

# THE AP'S REMAINING COMPETITIVE FUNCTION: LITIGATORS FOR BIG MEDIA

I'm intrigued by this speech the AP CEO made yesterday for several reasons.

The Bush administration turned the U.S. military into a global propaganda machine while imposing tough restrictions on journalists seeking to give the public truthful reports about the wars in Iraq and Afghanistan, Associated Press chief executive Tom Curley said Friday.

Curley, speaking to journalists at the University of Kansas, said the news industry must immediately negotiate a new set of rules for covering war because "we are the only force out there to keep the government in check and to hold it accountable."

Much like in Vietnam, "civilian policymakers and soldiers alike have cracked down on independent reporting from the battlefield" when the news has been unflattering, Curley said. "Top commanders have told me that if I stood and the AP stood by its journalistic principles, the AP and I would be ruined."

First of all, Curley's comments seem to echo the report I discussed yesterday, which shows DOD spends more on domestic Psyop than foreign Psyop (thanks to Peregwyn for teaching me how to say it properly).

Spending on public affairs has more than doubled since 2003. Robert Hastings, acting secretary of defense, says the

growth reflects changes in the information market, along with the fact that the U.S. is now fighting two wars.

"The role of public affairs is to provide you the information so that you can make an informed decision yourself," Hastings says. "There is no place for spin at the Department of Defense."

But on Dec. 12, the Pentagon's inspector general released an audit finding that the public affairs office may have crossed the line into propaganda. The audit found the Department of Defense "may appear to merge inappropriately" its public affairs with operations that try to influence audiences abroad. It also found that while only 89 positions were authorized for public affairs, 126 government employees and 31 contractors worked there.

Either his journalists did a great story and he almost immediately adopted it as his own pet issue. Or, knowing the AP, it just as likely worked the other way around: the AP was fed up with getting harassed by the military, so they allocated an unusual amount of reporting resources (interviews with 100 people and the review of more than 100,000 pages of documents, the article boasted) demonstrating what a problem the military's new focus on Psyop is. And just in time for a new Administration, the cynical side of me adds.

But note the terms on which Curley wants to combat this: "we [which this AP report described as the "news industry"] are the only force out there to keep the government in check and to hold it accountable."

Increasingly, it seems, the *raison d'être* for the AP is no longer to do such decent standardized reporting that every news outlet will pay to carry that content. In fact, partly in response to the AP's change in rate

structure, it is losing customers, and new competitors—like Politico—are filling the gap. Plus, the AP has damaged its claim to absolute neutrality in recent years.

No. It seems, of late, that the AP's *raison d'être* is to litigate the privileges of the "news industry," in an attempt to shore up its monopoly on delivering the news. Most obviously it has done so through its specious assaults on fair use, most recently by going after Shepard Fairey to try to get some kind of revenues out of the artist's iconic Obama poster. But who can forget their claim that the reproduction of their ledes is not covered under fair use? (Me, I took that to be an admission that AP's bland style never allows for the inclusion of really interesting shirt tails that reveal something well beyond the lede.)

But they've been doing this more generally—trying to expand the legal privileges of journalists.

My personal favorite, of course, is when they mobilized one of the Libby lobby's attacks on Pat Fitzgerald to get some court documents unsealed, but then never reported on the issues that—they had represented to the Court—were so pressing they simply had to have access to the documents. That one proved in really stark terms that this has nothing to do with transparency and democracy and everything to do with the privileges of the "news industry."

Mind you, I'm well aware of the way that I, a DFH blogger, can sometimes piggyback on their litigation and get access myself. When Bill Jeffress attacked bloggers (that would be me, personally) in an attempt to hide all the people who had written leniency letters for Libby because they were being protected by his cover-up themselves, the AP and Jane and I were on the same side (though Jane and I made an argument about transparency and citizenship, whereas the AP made an argument about press privileges). So yeah, I'm happy to have the AP spend millions of dollars to litigate issues that allow me to do

the work they're not doing (and no, the AP never really reported on the conflicts of the people who had sent letters in support of Libby).

And I do think DOD needs to be a little friendlier to the First Amendment—though that's as much about ending the embed monopoly as it ending the intimidation of the poor AP. (It definitely is about ending the incarceration of journalists, though.)

In any case, while I don't disagree with Curley's points about the need to establish more transparency in DOD, I'm acutely aware that, so long as he claims the news industry is "the only force out there to keep the government in check and to hold it accountable," he's really interested at least as much as returning to the glory days when the AP had a tight monopoly over news as he is about democracy and transparency.