told this story which ultimately had little to do with how he would improve women's equality if he was elected. While Romney may have been given a binder full of women's resumes, according to a study conducted by the University of Massachusetts and the Center for Women in Politics and Public Policy, the number of women

serving in senior positions in his administration fell by 3% compared to the administration before him, and rose by 6% following his departure. Yet, the media focuses instead on his awkwardness instead of his record.