CENSORED 2014

FEARLESS SPEECH IN FATEFUL TIMES

The Top Censored Stories and Media Analysis of 2012–13

Mickey Huff and Andy Lee Roth
with Project Censored

Foreword by
Sarah van Gelder

Cartoons by
Khalil Bendib

Seven Stories Press
New York

Copyright © 2013 by Mickey Huff and Andy Lee Roth

Foreword © 2013 by Sarah van Gelder

A Seven Stories Press First Edition

All rights reserved. No part of this book may be reproduced, stored in a retrieval system, or transmitted in any form, by any means, including mechanical, electronic, photocopying, recording or otherwise, without the prior written permission of the publisher.

Seven Stories Press

140 Watts Street

New York, NY 10013

www.sevenstories.com

ISBN 978-1-60980-494-7 (paperback)

ISBN 978-1-60980-495-4(electronic)

ISSN 1074-5998

9 8 7 6 5 4 3 2 1

Book design by Jon Gilbert

Printed in the USA

Whistleblowers and Gag Laws

Brian Covert

Censored #1

Bradley Manning and the Failure of Corporate Media

Kevin Gosztola, "The US Press Failed Bradley Manning," *FireDogLake*, February 28, 2013, http://dissenter.firedoglake.com/2013/02/28/the-us-press-failed-bradley-manning/.

Glenn Greenwald, "Bradley Manning: The Face of Heroism," *Guardian*, February 28, 2013, http://www.guardian.co.uk/commentisfree/2013/feb/28/bradley-manning-heroism-pleads-guilty.

Janet Reitman, "Did the Mainstream Media Fail Bradley Manning?," *Rolling Stone*, March 1, 2013, http://www.rollingstone.com/politics/news/did-the-mainstream-media-fail-bradley-manning-20130301.

"The Case of the US vs. Bradley Manning," *Al Jazeera English*, March 9, 2013, http://www.aljazeera.com/programmes/listeningpost/2013/03/201339107329512.html.

Student Researcher: Amanda Renteria (San Francisco State University)

Faculty Evaluator: Kenn Burrows (San Francisco State University)

Censored #4

Obama's War on Whistleblowers

Dana Liebelson, "Why Is Obama Bashing a Whistleblower Law He Already Signed?," *Mother Jones*, January 10, 2013, http://www.motherjones.com/politics/2013/01/obama-whistleblower-protections-signing-statement.

Glenn Greenwald, "Kiriakou and Stuxnet: The Danger of the Still-Escalating Obama Whistleblower War," *Guardian*, January 27, 2013, http://www.guardian.co.uk/commentisfree/2013/jan/27/obama-war-on-whistleblowers-purpose?INTCMP=SRCH.

Paul Harris, "Barack Obama's 'Extreme' Anti-Terror Tactics Face Liberal Backlash," *Guardian*, February 9, 2013, http://www.guardian.co.uk/world/2013/feb/09/barack-obama-extreme-anti-terror-tactics-liberal-backlash?INTCMP=SRCH.

Ed Pilkington, "Bradley Manning Prosecution to Call Full Witness List Despite Guilty Plea," *Guardian*, March 1, 2013, http://www.guardian.co.uk/world/2013/mar/01/bradley-manning-prosecution-guilty-plea.

Student Researchers: Shannon Polvino, William Scannapieco, Kathyrn La Juett, and Justin Lewis (State University of New York–Buffalo)

Faculty Evaluator: Michael I. Niman (State University of New York–Buffalo)

Censored #16

Journalism Under Attack Around the Globe

Roy Greenslade, "Journalism Under Attack Across the Globe Imperils Press Freedom," *Guardian*, February 14, 2013, http://www.guardian.co.uk/media/greenslade/2013/feb/14/press-freedom-censorship.

"Attacks on the Press: Journalism on the Frontlines in 2012," Committee to Project Journalists, http://cpj.org/2013/02/attacks-on-the-press-in-2012.php.

Dave Lindorff, "Incidents Raise Suspicions on Motive: Killing of Journalists by US Forces a Growing Problem," *ThisCantBeHappening!*, November 22, 2012, http://www.thiscantbehappening.net/node/1438.

Student Researcher: Qui Phan (College of Marin)

Faculty Evaluator: Andy Lee Roth (College of Marin)

Censored #22

Pennsylvania Law Gags Doctors to Protect Big Oil's "Proprietary Secrets"

Kate Sheppard, "For Pennsylvania's Doctors, a Gag Order on Fracking Chemicals," *Mother Jones*, March 23, 2012, http://www.motherjones.com/environment/2012/03/fracking-doctors-gag-pennsylvania.

Christopher Banks, "Pennsylvania Law Gags Doctors," *Liberation News*, June 13, 2012, http://www.pslweb.org/liberationnews/news/pennsylvania-law-gags-doctors.html.

Student Researcher: Lyndsey Casey (Sonoma State University)

Faculty Evaluator: Peter Phillips (Sonoma State University)

RELATED VALIDATED INDEPENDENT NEWS STORY

Prominent Establishment Journalists Turn Whistleblowers Over News Censorship

Glenn Greenwald, "Why Didn't CNN's International Arm Air Its Own Documentary on Bahrain's Arab Spring Repression?" *Guardian*, September 4, 2012, http://m.guardian.co.uk/world/2012/sep/04/cnn-international-documentary-bahrain-arab-spring-repression?cat=world&type=article.

J. D. Heyes, "Bombshell: CNN Takes Money from Foreign Dictators to Run Flattering News Stories About Them," *Natural News*, October 4, 2012, http://www.naturalnews.com/037423_CNN_payola_news_stories.html.

Michael Krieger, "Former Reporter Amber Lyon Exposes Massive Censorship at CNN," *Liberty Blitzkrieg*, September 4, 2012, http://libertyblitzkrieg.com/2012/09/04/meet-amber-lyon-former-reporter-exposes-massive-censorship-at-cnn/.

Abby Martin, "*NY Times* Peddles War Propaganda/Interview with Daniel Simpson," *Breaking the Set*, Russia Today, September 18, 2012, http://www.youtube.com/watch?v=-CuEqywX1VQ.

Student Researcher: Brittany Cocilova (Florida Atlantic University)

Faculty Advisor: James F. Tracy (Florida Atlantic University)

On May 3, 2013, journalists around the world commemorated the twentieth anniversary of World Press Freedom Day, a yearly international day of journalistic reflection and action that has its roots, like much else of human culture, in Africa.

It was in 1991 that dozens of journalists from all across the African continent gathered in the southern African nation of Namibia—then recently liberated from the occupation of the apartheid regime of South Africa—to find solutions to the crisis of news censorship, the jailing and killing of reporters, and the very real threats

to the pursuit of truth and freedom of expression in their respective countries.

The result of the African journalists coming together was a bold, uncompromising statement, the Declaration of Windhoek on Promoting an Independent and Pluralistic African Press, that would speak directly to the important work of journalists, press freedom advocates, and media activists around the world for many years to come.[1] The spirit of that declaration evolved into World Press Freedom Day, as later adopted by the United Nations.

In the Central American nation of Costa Rica, site of the official UN-sponsored World Press Freedom Day events for 2013, journalists and others commemorated the day with especially timely discussions on the "safety of journalists, the issue of impunity, and online safety" of news media organizations.[2]

Who should be on an official state visit in San José, the Costa Rican capital, on the twentieth anniversary of World Press Freedom Day but Barack Obama, president of the United States?[3]

Every year since taking office in 2009, President Obama had issued official statements on the annual World Press Freedom Day, stressing the importance of an independent news media, unfettered by government interference, and honoring journalists worldwide who had been persecuted or killed in the line of work.[4] Those honored by President Obama in the past have included slain reporters who covered "crime, corruption, and national security in their home countries . . . and hundreds more each year who face intimidation, censorship, and arbitrary arrest—guilty of nothing more than a passion for truth and a tenacious belief that a free society depends on an informed citizenry."[5]

No such statement of support for freedom of the press, however, was announced by the Obama White House in 2013.[6]

Instead, the extent of President Obama's official concern for a free press this year consisted of two sentences spoken during a media briefing in San José, just across town from the concurrent UN-sponsored World Press Freedom Day conference. "I'm proud to be here as you host World Press Freedom Day," President Obama stated, and then, pointing to members of the US media elites traveling with him: "So, everybody from the American press corps, you should thank the

people of Costa Rica for celebrating free speech and an independent press as essential pillars of our democracy."[7]

Just how "thankful" the American news media back home should be became clear exactly one week later on May 10: the US Department of Justice under President Obama notified the Associated Press news agency that day that it had been spying on the company in a national security investigation, secretly seizing the company's phone records as well as the work and personal phone records of individual AP reporters. The AP called it a "massive and unprecedented intrusion" into a company's newsgathering operations, and a firestorm of protest ignited across the spectrum of mainstream and independent/alternative news media in the US.[8]

The following group of stories on the issue of "censoring the news about censorship," highlighted this year by Project Censored, could not come at a more critical time. We are seeing a war on truth on all fronts in the US—against journalists and media companies, against those who would blow the whistle on government and military corruption, and against truth-tellers in general—with the Obama administration's heavy-handed actions against the Associated Press and others in the media being just a part of a much larger international trend.

But is this critical message about the war on truth in all its manifestations reaching the public? The censored stories presented here indicate that, by and large, the message is not making it past the self-censoring filters of the US corporate-dominated news media. This is alarming indeed for a nation professing to be the world's most open, democratic society and home to the freest press on the planet.

Censored #1: Bradley Manning and the Failure of Corporate Media

Nowhere is the war on truth more clearly seen than in the case of Bradley Manning, an intelligence analyst with the United States Army who is at the center of the largest leak of classified documents in US history. The Manning case shows in stark relief both the US government's relentless pursuit of a legitimate whistleblower and the US corporate media's relentless retreat from the story.

Private First Class Manning, at age twenty-two, was arrested in May 2010 at the US military base in Iraq where he was stationed, on



suspicion of leaking of about 700,000 pages of confidential documents and video footage of US military helicopter attacks to the WikiLeaks whistleblower organization. The leaking had helped to shine a much-needed international spotlight on the US wars in Afghanistan and Iraq—especially on the killing of civilians by US soldiers—and on how the US government conducts its foreign policy behind the scenes.

In February 2012, Manning was ordered to stand trial in a US military court on twenty-two charges of leaking confidential government documents; the most serious charge, "aiding the enemy," carried a possible sentence of life in prison.[9] The US Army had also charged Manning on multiple counts of violating the 1917 US Espionage Act, a World War I–era law that carries very stiff punishment—including a possible death penalty—for exposing "national defense" information.[10]

A sign of how the US corporate media would treat Manning's court martial came some months later in November 2012, when Manning,

then held prisoner for more than 900 days without trial, spoke publicly for the first time since his arrest.[11]

In a pretrial hearing at Fort Meade, Maryland, he detailed the physical and psychological trauma he had suffered due to inhumane treatment by the US military while in detention. But these newsworthy developments in Manning's case were unreported for the most part by major US news companies, according to the New York–based media watch group Fairness and Accuracy in Reporting (FAIR). FAIR found that the *New York Times* published just a brief Associated Press wire story on Manning's testimony, and that only one of the big three corporate television networks, CBS, reported the Manning trial at all. PBS mentioned it in passing.[12] "[T]he minimal attention to Manning's trial last week tells us how little corporate media care about the mistreatment of a government whistleblower," concluded FAIR.[13]

In February 2013, Manning pled guilty to ten of the twenty-two charges he faced of releasing secret government documents to WikiLeaks, but not to the charge of aiding the enemy.

In his statement to the court, Manning said he was motivated by his conscience to blow the whistle: "I believed that if the general public, especially the American public, had access to the information . . . this could spark a domestic debate on the role of the military and our foreign policy in general as well as it related to Iraq and Afghanistan," he said. "No one associated with [WikiLeaks] pressured me into giving any more information. . . . I take full responsibility for my actions."[14]

Manning denied in his testimony that anything damaging to US government interests was released in the US State Department cables he leaked, though he conceded they "might be embarrassing."[15] But the bigger embarrassment may have been for the US corporate press.

Manning testified that before leaking documents to WikiLeaks, he had tried going through the proper news company channels:

> I then decided to contact the largest and most popular newspaper, the *New York Times*. I called the public editor number on the *New York Times* website. The phone rang and was answered by a machine. I went through the menu to the section for news tips. I was routed to an answering machine. I

left a message stating I had access to information about Iraq and Afghanistan that I believed was very important. However, despite leaving my Skype phone number and personal e-mail address, I never received a reply from the *New York Times*.

I attached a text file I drafted while preparing to provide the documents to the *Washington Post*. It provided rough guidelines saying "It's already been sanitized of any source identifying information. You might need to sit on this information—perhaps 90 to 100 days to figure out how best to release such a large amount of data and to protect its source. This is possibly one of the more significant documents of our time removing the fog of war and revealing the true nature of twenty-first century asymmetric warfare. Have a good day."[16]

Manning never heard back from them, later sent the information he had on to WikiLeaks, and the rest is history.

As the pretrial phase of Manning's court martial is headed toward the scheduled June 2013 start of the main trial proceedings (as we go to press on this book), the big question, especially for US independent journalists and reporters from other countries who covered the trial regularly, was: Where is the American press?[17] The big media companies were noticeably absent from or negligent in covering what was surely one of the most important legal cases in United States history.

One of those companies, the *New York Times*—which had actually cooperated with WikiLeaks and Julian Assange in 2010 by publishing thousands of documents originally leaked by Manning—now found no stomach to stand by Manning in court, or even to be bothered at one point with covering the whistleblower's legal proceedings at all. *The Times* had to be shamed into covering the Manning trial more consistently by its own public editor, who wrote: "In failing to send its own reporter to cover the fascinating and important pretrial testimony of Bradley Manning, the *New York Times* missed the boat. . . . *The Times* should be there."[18]

Other corporate news media did not fare much better. Kevin Gosztola, a Chicago-based writer for the progressive news website *FireDogLake*, was one of a handful of independent journalists and activists who turned up day after day at the Manning hearings to record every development

of the trial. At the same time, Gosztola was also monitoring the US so-called mainstream print and broadcast media's attendance at the trial, which he found to be nonexistent at worst and spotty at best.[19]

Gosztola spoke for many in and outside the media field when he said that as an institution, "the US press failed Bradley Manning" from the very beginning of the whole whistleblowing affair for which he now stood trial.[20] Many contend that Manning's status as a modern-day folk hero is well deserved, and that, far from being treated like a criminal, he should be credited with having done a great public service as a whistleblower in what is proving to be an increasingly dangerous environment to report the truth.[21]

Censored #4: Obama's War on Whistleblowers

The Bradley Manning case stands out as a prime example of official persecution of a legitimate whistleblower, but it is by no means the only one.

During his first election campaign, Barack Obama promised more protection for whistleblowers—those within government who would take risks to make unauthorized leaks of information. Obama as candidate promised to "strengthen whistleblower laws to protect federal workers who expose waste, fraud, and abuse of authority in government [and] ensure that federal agencies expedite the process for reviewing whistleblower claims and whistleblowers have full access to courts and due process."[22]

The Government Accountability Project, a Washington DC–based nonprofit organization that promotes and defends whistleblower protections, credits Obama as president with mostly keeping his campaign promises to protect whistleblowers. But in one area—national security—the Obama administration is seen as being "dangerously contradictory" by aggressively prosecuting leakers of classified information and going after the journalists to whom they leak.[23]

The Obama administration has far surpassed what past US administrations have done by presiding over the prosecution of seven persons for whistleblowing and other offenses under the Espionage Act. As of this writing (May 2013), the seven persons are:

- **Thomas Drake:** Former senior executive at the National Security Agency (NSA), the US government's electronic-spying agency. Indicted in 2010 in connection with the leaking of top-secret documents about an NSA program, which he felt violated citizens' privacy rights, to a newspaper reporter at the *Baltimore Sun*.[24] Felony charges were dropped in 2011 in exchange for a misdemeanor plea by Drake.
- **Shamai Leibowitz:** Israeli lawyer/activist in the US working secretly under contract for the Federal Bureau of Investigation (FBI) as a Hebrew-language translator. Concerned about possible plans for a military attack on Iran, he leaked FBI transcripts of wiretapped conversations of diplomats at the Israeli embassy in Washington DC to the blog *Tikun Olam*.[25] Sentenced in 2010 to twenty months in federal prison. He served out his sentence and was released in 2011.
- **Bradley Manning:** Charged by the US Army for whistleblowing offenses (see *Censored* story #1, above).
- **Stephen Kim:** South Korean–born and US Ivy League–educated analyst who worked on a contract basis with the US State Department. Indicted in 2010 for having passed nonclassified information concerning North Korea to a Fox News correspondent, who later reported it on television, citing an anonymous source. Kim faces a sentence of up to fifteen years in prison; he has pled not guilty to the charges and his court case continues.[26] (Following the AP phone records firestorm in May 2013, it was revealed that the Fox News reporter, James Rosen, had had his movements at the State Department, as well as his phone and e-mail records, monitored by government investigators at the time in 2009.)[27]
- **Jeffrey Sterling:** Former Central Intelligence Agency (CIA) case officer. Indicted in 2010 for having leaked information on Iranian nuclear research to *New York Times* reporter James Risen for a chapter in Risen's book *State of War*.[28] Facing a sentence of up to 120 years, Sterling pled not guilty. Risen was subpoenaed three times to force him to testify as to whether or not Sterling was his source; Risen has refused to comply. Pretrial rulings by the judge on evidentiary issues have posed a major setback for the Justice Department in the case. The go ment is report-

edly appealing the rulings as it moves ahead with prosecuting Sterling.[29]

- **John Kiriakou:** Former CIA case officer and analyst. Well known as the first US government official who, in 2007, exposed to the media the CIA's "waterboarding" interrogation technique on al-Qaeda prisoners as a form of torture.[30] Kiriakou was initially charged in 2012 under the Espionage Act for leaking the names of CIA colleagues to journalists, including a *New York Times* reporter, for which he faced up to fifty years in prison. Kiriakou pled guilty to a lesser charge and was sentenced in January 2013 to thirty months in prison. He is currently an inmate at a federal prison in Pennsylvania.[31]
- **James Hitselberger:** Former Arabic-language specialist who worked for a private company on contract to the US Navy. Though not technically a whistleblower, he was "quietly indicted" under the Espionage Act in late 2012 for taking classified documents from a US naval base in Bahrain where he worked, including some documents that ended up in a collection of his papers at Stanford University.[32] He was reported to be under house arrest in Virginia in 2013 as his trial proceeds.[33]

To be sure, the big corporate media companies have published news reports on these and other whistleblower cases as the lawsuits have come up. But what have been missing from the US press overall are context and consistency: the much wider context of a systematic war on whistleblowers and truth-tellers with the aim of silencing them, and consistency in reporting that wider context over time.

And the war looks to get worse before it gets better. In January 2013, President Obama issued a memorandum, barely reported by the US corporate media, that seeks new rules to allow federal agencies to fire employees without appeal if their work is deemed to be "national security sensitive."[34] This could affect thousands of US government workers, and there are concerns that it would also give the Obama administration yet another weapon in its war on whistleblowers.[35]

If the final goal of the US government has been to put a "chilling effect" on the press to keep the truth unreported and to deter potential whistleblowers from coming forward, then it has succeeded in at least one noteworthy case.

"I heard from various news sources that the FBI [under George W. Bush] had been monitoring my phone and Internet communications with certain people as part of its leak investigation into our [2005] NSA story," says Eric Lichtblau, Pulitzer Prize–winning reporter for the *New York Times*. A fear of getting subpoenaed led Lichtblau to quit writing national security stories for the *Times* and move on to another beat before the Obama administration took over in 2009. "While the Justice Department never made good on the threat, it certainly made it more difficult to do my job in dealing with confidential sources when you realize you may be forced to testify before a grand jury or risk going to jail to protect a source."[36]

Censored #16: Journalism Under Attack Around the Globe

The domestic war on whistleblowers in the United States is, in turn, part of a much broader pattern of increasing repression of the news media and freedom of expression internationally.

In this digital age, the world has indeed become a smaller place yet at the same time a more dangerous one, if we are to believe the latest reports from press-support organizations and news media around the globe. Are those dangers to journalists in doing their work consistently reflected in news reporting by the US establishment media with the proper context, as they appear to be in other countries? Once again, we see a huge gap between the reality and the reporting in the United States.

Across the board, 2012 was reported by several organizations and institutions to be the deadliest year yet for journalists in various parts of the world, a sign of increasing danger to media workers and ultimately of a growing trend of censoring and gagging of news reporters. The Austria-based International Press Institute documented a record-high killing of 132 journalists worldwide in 2012 in the line of work, with the rate showing no sign of slowing down as of mid-2013 (forty-eight journalists killed).[37] Similar results were found by the France-based organization Reporters Without Borders in its "World Press Freedom Index" for 2013.[38]

The United Nations Educational, Scientific and Cultural Organization (UNESCO) also documented a rise in the number of media pro-

fessionals killed on a global scale, along with an increase in "nonfatal attacks" such as journalists being injured, raped, kidnapped, intimidated, harassed, or illegally arrested in the course of their work.[39]

Like other parties, UNESCO attributed these rising numbers in large part to the growing problem of impunity—that is, when no one is brought to justice for crimes against journalists. Most of the reporters, UNESCO noted, were not killed while covering war zones but rather while reporting on corruption or illegal activities at the local level. Increasingly, covering human rights issues and even environmental issues are proving to be more fatal for journalists than before, UNESCO found.

The US-based Committee to Protect Journalists (CPJ) issued its own report in February 2013, "Attacks on the Press."[40] It documented seventy journalists killed in 2012 in the course of their work, a jump of almost 50 percent over the year before.[41] CPJ also identified a record-high 232 journalists imprisoned around the world in 2012, a climbing figure "driven in part by the widespread use of charges of terrorism and other anti-state offenses against critical reporters and editors."[42]

The New York Times followed up by publishing an article on the release of the CPJ report.[43] But the *Times*' reporting was all too typical of the poor US corporate media coverage of this important issue, lacking in quantity (at a mere 440 words) as well as in quality (the deeper implications for press freedom of more journalists getting killed). Most noticeably absent from the *Times* story was any mention at all of the landmark United Nations resolution on journalists' safety passed just a few months before, which recognized the severity of the crisis in journalism and which was heralded by media workers and press-support organizations around the world.

In September 2012, the forty-seven–member United Nations Human Rights Council passed a resolution that for the first time called on nations to "promote a safe and enabling environment for journalists to perform their work independently and without undue interference." It also called on countries to fight impunity in cases of attacks against journalists, by "ensur[ing] accountability through the conduct of impartial, speedy and effective investigations" into such attacks and "bring[ing] to justice those responsible."[44]

The New York Times and the US corporate press failed to give this important development the prominent coverage it deserved. But if

US establishment media reporting of the important UN resolution on journalists' safety was sparse in 2012, acknowledgment of Article 19 of the UN Universal Declaration of Human Rights—upon which this and other resolutions and press freedom principles are based—has been nearly nonexistent.

Article 19 of the Universal Declaration of Human Rights, passed by the United Nations in 1948, reads:

> Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.[45]

Article 19 is worth noting here because it affirms freedom of the press as a basic human right, not just the civil right of a nation. Several UN press freedom–related resolutions of the past are based on Article 19, as is the groundbreaking Windhoek Declaration of 1991 by African journalists, which evolved into World Press Freedom Day.

Inspired by the Windhoek Declaration, journalists in other regions of the world—Europe, Asia, the Middle East, and Latin America and the Caribbean—also have drawn up similarly strong statements of press principles.[46] Conspicuously missing from that list of regions is North America, where a kind of Windhoek Declaration is arguably most needed in the world today.

When more news reporters and other media professionals in the United States see themselves and their important public service role as one vital part of the larger international picture, and can stand side by side with their colleagues around the world in times of danger, then we may finally begin to see US news reporting that truly informs the public whenever journalism comes under threat of attack anywhere on the globe.

Censored #22: Pennsylvania Law Gags Doctors to Protect Big Oil's "Proprietary Secrets"

Attacking or killing journalists after they report the truth is one way to censor news; another is to use "prior restraints" under the law *before* the truth is reported. Those in the media profession are no strangers

to legal restraints being used to bind and gag them beforehand, based on what they might report. Now, however, that kind of gag is being extended in the US to persons in the medical profession.

Under a controversial new law that went into effect in 2012 in the state of Pennsylvania, doctors must sign a confidentiality agreement before a corporation will release any information to the doctors concerning the chemicals used in deep underground drilling of oil and natural gas, a practice known as hydraulic fracturing or "fracking"—even when that information directly affects the health of the doctors' patients.

The text of the law, Act 13, stipulates that a fracking company must "identify the specific identity and amount of any chemicals claimed to be a trade secret or confidential proprietary information to any health professional who requests the information in writing," but only "if the health professional executes a confidentiality agreement and provides a written statement of need for the information" for treating patients.[47]

Like other states, Pennsylvania is undergoing a virtual gold rush of fracking by oil and gas companies. There are an estimated 5,000 oil and gas drilling wells located around the state, and the number of sites continues to grow.[48] The drilling, which is done with toxic chemicals, has led medical professionals, local residents, and activists alike to raise serious environmental concerns about contaminated groundwater and about the resulting outbreaks of health problems among people living near the drilling sites.[49]

This puts medical professionals in a bind: doctors in Pennsylvania can be sued by patients for not informing them of the health risks of fracking, which may involve naming the actual "secret" chemicals used at local fracking sites. As one Pennsylvania doctor put it: "What is the big secret here that they [fracking companies] are unwilling to tell people, unless they know that if people found out what's really in these chemicals, they would be outraged?"[50]

There has been some decent reporting of this "doctor gag rule" in the US corporate press, including, for example, by the New York-based website *International Business Times*[51] as well as by the *Los Angeles Times*.[52] But by and large, considering the huge implications this case has for the wider issue of creeping corporate control over public health matters, the doctor gag rule has not garnered nearly the amount of sustained, consistent coverage in the corporate media that it deserves.

This is especially true of one related aspect that appears to have gone unreported in the national media: the possible linking of the doctor gag rule on fracking with the gagging of whistleblowers and activists in Pennsylvania's agricultural industry.[53]

Pennsylvania is one of several US states that in the past few years has moved to pass agricultural gag laws—so-called "ag-gag laws"—at the behest of the powerful industrial agricultural lobby. These are laws that would make it a crime for anyone to expose conditions at factory farms where animals are killed and processed for human consumption.

Under House Bill 683, introduced into the Pennsylvania state legislature in February 2013, it would be a felony offense for anyone who "records an image of, or sound from, the agricultural operation by leaving a recording device on the agricultural operation," or anyone who "uploads, downloads, transfers or otherwise sends recorded images of, or sound from, the agricultural operations over the Internet in any medium."[54]

Public concerns are now being raised about such factory farms that are located in the same rural areas of Pennsylvania where fracking operations are also being carried out by oil and natural gas drilling companies. HB 683 deals specifically with gags on exposing industrial farming practices. But there are concerns that if this ag-gag bill is passed into law, it could someday be expanded in scope to include the legal gagging of activists and whistleblowers who expose operations at rural oil and gas fracking sites in Pennsylvania as well.

This is an important case worth keeping an eye on for the future, as a sign of where the ongoing war on truth in the United States is taking us.

RELATED VALIDATED INDEPENDENT NEWS STORY

Prominent Establishment Journalists Turn Whistleblowers over News Censorship

What happens when journalists themselves blow the whistle on censorship within their own ranks? Ask two such journalists who worked for some of the biggest names in American news.

Amber Lyon, a reporter for CNN, produced a one-hour documentary in 2011 titled *iRevolution: Online Warriors of the Arab Spring*, on how social media were playing a part in the then-unfolding Arab Spring uprisings in the Middle East. It included a thirteen-minute

segment shot in Bahrain featuring dramatic footage and interviews.[55]

Lyon said she was later pressured by CNN during the editing process to include Bahraini government denials and untruths about the Arab Spring uprising in that country.[56]

The documentary aired once that summer on the US domestic edition of CNN, but not on the network's overseas arm, CNN International (CNNi), which is widely watched in the Middle East.[57] When she raised questions about it, Lyon said, she was warned by the president of CNNi to drop the subject and not talk about it publicly;[58] she later received a similar threat from CNN's business department.[59]

US journalist Glenn Greenwald has suggested that it had something to do with pressure put on CNN by the government of Bahrain, a close United States ally, in conjunction with a high-priced US public relations firm, in an effort to nip Bahrain's Arab Spring in the bud.[60]

In response, CNN admitted that it has carried advertising by a Bahraini government agency but strongly denied any connection between that and Lyon's report not airing.[61] Lyon was later laid off from CNN and has been reporting independently since then.

The second journalist, Daniel Simpson, was a British writer based in Serbia who worked as the Balkans correspondent for the *New York Times* for about a year starting in 2002, reporting mostly on political developments.[62]

But Simpson would later recall how *Times* editors leaned on him to slant his stories more in line with the *Times*' conventional wisdom of geopolitics in the Balkan region and in keeping with Bush administration positions in its newly declared war on terror.

This included at one point, he said, being urged by the US embassy in the Serbian capital of Belgrade, as well as by a *Times* colleague in New York, reporter Judith Miller, to dig up evidence that would link the Bosnian Serb Republic to suspected weapons of mass destruction in Iraq.[63] Simpson said that Miller (who would later be discredited for her reporting on Iraq) "wanted me to say [in an article] that Serbs were selling Saddam Hussein 'weapons of mass destruction' delivery systems. Now, it turned out that what they were actually selling was spare parts for planes . . ."[64]

Fed up, he says, with what he called the "propaganda" and spin being put out by the US government in the war on terror and the supportive role played by the *Times* and other corporate media, he left the

Times and the news business entirely.

Simpson today is quite open about once having fabricated part of a story that was published on the front page of the *Times*, and about having used a fake identity in a letter to the editor that he sent to the *Times*, later published by the paper while he was still working there.[65] These actions strain Simpson's journalistic credibility and cannot be defended.

But at the very least, the claim of self-censorship and institutional bias at the *New York Times*, and the credible evidence of news censorship at CNN, both deserve to be covered and debated widely in the US establishment press, not dismissed or ignored as they have been.

BRIAN COVERT is an independent journalist and author based in Kawanishi, western Japan. He has worked for United Press International news service in Japan, as staff reporter for three of Japan's English-language daily newspapers, and as contributor to Japanese and overseas newspapers and magazines. He contributed a chapter to *Censored 2013* on the Fukushima nuclear disaster and news censorship in Japan. He is currently a lecturer in the Department of Media, Journalism, and Communications at Doshisha University in Kyoto.

Notes

1. United Nations, "Declaration of Windhoek," http://www.un.org/en/events/pressfreedomday/windhoek.shtml.
2. United Nations Educational, Scientific and Cultural Organization (UNESCO), "Safe to Speak: Securing Freedom of Expression in All Media—World Press Freedom Day," May 2–4, 2013, http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CI/CI/pdf/WPFD/wpfd2013_agenda_en.pdf.
3. Keith Koffler, "Obama Schedule: Friday, May 3, 2013," White House Dossier.com, http://www.whitehousedossier.com/2013/05/02/obama-schedule-friday-3-2013/.
4. White House, "Statement by the President on World Press Freedom Day," May 3, 2012, http://www.whitehouse.gov/the-press-office/2012/05/03/statement-president-world-press-freedom-day. See also similar statements for the years 2009 to 2011 on the White House website, http://www.whitehouse.gov/ (search term: World Press Freedom Day).
5. White House, "Statement by the President in Honor of World Press Freedom Day," May 1, 2009, http://www.whitehouse.gov/the_press_office/Statement-by-the-President-in-honor-of-World-Press-Freedom-Day/.
6. Finding from search of archives on the White House website, http://www.whitehouse.gov/ (search term: World Press Freedom Day). Accessed on May 28, 2013.
7. Barack Obama, "President Obama Holds a Press Conference with President Chinchilla," video and transcript, White House, May 3, 2013, http://www.whitehouse.gov/photos-and-video/video/2013/05/03/president-obama-holds-press-conference-president-chinchilla. See also UNESCO, "Who Will Expose the Hidden Truths?," World Press Freedom Day, May 4, 2013, http://www.unesco.org/new/en/unesco/resources/who-will-reveal-the-hidden-truths/.
8. Mark Sherman, "Gov't Obtains Wide AP Phone Records in Probe," Associated Press, May 13, 2013, http://bigstory.ap.org/article/govt-obtains-wide-ap-phone-records-probe.

9. "Bradley Manning: Charge Sheet," *Guardian*, March 4, 2011, http://www.guardian.co.uk/law/interactive/2011/mar/04/bradley-manning-charge-sheet.
10. "Primary Documents—US Espionage Act, 15 June 1917," FirstWorldWar.com, http://www.firstworldwar.com/source/espionageact.htm.
11. Ed Pilkington, "WikiLeaks Suspect Bradley Manning Gives Evidence for First Time," *Guardian*, November 29, 2012, http://www.guardian.co.uk/world/2012/nov/29/wikileaks-bradley-manning-gives-evidence.
12. Fairness and Accuracy in Reporting, "Turning Their Back on Bradley Manning: Whistleblower Speaks—But Press Doesn't Listen," December 4, 2012, http://fair.org/take-action/media-advisories/turning-their-back-on-bradley-manning/.
13. Ibid.
14. Charlie Savage, "I Did It to Make the World a Better Place: Manning," *New York Times*, as published in *Sydney Morning Herald*, March 1, 2013, http://www.smh.com.au/world/i-did-it-to-make-the-world-a-better-place-manning-20130301-2f9y3.html. See also Alexa O'Brien, "Pfc. Bradley E. Manning's Statement for the Providence Inquiry," February 28, 2013, http://www.alexaobrien.com/secondsight/wikileaks/bradley_manning/pfc_bradley_e_manning_providence_hearing_statement.html.
15. O'Brien, "Pfc. Bradley E. Manning's Statement for the Providence Inquiry."
16. Ibid.
17. Al Jazeera English, "The Case of the US vs Bradley Manning," *Listening Post* program, March 9, 2013, http://www.aljazeera.com/programmes/listeningpost/2013/03/201339107329512.html.
18. Margaret Sullivan, "The *Times* Should Have a Reporter at the Bradley Manning Hearing," *New York Times*, December 5, 2012, http://publiceditor.blogs.nytimes.com/2012/12/05/the-times-should-have-a-reporter-at-the-bradley-manning-hearing/.
19. Kevin Gosztola, "MSNBC Doesn't Cover Bradley Manning's Statement or Guilty Pleas at All," *FireDogLake*, March 2, 2013, http://dissenter.firedoglake.com/2013/03/02/msnbc-doesnt-cover-bradley-mannings-statement-or-guilty-pleas-at-all/. See also Kevin Gosztola, "A Shame There Aren't More Journalists Covering Bradley Manning's Court Martial," *FireDogLake*, March 16, 2013, http://dissenter.firedoglake.com/2013/03/16/a-shame-there-arent-more-journalists-covering-bradley-mannings-court-martial/. For a revealing interview with Gosztola on media coverage of the Manning trial, see Arun Rath, "Why Foreign Media Cover the Bradley Manning Trial," Public Radio International, *The World* program, March 15, 2013, http://www.theworld.org/2013/03/foreign-media-manning-trial/.
20. Kevin Gosztola, "The US Press Failed Bradley Manning," *FireDogLake*, February 28, 2013, http://dissenter.firedoglake.com/2013/02/28/the-us-press-failed-bradley-manning/. See also Janet Reitman, "Did the Mainstream Media Fail Bradley Manning?," *Rolling Stone*, March 1, 2013, http://www.rollingstone.com/politics/news/did-the-mainstream-media-fail-bradley-manning-20130301.
21. Glenn Greenwald, "Bradley Manning: The Face of Heroism," *Guardian*, February 28, 2013, http://www.guardian.co.uk/commentisfree/2013/feb/28/bradley-manning-heroism-pleads-guilty. [Ed. note: the Manning trial was just getting underway when this book was going to the publisher and off to print.]
22. Change.gov: The Office of the President-Elect, "The Obama-Biden Plan: Spend Taxpayer Money Wisely—Protect Whistleblowers," http://change.gov/agenda/ethics_agenda/.
23. Tom Devine, "Obama's Dangerously Contradictory Stance on Whistleblowing," *Guardian*, April 16, 2013, http://www.guardian.co.uk/commentisfree/2013/apr/16/obama-contradictory-stance-whistleblowing.
24. Jane Mayer, "The Secret Sharer: Is Thomas Drake an Enemy of the State?," *New Yorker*, May 23, 2011, http://www.newyorker.com/reporting/2011/05/23/110523fa_fact_mayer.
25. Richard Silverstein, "Why I Published US Intelligence Secrets about Israel's Anti-Iran Campaign," *Truthout*, October 14, 2011, http://www.truth-out.org/news/item/3499:why-i-published-us-intelligence-secrets-about-israels-antiiran-campaign.
26. Stephen Kim Legal Defense Trust, http://stephenkim.org/.

27. Ann E. Marimow, "A Rare Peek into a Justice Department Leak Probe," *Washington Post*, May 20, 2013, http://www.washingtonpost.com/local/a-rare-peek-into-a-justice-department-leak-probe/2013/05/19/0bc473de-be5e-11e2-97d4-a479289a31f9_story.html.
28. Warren Richey, "Former Covert CIA Agent Charged with Leaking Secrets to Newspaper," *Christian Science Monitor*, January 6, 2011, http://www.csmonitor.com/USA/Justice/2011/0106/Former-covert-CIA-agent-charged-with-leaking-secrets-to-newspaper.
29. Josh Gerstein, "Feds: Judge's Ruling Destroyed Case against Alleged Leaker," *Politico*, January 6, 2012, http://www.politico.com/blogs/under-the-radar/2012/01/feds-judges-ruling-destroyed-case-against-alleged-109921.html. See also Charlie Savage, "Nine Leak-Related Cases," June 20, 2012, *New York Times*, http://www.nytimes.com/2012/06/20/us/nine-leak-related-cases.html.
30. Joby Warrick and Dan Eggen, "Waterboarding Recounted," *Washington Post*, December 11, 2007, http://www.washingtonpost.com/wp-dyn/content/article/2007/12/10/AR2007121002091.html.
31. "Defend John Kiriakou" support website, http://www.defendjohnk.com/index.html.
32. John Diedrich, "Ex-Wisconsin Man Charged in Espionage Case," *Milwaukee Journal Sentinel*, November 12, 2012, http://www.jsonline.com/news/wisconsin/former-wisconsin-man-charged-in-national-espionage-case-vc7k4vp-179024791.html. See also Jesselyn Radack, "Obama's 7th Espionage Act Case Against a Non-Spy," *Daily Kos*, April 9, 2013, http://www.dailykos.com/story/2013/04/09/1200306/-Obama-s-7th-Espionage-Act-Case-Against-a-Non-Spy; and Aaron Sekhri, "Tinker, Sailor, Soldier, Spy," *Stanford Daily*, November 12, 2012, http://www.stanforddaily.com/2012/11/12/tinker-sailor-soldier-spy/.
33. Josh Gerstein, "Judge Orders Release of Linguist for Navy," *Politico*, December 19, 2012, http://www.politico.com//blogs/under-the-radar/2012/12/judge-orders-release-of-linguist-for-navy-152440.html. See also Ryan Abbott, "Linguist in State Secrets Jam Gets House Arrest," Courthouse News Service, December 21, 2012, http://www.courthousenews.com/2012/12/21/53358.htm.
34. Barack Obama, "Presidential Memorandum—Rulemaking Concerning the Standards for Designating Positions in the Competitive Service as National Security Sensitive and Related Matters," White House, January 25, 2013, http://www.whitehouse.gov/the-press-office/2013/01/25/presidential-memorandum-rulemaking-concerning-standards-designating-posi.
35. Margaret Talev, "Obama Memo on 'Sensitive' Jobs Stirs Whistle-Blower Fears," *Bloomberg*, February 27, 2013, http://www.bloomberg.com/news/2013-02-27/obama-memo-on-sensitive-jobs-stirs-whistle-blower-fears.html.
36. Molly Redden, "Is the 'Chilling Effect' Real? National-Security Reporters on the Impact of Federal Scrutiny," *New Republic*, May 15, 2013, http://www.newrepublic.com/article/113219/doj-seizure-ap-records-raises-question-chilling-effect-real.
37. International Press Institute, "2012 Deadliest Year on Record for Journalists," November 21, 2012, http://www.freemedia.at/home/singleview/article/2012-deadliest-year-on-record-for-journalists.html. See also International Press Institute, "IPI Death Watch," http://www.freemedia.at/our-activities/death-watch.html.
38. Reporters Without Borders, "2013 World Press Freedom Index: Dashed Hopes After Spring," http://en.rsf.org/press-freedom-index-2013,1054.html.
39. UNESCO, "The Safety of Journalists: Why Should You Care?," http://www.unesco.org/new/en/communication-and-information/resources/news-and-in-focus-articles/in-focus-articles/2012/the-safety-of-journalists-why-should-you-care/.
40. Committee to Protect Journalists, "Attacks on the Press: Journalism on the Front Lines in 2012," http://cpj.org/2013/02/attacks-on-the-press-in-2012.php.
41. Committee to Protect Journalists, "Attacks on the Press—Killed in 2012: A Worldwide Roundup," http://cpj.org/2013/02/attacks-on-the-press-killed-in-2012.php.
42. Committee to Protect Journalists, "Attacks on the Press—Prison Census 2012: A Worldwide Roundup," http://cpj.org/2013/02/attacks-on-the-press-prison-census-2012-a-worldwid.php.
43. Rick Gladstone, "Report Sees Journalists Increasingly Under Attack," *New York Times*, February 14, 2013, http://www.nytimes.com/2013/02/15/world/attacks-on-journalists-rose-in-2012-group-finds.html?_r=0.
44. United Nations Office for the High Commissioner for Human Rights, "Human Rights Council Adopts 11 Texts on Safety of Journalists, Transitional Justice, Corruption and Terrorist Hostage-

Taking," September 27, 2012, http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=12596&LangID=E. See also Helena Williams, "UN Human Rights Body Throws Weight behind Safety for Journalists," International News Safety Institute, September 28, 2012, http://newssafetyblog.org/2012/09/28/un-human-rights-body-throws-weight-behind-safety-for-journalists/.

45. United Nations, "The Universal Declaration of Human Rights" (full text), http://www.un.org/en/documents/udhr/index.shtml.
46. UNESCO, "Along the Freedom Road 1989–1998," http://www.unesco.org/webworld/fed/temp/communication_democracy/along.htm.
47. Pennsylvania General Assembly, text of amended Act No. 13, February 14, 2012, http://www.legis.state.pa.us/WU01/LI/LI/US/HTM/2012/0/0013..HTM.
48. Christopher Banks, "Pennsylvania Law Gags Doctors," *Liberation News*, June 13, 2012, http://www.pslweb.org/liberationnews/news/pennsylvania-law-gags-doctors.html.
49. Ellen Cantarow, "The Downwinders: Fracking Ourselves to Death in Pennsylvania," *Al Jazeera English*, May 11, 2013, http://www.aljazeera.com/indepth/opinion/2013/05/201357123155791818.html. For additional coverage of fracking, see the Censored News Cluster, "Health and the Environment," in this volume.
50. Kate Sheppard, "For Pennsylvania's Doctors, a Gag Order on Fracking Chemicals," *Mother Jones*, March 23, 2012, http://www.motherjones.com/environment/2012/03/fracking-doctors-gag-pennsylvania.
51. Pierre Bertrand, "Pennsylvania Fracking Bill Puts Gag Order on Doctors, Union Says," *International Business Times,* March 28, 2012, http://www.ibtimes.com/pennsylvania-fracking-bill-puts-gag-order-doctors-union-says-431144.
52. Neela Banerjee, "Pennsylvania Law on Fracking Chemicals Worries Doctors," *Los Angeles Times*, April 21, 2012, http://articles.latimes.com/2012/apr/21/nation/la-na-adv-fracking-doctors-20120422.
53. Jacob Chamberlain, "Fracking Activists Could Face Felony Charges as 'Ag-Gag' Laws Spread," Common Dreams, May 9, 2013, https://www.commondreams.org/headline/2013/05/09-10.
54. "Pennsylvania House Bill 683," LegiScan.com, http://legiscan.com/PA/text/HB683/id/775868.
55. "'iRevolution' Documentary, Bahrain Segment," AmberLyonLive.com, http://amberlyonlive.com/bahrain-coverage/.
56. Glenn Greenwald, "Why Didn't CNN's International Arm Air its Own Documentary on Bahrain's Arab Spring Repression?," *Guardian*, September 4, 2012, http://www.guardian.co.uk/world/2012/sep/04/cnn-international-documentary-bahrain-arab-spring-repression.
57. Ibid.
58. Ibid.
59. Ibid.
60. Ibid.
61. "CNN International's Response to the Guardian—Update," CNN, September 5, 2012, http://cnnpressroom.blogs.cnn.com/2012/09/05/cnn-internationals-response-to-the-guardian/.
62. "Daniel Simpson," archive listing of published articles, *New York Times*, http://topics.nytimes.com/topics/reference/timestopics/people/s/daniel_simpson/index.html.
63. Daniel Simpson, "Weapons of Mass Delusion in the Balkans," RoughGuideDarkSide.com, http://www.roughguidedarkside.com/2002/11/02/wmd-balkans-judy-miller-nytimes/.
64. "NYT Propaganda" segment (interview with Daniel Simpson), *Breaking the Set*, Russia Today, September 18, 2012, http://rt.com/shows/breaking-set-summary/usa-dictaors-nyt-propaganda/.
65. Daniel Simpson, "Why I Made Stuff Up for the *New York Times*," RoughGuideDarkSide.com, September 3, 2012, http://www.roughguidedarkside.com/2012/09/03/why-i-made-stuff-up-for-the-new-york-times/. See also Daniel Simpson, "FAQ: A Rough Guide to the Dark Side," July 13, 2012, YouTube.com, http://www.youtube.com/watch?v=2czK3CrebfY.