

Home of the Brave

I want to begin with what Colin Powell said on Sept. 12, 2001, because it was, for my money, one of the best and most inspiring things any public official has said in a very long time. You remember what it was like that day, of course. Dust was still rising from the destruction site that had once been the World Trade Center Towers. There was still a hole in the Pentagon. United Flight 93 and its passengers and crew still lay in pieces in a field in Pennsylvania. We were shocked and dazed that day, lighting our candles and waving our American flags and crying and trying to understand the awful thing that had been done to us.

And we were scared. Some of us said we'd never go into a skyscraper again. Some of us said we'd never get on a airplane again. Some of us never wanted to leave our houses again.

And it was at that moment that Powell, the old soldier turned chief diplomat told us to get up, get out, get back to work, get back to our lives. He said, "We cannot be a people who walk around terrified. We're Americans; we don't walk around terrified."

It was one of those statements that puts a little iron in your spine. It was brave, uplifting, encouraging. It was everything...but true.

"We're Americans; we don't walk around terrified."

What have we been since Sept. 11 but terrified? I mean, there is more to being an American than getting back to work, more than going back to the malls and the movies after a national tragedy. To be an American, in the largest and fullest sense of that word, is to sign on to a series of ideals so fundamental they were written into our founding documents.

Like the line that says, “Congress shall make no law... abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

Or the one that says, “In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.”

Or that other one that says, “The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”

These guarantees are not incidental to who we are, not minor elements of the reason this country is the envy and dream and goal of people around the world. They are the core of us. And yet, according to a Bloomberg/Los Angeles Times poll that came out in January, 51 percent of us would be willing to give up those guarantees if told that doing so were necessary to keep us safe from terrorism. It is, I am sure, just coincidence that President Bush was re-elected in 2004 with 51 percent of the popular vote.

“We’re Americans,” Powell said. “We don’t walk around terrified.”

Yes, we do. And because we do, the people in our government for whom civil liberties are an inconvenience get away with murder – behind our backs, before our faces. It makes no difference.

Or don’t you remember the outcry that didn’t happen when the nation rounded up Arab men, including Americans, and held them without charges, without lawyers, without access to courts?

Don’t you remember all the people who shrugged and said it was okay with them when it came out that the Administration was eavesdropping on phone calls made by American citizens, in direct violation of federal law?

Don’t you remember the controversy that didn’t erupt when it was revealed that the Patriot Act empowered the government to look into what books you’ve been checking out at the library or buying at the store?

And maybe you say, Well yeah, but that's the war on terror. And the government's got to have some leeway to protect us from the people who are trying to kill us. Last thing you want to do is see a cloud of radioactive contaminant spread over some major American city because you were a stickler for your rights.

Maybe you could make that argument if this were indeed "only" about the war on terror. But as you know if you've been paying attention to the news, the people for whom civil rights are inconvenient have hardly limited to the war on terror their efforts to subvert the law, silence dissent and manipulate the people's right to know.

There is, for instance, the 2004 episode where U.S. Marshalls, reportedly at the behest of Supreme Court Justice Antonin Scalia, seized and erased recordings that were being made by two reporters covering a speech Scalia was giving on, ahem, the Constitution.

Or the 2004 report from the General Accounting Office that the Administration violated federal law when it disseminated to TV news stations, videos made to look like news reports, that spoke favorably of a new Medicare law without ever revealing that this so-called "news" came from the government.

Or the controversy from 2002 and 2003 when Roy Moore, chief justice of the Alabama Supreme Court, fought to force the display on court property of a 52 pound rock bearing the Ten Commandments.

Or the 2004, 2005 episode when the President of the United States, the Governor of Florida and the United States Congress went to extraordinary lengths to interfere in the right of a Florida man to make end of life decisions for his incapacitated wife, Teresa Schiavo.

Or the 2003 arrest of a man named Stephen Downs at a mall in Albany, NY, for wearing a T-shirt that said, "Give peace a chance."

Or the 2004 Democratic and Republican conventions, which required demonstrators to do their demonstrating in so-called "free speech zones" – cyclone fences topped with razor wire far removed from the convention halls. And excuse my ignorance, but I thought this whole country was a free speech zone. I thought that was the point.

Take the incidents separately and maybe you can shrug them off as isolated instances of poor judgment. But take them all together, take them with Abu Ghraib and Guantanamo and Armstrong Williams, the columnist the administration bought and paid for with public funds, and secret prisons and torture and a myriad of lies and spies and alibis and you have to say, if you are a reasonably open-minded observer, that there is a pattern here, that

these different officials, in these different episodes, in these different jurisdictions, all evince a similar mindset. The people for whom civil liberties are an inconvenience see their moment. They are emboldened and they are on the move.

Indeed, a few months ago, two men wearing baseball caps identifying them as Homeland Security walked into a library in Bethesda, Maryland. As patrons were about their business, the men announced loudly that it was forbidden to view pornography on library computers. Whereupon they challenged one man about the website he was viewing and asked him to step outside. Instead, a librarian got between the security people and the patron. The police were called and the Homeland Security men were asked to leave.

When I wrote about this episode in a column, some people replied that freedom's all well and good, but if the patron was indeed looking at pornography, well, that's a different thing. For the record it's not hard to understand people's apprehension at the thought of some guy getting his jollies while little kids go by reading Curious George and Dr. Seuss. Also for the record, nobody seems to know just what the guy was actually looking at. Might have been pornography, might have been the statue of Venus.

And while I'm adding things to the record, let me add this: the problem of patrons looking at porn in public libraries to the discomfort of

others doesn't actually exist. On the rare occasions it happens, libraries have found ways to use physical barriers and other means to protect children and other patrons. But again, according to the president of the American Library Association it hardly ever happens.

If you think about it, it makes perfect sense. People don't view porn in libraries for the reason a guy who buys Hustler magazine at a newsstand in the airport generally doesn't open it on the plane. It's difficult to – and let me take care to put this delicately – get the full entertainment value of the product while seated next to someone who looks like your grandmother.

So then, what is the bottom line of the episode in Bethesda? A bunch of people willing to surrender their freedoms in order to solve a problem that isn't a problem at all.

Sounds an awful lot like the nation at large.

And the incident in Bethesda is a great microcosm because it illustrates vividly this tendency we have to voluntarily jettison our inalienable rights as soon as they become inconvenient, as soon as they permit offense to be given, as soon as the people for whom those rights are an inconvenience whisper the right scare words in our ears.

“We're Americans; we don't walk around terrified.”

God bless you Colin Powell and I wish that were true. It needs to be true.

Because I'll tell you something. America is not for wimps. Freedom takes guts. That's because freedom is a messy, often problematic thing. Sometimes, a downright dangerous thing. And we need to quit being so quick to whine and surrender and act as if the mess and the problems and the danger were some kind of betrayal, or evidence of some kind of flaw. They are in fact, part and parcel of the deal we signed up for.

Anybody can believe in freedom when freedom is being used for nothing more controversial than mom, God and apple pie. But if you purport to believe in freedom, to be about freedom, then one day you're going to confront a man who wants to be free to walk in Lower Manhattan wearing an Osama bin Laden T-shirt. Or a newspaper that wants to be free to publish an image that is sure to inflame and insult the adherents of one or another religion. Or a woman who wants to be free to say there was no Holocaust. Or a man who wants to be free to burn a flag.

And that flag, the freedom for which it stands, means nothing if it is not broad enough to encompass these things, too.

As I said, freedom is a messy business. It is also an act of faith, because to embrace it, you have to believe that while some of its byproducts

will be ugly and hateful and even frightening, the preponderance of its byproducts, the preponderance of what human beings say and do when allowed to say and do anything they want, that preponderance, leans toward good.

Otherwise, what is the point?

For all that, though, the electorate's fear is only part of the problem. What troubles me more is the news media's fear and the way it has undermined the public's right to know. In our case, it isn't fear of terror, I think, so much as it is fear that if our reporting is rigorous and contrarian and asks rude questions and demands hard answers, people won't like us anymore. They'll call us names. They'll say we're bad people.

The fear is not without basis, of course. For some, it has become an article of faith since 2001 that those who question the motives, strategies and actions of the Bush White House are unpatriotic, un-American, unintelligent, godless, mindless, hopeless, Bush bashers, conservative haters, terrorist sympathizers and of course, the most profoundly hateful epithet such folks can imagine, liberal. And those people vow to cancel their subscriptions or turn the channel because and you know they'll do it, because we live in an era when you have the ability to choose the news that reinforces your

political bias, so why bother with that which challenges or stirs or demands that you open your head and actually think?

So this threat people make to simply do without us carries weight, especially an era when newspaper readership and profit margins are shrinking and the broadcast market is fracturing. So what to do, what to do?

Simple: show some guts. Do the right thing. Ask the rude questions anyway, seek the hard answers anyway. Struggle to adhere to the highest tenets of the profession.

Yes, that's easy for me to say as someone who doesn't have to answer to shareholders, but I'll say it anyway. I would rather go down knowing that I did the right thing than to prosper knowing that I did wrong. Or to put it another way, I don't think it's too much ask that the titans of American journalism show at least as much courage as the Dixie Chicks.

That's the function news media are supposed to serve. It is the function we have, by consensus, largely failed to serve in the days after Sept. 11. There have been exceptions, yes. But by and large, reporters who had been energetic and aggressive in pursuing the details of a previous president's liaison with an intern named Monica Lewinsky turned acquiescent and sluggish as his predecessor began to lock people up without charges or trial. Began to speak of torture as an acceptable means of interrogation. Passed

laws abridging the civil liberties of citizens. Manipulated truth and propagandized the public. And of course, lead the nation into a war against a nation that had not struck us, based on questionable readings of questionable intelligence.

“There ought to be limits to freedom,” George W. Bush once famously said. At the time maybe you took it as gaffe, yet another tongue cramp from a man justifiably famous for his unfamiliarity with the English language. But darn if he didn’t mean it. And it will go down as one of the signature failings of the news media in the early 20th century that we didn’t challenge him sooner and more aggressively than we did.

It’s a failing that stems from the top, as witness the extraordinary mea culpa two years ago from the most influential newspaper in the country. Speaking specifically of its coverage of the run-up to the war in Iraq, the New York Times said, “Looking back, we wish we had been more aggressive in re-examining the claims as new evidence emerged — or failed to emerge.”

Of course, if wishes were fishes, we’d all cast our nets in the sea.

We are doing better now. Let me say that. Coverage of the administration’s claims and activities seems more energetic, more skeptical

and more focused. Less timid than it was. It probably helps that the president's poll numbers are eroding like a Florida beach.

But the question I wonder is: what about next time? Next time the country is hit, next time American flags sprout in front yards, next time a frightened electorate wants, understandably, to rally around its leadership. Will we remember the lessons of the World War II era, the McCarthy era, this era? Will we commit them to institutional memory, or will we allow them to fade, forcing them to be re-learned by some generation not yet born?

I realize all this may sound to some ears like more of the same, another liberal broadside on the bastions of conservatism. I would say in response that I dearly wish we could get beyond that false and tired paradigm that has been so lucrative for Rush Limbaugh, Ann Coulter and Bill O'Reilly.

I respect conservatism, at least as that term was defined in my youth: spending restraint, strong defense, personal responsibility, foreign policy pragmatism. In fact, putting aside its rather dubious record on race, conservatism – the kind I grew up with – offers a number of things I can agree with.

But this thing they call conservatism now, this loud, anti-intellectual self-righteousness, this arrogant moral relativism that finds civil liberties

inconvenient, that whines and pouts and feels put upon when it cannot get its way, that covers itself with Bibles and wraps itself in flags and is brutally intolerant of anyone who doesn't do the same, that's a whole other matter. And I reject the charge which says that calling its adherents on that represents bias.

Let me say it again: I don't believe any political philosophy has a monopoly on truth. In fact, I tend to reject political extremes of both sides out of hand, because extremists by definition are closed-minded and unthoughtful.

But it's my contention that this specific fear news media seem to have of being called biased against so-called conservatives has made too many of us timid, mealy-mouthed and too eager to embrace a false equivalence. We are called upon to be fair, yes, but fairness does not require us to suspend judgment. And the plain fact of the matter is, left and right are not always created equal.

Psychology professor Drew Westen, a commentator for NPR, put his finger on this in a piece he did in 2004. He told of a cable news anchor who introduced a piece on the "claims" that weapons were missing from a munitions dump in Iraq. The anchor then tossed it to talking heads from the left and the right to offer their interpretations of the story. But there was,

said Westen, was nothing to interpret. There was no “claim” the weapons were missing. They were, in fact, missing. So why couldn’t the anchor say that? Why did we need an interpretation of a verifiable fact from both liberal and conservative flacks? Because anything less would be “biased,” right?

And then there’s the way some of us wring our hands over claims that we are skewing the story in Iraq, overdosing on the bad things that happen and failing to adequately report the good.

Not that media can’t be guilty of skewing a story – this or any other. But whenever I hear that claim, I flash back to a 2004 analysis the New York Times did of one typical month in Iraq. The Times found that the country was sustaining terrorist attacks – shootings, car bombings, landmine explosions, grenade attacks, mortar strikes – at the rate of 76 a day.

Iraq is roughly the size of California. Are you telling me that if California was suffering 76 terrorist attacks a day, everyday, there would be even a question our top story should be Gov. Schwarzenegger cutting the ribbon on a new hospital? How seriously would we take the person who said that? Would we give him or her equal time in fear that otherwise we would be called biased? Fairness and judgment are not mutually exclusive.

So can we – and by this, I mean we the people – change things? Yes. Emphatically, yes. But first, we have to know that we can change things, and that we have a right and an obligation to do so. That’s easier said than done.

Young people ask me sometimes what can they do to resist, to fight back, to make their voices heard. I take the question itself as a depressing and distressing sign of how passive we have become, how anonymous and unable we have been made to feel. Because think about it: 40 years ago, young people weren’t asking that question. They marched in streets, they wrote manifestos, they held rallies, they sang songs, they put bodies on the line for what they believed. And they organized all this with little more than mimeograph machines and megaphones.

That same young person today has the world in a box on the desk. Through the Internet, he or she can reach virtually anyone anywhere on earth, can access virtually any information available. This is power the children of 40 years ago could not have even dreamed. So it says something to me that they were so powerful while their counterparts today feel so powerless. Young people wake up. If you want to see change, be change.

I named this speech “The Home of the Brave” which is, of course, a line from our national anthem, as penned by Francis Scott Key. “Oh say,

does that star-spangled banner yet wave, o'er the land of the free and the home of the brave.”

I named it that because that struck me as a telling conjunction of words. The land of the free and the home of the brave.

See, I don't think we've distinguished ourselves by our bravery in this era. Fifty-one percent of the electorate willing to suspend its own civil rights in exchange for security because they are scared of terrorists. And some untold percentage of the media-ocracy willing to suspend their role as watchdog of American democracy because they are scared of giving offense.

It's time all of us grew a spine. Because there's one undeniable truth about being the land of the free and the home of the brave:

If you are too scared to be the one, you will soon cease to be the other.