

“Rope, Tree, Journalist”

Larry Goldbetter, President of the National Writers Union

During the 2016 Presidential campaign, and even more so after the Trump Administration took the reins of power, populist attacks on press freedom have escalated dramatically. The discussion about the media is now dominated by “fake news,” and there is plenty of it. We have entered the era of “alternative facts,” and statements are routinely denied even as they are replayed on video tape.

The Trump Administration rolled into Washington, DC like a three-ring circus, full of noise and bombast, after having based his campaign in large part on attacking the media and threatening reporters who gave him non-stop 24-hour/day coverage. The more he threatened them, the more coverage he received. By Inauguration Day, he had already declared the press, the “Enemy of the People,” even though it was this non-stop free media coverage that in large part, propelled him to victory.

Trump spent about \$10 million in TV and media ads, in just the first half of the primary season, before the general election, and there was plenty more where that came from. Gushing at the prospect of more Trump campaign dollars, CBS CEO Les Moonves told investors at the Morgan Stanley Technology, Media and Telecom Conference, “It may not be good for America, but its damn good for CBS!”

Even more to the point, by mid-March 2016, corporate media had provided almost \$2 *BILLION* in free publicity, known as “earned time” as opposed to paid time, with non-stop Trump coverage and interviews. The *NY Times* reported that [Trump received \\$1.8 billion](#) in “earned” time, while Hillary Clinton received less than half, at \$745 million. The non-profit [Center for Responsive Politics](#) estimated the Clinton and Trump campaigns spent more than \$2.6 billion, actually slightly less than the \$2.7 billion in 2012 between Obama and Romney. Trump bought fewer ads than expected because he benefited from huge amounts of free press.

Despite this outpouring of free time, media workers are very much in his cross-hairs. He referred to reporters as “sleaze,” “failing,” and “third rate,” while keeping a list of news organizations that he banned from his campaign events. He has promised to weaken libel laws, making it easier to sue reporters and media outlets. At one campaign rally, a Trump supporter wore a shirt that read, “Rope, Tree, Journalist.”

After then-Fox News anchor Megyn Kelly questioned Trump during the first Republican presidential debate, he responded with attacks that inspired death threats against her

from his supporters. Silicon Valley billionaire Peter Thiel, a member of Trump's transition team, [financed the "Hulk Hogan" lawsuit](#) which resulted in Gawker's bankruptcy, a graphic example of what Trump has in mind in loosening up libel laws. Freelancers and bloggers may be exceptionally vulnerable as "soft targets" without the deep pockets and legal backing of major media outlets.

NWU is working more closely with other writers' groups to develop a strategy on legal issues and the threat of being sued by Trump, maintaining media access to the administration, how to deal with threats of violence, and more. We were among 60 organizations that signed on to a letter from the Society of Professional Journalists requesting a meeting or conference call with the Administration to discuss reporters being able to interact with government experts, have access to the activities of the President, and to ensure that the Federal Freedom of Information Act remains strong. Clearly these requests have so far been ignored.

We were also proud to stand with more than 90 media and media worker organizations in issuing a [Statement in Support of Freedom of the Press](#) which criticized the Administration for attempting to marginalize the media and undermine our ability to inform the public. As an example, nine journalists were arrested and charged with felonies while reporting on Inauguration Day protests in Washington, D.C. Those arrests were made by local police and pursued by the U.S. Attorney's Office. Eventually the charges were dropped, underlining the need for a clear national policy in support of a free and independent press and the public's right to know.

Ideally, the press should be an independent watchdog against tyranny and official misconduct. Its function is to hold public officials accountable by covering and reporting on their actions. Efforts to delegitimize the press undermine democracy. Officials who question the legitimacy of an independent press undercut one of democracy's most significant strengths. The public cannot exercise their right to protest, dissent, and petition the government without a free press that provides them with real information.

Having said that, we fully realize that attacks on the press and press freedom in the US pre-date Trump & Co. In this current period, I would say there is a direct correlation between the permanent state of war that the US embarked on 16 years ago after 9/11, starting with the Bush Administration and the passage of the US Patriot Act, on through the Obama Administration as the war has expanded to engulf much of the region and beyond. This ever-growing, ever-widening war has had a similar effect on press freedom among all of those that have been drawn into it, from the crackdown on more

than 175 media sites and the arrests of a similar number of journalists in Turkey to the current demands to close Al Jazeera.

In the wake of the September 11 attacks, the Bush administration and the entire Congress rushed through a set of laws that greatly expanded the power of government surveillance and law enforcement, allowing federal police to conduct secret searches, jail individuals without charges, and extended secret access to personal information.

By October 2016, one month before the US elections, the *Washington Post* ran a piece showing that according to court documents electronic surveillance was up 500 percent in the Washington, D.C.-area in five years. The article pointed out that only one in a thousand of the secret law enforcement requests to conduct electronic surveillance ever became public.

The courts did not specify for how long, or in what ways or for what reasons federal investigators tracked individuals, or whether any of these investigations resulted in criminal charges. But they did underscore the exponential growth in the collection of data, including sender and recipient information, and the time, date, duration and size of calls, emails, instant messages and social-media messages, as well as device identification numbers. This can be used map a wide range of relationships and a pattern of activities. It can especially be used in the pursuit of confidential sources and whistle blowers giving information to the press. A staff attorney at the American Civil Liberties Union's Center for Democracy called this the "kind of vast, secret system of surveillance that we now know to be so pervasive."

It was in this 5-year period where the struggle between the independent press and the government sharpened, mainly in relation to the War on Terror, starting with WikiLeaks, which publishes secret and classified information by anonymous sources.

In April 2010, WikiLeaks released footage from the July, 2007 Baghdad airstrike in which Iraqi journalists were among those killed. Other releases included the U.S. State Department diplomatic cables, that had been classified. In April 2011, WikiLeaks began publishing 779 secret files relating to prisoners detained in the Guantanamo Bay detention camp.

Chelsea Manning, an Army intelligence analyst stationed in Iraq, leaked the Baghdad airstrike, the diplomatic cables and 482,832 Army reports that came to be known as the "Iraq War Logs" and "Afghan War Diary." She was arrested and charged with 22 offenses, including aiding the enemy (though not convicted). She was sentenced to 35-

years, but President Obama commuted her sentence before leaving office in January, 2017.

In 2013, Edward Snowden was hired as an NSA contractor, after having worked for the CIA. In early June he revealed thousands of classified NSA documents which led to stories appearing in *The Guardian*, *The Washington Post*, *Der Spiegel* and *The New York Times*. The U.S. Justice Department charged Snowden of two counts of violating the Espionage Act and theft of government property. He lives in an undisclosed location in Moscow.

Also in 2013, Federal investigators secretly seized two months of phone records for reporters and editors at The Associated Press bureaus in New York, Washington, DC, Hartford, Connecticut and the US House of Representatives. The Justice Department obtained the records for more than 20 telephone lines, including journalists' home phones and cell phones. It was part of a government investigation into the leaking of information after the AP broke the news about the CIA's disruption of a Yemen-based terrorist plot to bomb an airliner in May, 2012.

Gary Pruitt, the AP's president and chief executive said in a statement, "These records potentially reveal communications with confidential sources across all of the news gathering activities undertaken by A.P. during a two-month period, provide a road map to A.P.'s news gathering operations, and disclose information about A.P.'s activities and operations that the government has no conceivable right to know."

The Justice Department had announced two special leak investigations that year, after *The New York Times* and The A.P. ran numerous articles about the Yemen bomb plot, cyberwarfare against Iran, President Obama's "kill list," and the raid that killed Osama bin Laden. *New York Times* reporter David E. Sanger was the target of an investigation after his disclosures about a joint American-Israeli effort to sabotage Iranian nuclear centrifuges.

President Obama left office having prosecuted nine cases under the Espionage Act, more than twice the number under all previous administrations combined. This reflects the growing contradiction between the federal government and independent news organizations and the tension between protecting national security information and the public's right to know.

Trump's attacks on the media seem much less a part of this titanic philosophical struggle and almost totally self-centered, trying to attack any negative news coverage and cover up any and all personal corruption and profiteering from the Presidency.

During the presidential election campaign, WikiLeaks released emails and other documents from the Democratic National Committee and from Clinton's campaign manager. It has now been established that the leaked emails had been hacked by Russia and supplied to WikiLeaks. During the campaign Trump publicly called on Russia to do more aggressive hacking, and of course, had no objection to the Wikileaks disclosures. And he still denies that Russian hackers aided his campaign.

Short Biography

Larry Goldbetter has been the President of the National Writers Union since 2008. On his second day on the job he convened a meeting of 36 freelance writers, editors, translators and graphic artists who were among a group of 60 that were owed more than \$350,000 from Inkwell Publishing. The union ultimately took the case to Federal Court and won a judgment for the full amount. This case helped make non-payment to freelancers one of the central focuses of his administration.

In 2016, the union got involved in the campaign to win the Freelance Isn't Free law in NYC. The Freelancers Union, NWU and other unions and community groups helped to pass the first of law of its kind in the U.S. Under the new law, anyone hiring an independent freelance contract worker must provide a written contract that calls for payment in full within 30 days of the fulfillment of the contract. This is the first step in winning a full safety net for independent freelance writers that includes health care, unemployment insurance, workers compensation and other benefits enjoyed by staff workers.

NWU President Goldbetter has also made internationalism a central part of NWU's program, having participated in press freedom conferences in Karachi, Pakistan and Marrakesh, Morocco. He has also hosted delegations and individual writers and union officers from Pakistan, Turkey and Somalia. NWU is a member of the IFJ Gender Committee and participating in the ILO effort for a Convention on Gender Based Violence.

Before becoming NWU President, Goldbetter spent about 12 years as a freelance labor consultant, working with auto, transport and healthcare workers around the country. He was the Chicago Chapter Chair of NWU and was elected to the NWU Executive Board as Organizing VP.

