

Media Coverage of Terrorism: The Law and the Public

by M. Cherif Bassiouni

*When does the public's right to know
interfere with their protection—an
examination of First Amendment issues
and a proposal for media self-regulation.*

Terrorism is a term used to describe a strategy of violence designed to inspire terror within a particular segment of a given society. In the public's mind it is most commonly associated with acts committed by ideologically motivated individuals in order to achieve a power outcome (3, p. 485; 4, p. 752). It is nevertheless also committed by individuals who do not have such motives, as well as by individuals acting for and on behalf of nations in time of war (e.g., 5, 8, 11, 12, 16, 18, 19, 22, 26, 33) and peace. The very word terrorism has come to acquire an ominous meaning triggering an almost automatic reaction of fear. Even seasoned law enforcement and media personnel bristle with excessive professional reactions to the word and its multiple implications.

The nature of the acts falling within the meaning commonly attributed to terrorism and the extent of their harmful social impact in comparison to other crimes (let alone other social ills) suggest that in terrorism the psychological impact is more significant than the very act of violence committed and that this impact is more media-created than intrinsic to the act. That explains in part the reason for the choice of a given target and the means by which a given act is accomplished: to attract the media's attention and thus insure the dissemination of the act, the message of the perpetrators, and hence the terror-inspiring effect.

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These factors contribute to the newsworthiness of certain acts that are intrinsically common crimes, whose harmful effect is of very limited significance in comparison to other crimes or socially harmful conduct, and whose overall statistical relevance in relationship to common crimes is minimal. Notwithstanding these observations, the general impression in the public's perception seems to be that individual terrorism is a serious and dangerous phenomenon affecting society in a manner warranting exceptional action.

An examination of empirical data relating to individual international terrorism suggests that its impact derives not from its numbers but from its ancillary effects.

Between 1968 and 1978,¹ there were fewer than 3,100 recorded incidents of terroristic violence in the categories of hijacking, kidnapping (of diplomats, business persons, and political figures), hostage-taking (of civilians), political assassinations, bodily harm in the above contexts, bombings (of public places or private residences of political figures, business persons, and diplomats), and related crimes (6; see also 25). A high level of terrorist activity characterized the 1970s, relative to the overall level of recorded incidents during the later 1960s. The industrial democracies of North America and Western Europe and the politically charged atmospheres of Latin America and the Middle East

¹ Most of the data reported here were extracted from a study by the United States Central Intelligence Agency's National Foreign Assessment Center (6). The study dealt only with individual terrorism having an international element, excluding those incidents of a wholly internal nature (6, p. 7). A caveat mentioned in the study bears recognition:

[T]he [data] should be treated with caution. The sharp rise in recorded terrorist incidents over the past decade may reflect not only a real increase in such activity but also more comprehensive and systematic reporting by the press. On the other hand, many incidents probably have not been reported. . . . Moreover, the number of incidents under review is so small that inadvertent omissions or erroneous classification could have a numerically significant impact (6, p. 7).

were the scene of over 90 percent of all terrorist incidents in the decade spanning 1968–1978 (6, p. 2).

Between 1968 and 1978, international terrorism produced 2,102 dead and 5,078 injured persons (6, p. ii). (In contrast, it is noteworthy that in the United States alone there are every year approximately 50,000 casualties of automobile accidents and 10,000 homicides.)

Terrorist incidents in 1978 resulted in about 450 fatalities and over 400 injuries worldwide (6, p. ii). This represented a doubling of fatalities from the previous year's level while the number of injuries remained constant. Bombing, both incendiary and explosive, has accounted for over 60 percent of all worldwide incidents over the 11-year period (6, p. 6). Letter-bombing, having reached a 1972 peak of 92 incidents, dwindled to five incidents in 1978 (6, p. 8). Except for assassination, which appears to fluctuate greatly from year to year (6, p. 8), the remaining types of criminal acts have been utilized consistently by terrorists in their operations.

It is important to note that the number, frequency, and intensity of terrorist acts within the national context are far more significant than those characterized as "international." For example, Italy suffered an estimated 4,800 kidnappings between 1973 and 1978; the number of persons killed in bombings in the Irish conflict during that period is estimated at more than 2,000; and so on. If one is also to include in this category the consequences of major internal conflicts such as in Lebanon, where between 1977 and 1979 an estimated 70,000 casualties occurred, then the quantitative significance of this aspect of the phenomenon increases significantly. Furthermore, if one is to consider the instances of state-sponsored terrorism as have occurred in Biafra, Bangladesh, and Cambodia, the consequences become staggering. Nevertheless, the public perceives individual "terrorism" in its international manifestations as the more serious threat, and some nations regard internal individual "terrorism" as the more threatening factor to their existence and effective functioning.

Coverage of terrorist attacks in progress is the occasion of greatest conflict between the interests of law enforcement authorities and those of the media.

Such coverage provides the opportunity most conducive to fulfilling perpetrators' objectives of obtaining publicity for their cause and riveting the attention of a given society on their exercise of power in open defiance of the government and the law. The media perform several important functions in such instances. Among these is controlling rumors by disseminating accurate information to the public of dangers present at the site. While the importance of the media in this capacity cannot be ignored, experience has shown that contemporaneous coverage of a terrorist attack consistently gives rise to three general areas of

conflict between police and media. It is in this context, therefore, that the public interest represented by the media must be balanced with the public interest represented by effective law enforcement response.

The first area of conflict involves media dissemination of information tactically useful to the terrorist while an attack is underway. When a terrorist barricades himself and his hostages within a building, he is isolated within the confines of his area of control. To remedy this situation, terrorists have equipped themselves with radio and television receivers which allow them to listen to news broadcasts. Thus the media unwittingly may serve as the intelligence arm of the terrorist when they broadcast the latest operational activities of the police, the presence of hidden persons who could become hostages, news of escaping hostages, the bargaining strategy of police negotiators, or any deceptions or tricks planned by law enforcement officials (4, p. 761).

Not only is such information critically helpful to the terrorist in determining possible escape routes or repelling impending police assaults, but it jeopardizes the lives of hostages and law enforcement personnel. During the October 1977 hijacking of a Lufthansa jet, the media directly contributed to the death of a hostage when it was broadcast that the pilot was passing intelligence information to the police through his normal radio transmissions; the terrorists had access to the radio news reports and executed the captain (1, p. 107). But the problem is not one of broadcasting alone: since incidents may last for many hours, even days, tactical information divulged by newspaper accounts can also be communicated to the perpetrator and unnecessarily assist him.

In one instance, in March of 1977, Hamaas Abdul Khaalis led the takeover of three Washington, D.C., buildings by the small Hanafi Muslim sect. Khaalis was bent on avenging the 1973 murder of his five children by the Black Muslims. A local television reporter outside the B'nai B'rith building filmed a basket being lifted by rope to the fifth floor, where 11 people had evaded capture and had barricaded themselves in a room. Although apparently initially ignorant of their presence, the gunmen probably were informed of the television reporter's "scoop" by their fellow Hanafis who monitored the news reports outside. The gunmen did not break through the door, and the potential hostages were later freed by police after a tense, nine-hour ordeal (15, pp. 28-29).

A second area of conflict involves media interference with effective law enforcement response by exacerbating the situation and impeding the negotiating response.

The terrorist has indicated by the drastic nature of his own act that he is willing to risk many lives, including his own, to accomplish his objective. Law enforcement authorities, on the other hand, operate

under the practical handicap of minimizing the harm to persons and property threatened. Consequently, police often attempt to establish a psychological environment that will induce a perpetrator to surrender. Direct media contact with a perpetrator while an attack is underway has many troublesome consequences, including (4, note 31): tying up scarce telephone lines; goading, either unintentionally or intentionally to obtain a scoop, the terrorist into action to prove himself under the spotlight of attention; inciting the terrorist by the use of certain inflammatory questions or phrases (see 20, pp. 19–20); resulting in a media representative becoming a party to the negotiations, thereby isolating trained professional negotiators from the bargaining process; and altering the psychological environment in which the terrorists operate, by unnecessarily upsetting them, interrupting the pattern the police have attempted to inculcate, or giving them the comfort of company.

Direct contact by media representatives untrained in the delicate problems involved in hostage situations may unnecessarily jeopardize lives. (In one instance, a media representative advised gunmen not to give up their hostages so as to retain their bargaining position with the police; see 9.) Additionally, not only does media publicity hinder negotiations by subjecting the police to public pressure, but media publicity is frequently given even though it could itself serve as a valuable negotiating item.

The Hanafi incident provides numerous examples of the adverse effects of direct communication by media personnel. Telephone calls by the media to the gunmen were so numerous that police negotiators had difficulty in contacting the perpetrators. A local radio broadcaster asked Khaalis during a live telephone interview whether he had set a deadline, although the police and other experts had thought the absence of a deadline was encouraging (15, p. 29). Another media contact enraged Khaalis by identifying his sect with the Black Muslims, though in fact the Hanafis had broken off from the Muslims and Khaalis held them responsible for the death of his children. Khaalis threatened to kill one hostage in retaliation for the reporter's remark and was mollified only after the newsman, following police advice, apologized for his unfortunate choice of words (15, p. 29; see also 14, p. 17; 28).

The third area of conflict arising between media and law enforcement interests during contemporaneous coverage of a terrorist event is one of crowd control.

Having a number of reporters, with their obtrusive equipment and lighting, at the site may physically interfere with the free movement of law enforcement personnel and attract crowds that burden police with crowd control problems. The questioning of law enforcement officials may distract decisionmakers at a critical moment.

The presence of media personnel and their conduct at the scene may have an important bearing on its outcome. For example, the obvious

presence of many media representatives, especially television with its lights and cameras, may encourage the terrorist to remain barricaded to increase coverage, or to demand a press conference to gain direct personal or political publicity. A news event may be transformed into a spectacle attracting even greater numbers of people, compounding the risks and burdens to the police.

Police chiefs view the problems posed by contemporaneous coverage to be serious ones. Ninety-three percent of police chiefs responding to a 1977 survey conducted by Michael Sommer of California State University, Northridge, believed live television coverage of terrorist acts encourages terrorism; 46 percent considered live television coverage to be "a great threat" to hostage safety, while 33 percent deemed it "a moderate threat." None believed that terrorist acts should be televised live (reported in *Editor and Publisher*, August 27, 1977, p. 12). Thus law enforcement authorities, to avoid these and other problems surveyed above, may seek to exclude media personnel from the scene, unless a reconciliation of interests is achieved.

In the final analysis, however, this conflict could be resolved by law enforcement's curtailing media access to the scene of ongoing terroristic events. The danger in that solution is that the media's absence from the scene will force their reliance on hearsay, with law enforcement personnel their only source. The public would hence lose its ability to check on law enforcement's conduct.

Contemporaneous media coverage does, however, provide two specific and positive advantages to law enforcement. First, media coverage is frequently the most effective bargaining tool that a negotiator has in dealing with terrorists. The importance of that role played by the media should not be underestimated. Second, media coverage can provide law enforcement with some tactical and intelligence information which it otherwise would not have. This was the case in the 1979-1980 Iranian hostage-taking incident, in which practically the only source of information that the United States could obtain was from media coverage. This may well have been one of the reasons for expelling United States newsmen in January of 1980. It certainly was the reason for expulsion of United States newsmen from Afghanistan that same month. Thus the problems created by media coverage may well be offset by the directly related benefits it provides, not to speak of other benefits to society that derive from the media's informational and watchdog roles.

What are the implications of the various influences and pressures to which the electronic and print media are subject for public perceptions of terrorism?

Although the U.S. has not been plagued by terrorism perpetrated by nondomestic groups to the extent of some Western European nations, an increase of terroristic violence affecting the United States cannot be ruled out. There exists the additional threat that terrorist groups may

Terrorism/Kidnapping Coverage Guidelines

The United Press International National Broadcast Advisory Board recommends putting in your newscasts the following guidelines to help broadcast news operations deal with the dilemma of covering acts of kidnapping and terrorism:



1. Each station should have established procedures for coverage of such events, which should include prompt notification of management.
2. Judge each story on its own and if the story is newsworthy, cover it.
3. Coverage should be thoughtful, conscientious and show restraint, and be carried out with an awareness of the potential danger to life and person.
4. Report demands made as an essential point of the story but do not provide an excessive platform for those demands.
5. Reporters should avoid deliberately injecting themselves into the story as intermediaries or negotiators.
6. If there has been no mention of a deadline, no one should ask the terrorise-kidnappers if there is one.
7. Above all, apply the rules of common sense.

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press (24, pp. 446, 451). The Federal Republic of Germany, a country that has been the scene of terroristic activity, has enacted legislation attaching criminal sanctions to media glorification of terrorist violence (F.R.G. Penal Code, §131). Some in the United Kingdom have expressed the need for additional legislation making it "a criminal offense for broadcasting organisations to transmit material which encourages or is likely to encourage terrorism or violence for political ends" (20, p. 35). Any such attempts at regulation in the United States would have to be subject to the freedom of speech guarantees of the First Amendment of the United States Constitution. The question arises, however, whether the government, in response to public pressure, could implement restrictions on the media consistent with, or in circumvention of, the First Amendment as it is presently construed (see 24, p. 451), or for that matter whether that construction may change with new exigencies.

Possible media regulatory schemes could take a variety of forms:

1. Most drastic would be government-imposed prior restraints upon media reporting of terrorism.
2. Content regulation may present itself in criminal or civil sanctions attaching subsequent punishment to media dissemination of information having a harmful effect.
3. Time-manner-place regulations may be enacted which, though not designed to control the content of media reporting, may incidentally limit its unfettered exercise (see *Konisberg v. State Bar of California*, 366 U.S. 36 [1961]; *Young v. American Mini Theatres*, 427 U.S. 50 [1976]).
4. Access restrictions could be imposed curtailing the media's access to ongoing terrorist attacks, with the effect of limiting their coverage of such incidents.

acquire chemical, biological, and nuclear technologies, with the attendant potential for even more spectacular and destructive incidents. The consequential social and psychological impact in either eventuality cannot at present be precisely determined.

Yet indications exist that in response to a media-enhanced perception of danger to the system and to individual security, the community may overreact (31, p. 415). It is not unusual in traumatic times to turn to repressive governmental measures and, in so doing, to enact restrictions that are likely also to apply to the

Each of these schemes would raise constitutional issues that must be separately analyzed with regard to the respective doctrines and interests involved. A fifth option, however, is also available: self-restraints voluntarily adopted by the media. Not only would this alternative avoid constitutional objections and potentially restrictive First Amendment “clarification,”² but it would furnish a basis for cooperation instead of confrontation in media–law enforcement relations. Media self-regulation affords the best opportunity to successfully frustrate the publicity objective of terroristic crime (31, pp. 185–186) while safeguarding the public function the media have assumed.

Three initial observations regarding the First Amendment should be made. First, despite its seemingly categorical command, absolutism for the First Amendment has never been adhered to by a majority of the Supreme Court (see, e.g., *Kovacs v. Cooper*, 376 U.S. 77 [1949] [Frankfurter, J., concurring]; *Konisberg v. State Bar of California*, 366 U.S. 36 [1961]; *New York Times v. United States*, 403 U.S. 713, 761 [1971] [Blackmun, J., dissenting]). Entire areas of expression have been deemed to fall outside the scope of constitutional protection (see, e.g., *Chaplinsky v. New Hampshire*, 315 U.S. 568 [1942]; *New York Times v. Sullivan*, 376 U.S. 254 [1964]; *Virginia State Board of Pharmacy v. Virginia Citizens Consumer Council*, 425 U.S. 748 [1976]), while even within the ambit of protected speech, judicially created exceptions have been recognized (e.g., the clear and present danger doctrine).

Second, the framers of that amendment could not foresee the rise of the electronic media (29, p. 74) in this century to a position of dominance over the other media, with all the social and political significance this entails. Conclusions with regard to a First Amendment analysis may have to be modified in light of the special legal status of broadcasting.

Finally, the First Amendment omits “any mention of the fact that the press was to be responsible as well as free” (29, p. 74). But the concept of media responsibility continues to develop as the theoretical foundation of press freedom shifts from the individual to society (27, p. 89); today publishers and broadcasters speak less of their individual right to disseminate than of the “public’s right to know” (27, p. 89). A new theory linking freedom with responsibility for its exercise may be emerging (see, e.g., 2, 7, 17):

A heavy and difficult responsibility rests with those who, in our society, enjoy freedom of expression, for by its incautious or unintelligent exercise they may well be contributing to its eventual demise at the hands of unprincipled extremists.

² After the Hanafi incident, Ronald Reagan called on broadcasting news directors to stop all live coverage of terrorist events and Andrew Young stated that “the First Amendment has got to be clarified by the Supreme Court in the light of the power of the mass media” (*New York Times*, March 19, 1977, p. 33, col. 1). Former President Ford called for an end to terrorism and attendant “lavish media attention” (*New York Times*, June 10, 1977, p. 15, col. 6).

The representatives of the media must make an urgent, searching reappraisal of their own values and responsibilities. Only by facing realistically the choices of potential harm, both to principles and to the community interest, can a proper balance be struck (31).

If terrorism in the United States reaches endemic proportions, certain adjustments may become inevitable. Thus the challenge posed by terrorism is to diminish this form of criminal activity by means that minimize the intrusion upon individual freedoms. Among these freedoms, freedom of expression is one of the most cherished for at least three reasons (see 13, pp. 6–7): it has an important role in individual autonomy and fulfillment; it is an essential device by which to ascertain truth (see *Associated Press v. United States*, 326 U.S. 1 at 27–28 [1945] [Frankfurter, J., concurring]; 52 F. Supp. 362, 372 [SDNY 1943]; 29, pp. 79–80); and it has a special value for a system of self-government and representative democracy by furnishing a basis for understanding matters of public concern (*Associated Press*, 326 U.S. at 27). In analyzing possible solutions, including the extent to which government may intervene to correct distortions and imperfections arising during media coverage of terroristic violence, I do not wish to suggest that normal political and social evolution should be abated, nor that the values implicit in free expression should be lightly abrogated. But the First Amendment does not exist in a vacuum; the right to security for both the individual and the collective is also of paramount importance.

Perhaps the solution ultimately lies within the larger problem of accommodating, within more comprehensive constructs of freedom and welfare, individual rights and social responsibilities. A manufacturer, for example, is free to pursue profits subject to such limitations as refraining from polluting the environment, producing harmful products, or engaging in predatory tactics to curtail competition. But the question in all such cases is one of delicate balance and degree. The media enjoy an extraordinary and valuable privilege under the First Amendment; they should take an active role in the difficult process of defining their correlative responsibilities.

Despite their communicative or publicity objectives, terroristic criminal acts, by themselves, clearly fall outside the sphere of constitutionally protected expression.

Such acts are not properly “speech” at all, but rather “conduct” causing harm without time or opportunity for more speech in response (see 30, p. 601). Since acts of terroristic violence do not conform to the First Amendment’s purposes, they may be proscribed subject only to minimal due process scrutiny. Media reporting of terrorist attacks, on the other hand, generally constitutes expression protected by the First

Amendment, since such coverage aims at informing and provides a basis for public awareness and discussion of terrorism.

A distinction can be made between two basic types of governmental abridgment of speech and the press freedoms. First, content-based abridgments occur when government regulation is aimed at the “communicative impact” of the message (30, p. 580); such regulation is presumptively unconstitutional unless the government shows that the content of the message presents a “clear and present danger,” that the message is necessary to further a compelling state interest, or that the message otherwise falls within some narrow recognized exception to First Amendment protection (30, pp. 581–584, 586, 602).

The second form of abridgment occurs when the regulation is directed not at the message conveyed, but rather at its “noncommunicative impact” or harmful effect (30, pp. 580–581); this form of regulation is constitutional “so long as it does not unduly constrict the flow of information and ideas” (30, p. 582). Although the First Amendment does not provide an absolute bar against government restriction in either case, the significance of the distinction is that while the government must bear the burden of justifying content-based regulation, a balancing of the competing interests involved ordinarily suffices for regulation that is content-neutral.

Legal precedents suggest that potential government regulators would not lack the means for imposing at least some restrictions on media reporting of terrorist incidents, particularly in hostage-taking situations. Court orders may be sought restraining media personnel who demonstrate a clear and present danger to the lives of hostages and law enforcement personnel by disseminating such information as: (a) possible escape routes for hostages; (b) the location of potential hostages whose whereabouts appear to be unknown to the terrorists; (c) the deployment and tactics of law enforcement personnel to capture the terrorists and free the hostages; and (d) the strategies of police negotiators and speculation as to their sincerity in dealing with the terrorists. While the constitutional validity of specific proposals for direct media regulation would depend on whether the circumstances are sufficiently extraordinary or the state interest sufficiently compelling, indirect regulation, such as access restrictions or FCC action, would probably confront lesser constitutional objections.

The legal and constitutional issues presented by media reporting during terrorist incidents have not yet been tested in the courts; perhaps it is best that the principles remain somewhat indefinite. Since a vigorous and independent press is essential to the functioning of democratic government, it is often desirable that the media occupy an adversarial role vis-à-vis civil authority. But democratic institutions work best when there is provision for flexibility and observance of continence and forbearance on each side. Any head-on collision over First Amend-

ment freedoms would merely shift the problem to a higher conflict of values (4, p. 764), thereby obscuring the real issue involved—effectively to prevent, control, and respond to acts of terroristic violence. Consequently, the public interest can only suffer, and the terrorist's objective be aided, should media-government relations become characterized by active enmity.

Any comprehensive solution to the problems presented by the media's vulnerability to terrorist manipulation must take into consideration at least five competing interests:

- the public's basic right to know and be informed through a free press;
- the safety and well-being of hostages;
- the public's need for effective law enforcement response;
- the deterrence and prevention of future terroristic crime; and
- the need to respect the privacy of victims (see 23).

Although absolute priorities among these interests and simple hard-and-fast rules are frequently precluded by the wide variety of factual settings in which terroristic violence occurs, the outside parameters of a solution are clear. An absolute ban on media coverage of ongoing incidents is clearly unacceptable, despite the fact that any coverage represents a concession to the publicity objective of the terrorist (31, p. 238); such a ban would promote exaggerated word-of-mouth rumors, impair the public credibility of both the media and civil authority, and may encourage potential terrorists to devise even more spectacular attacks that cannot be ignored. On the other hand, concern for human life should outweigh mere competitive urge. While the public must be informed about occurrences of terrorist attacks, the public's right to know may be satisfied in certain instances by less than full disclosure of all particulars concerning those incidents. It is only by cooperation and understanding between the media and the police that the publicity objective of terroristic crime can be successfully frustrated (31, p. 185).

Since the media and law enforcement both perform in the public interest, it would seem that voluntary cooperation, based on affirmative duties, should be possible.

Both media managers and law enforcement officials, however, must exercise judgment, restraint, and sensitivity with respect to the obligations and difficulties of the other, in addition to their own. Law enforcement officials should endeavor to maximize the media's access to reliable, accurate information, since generally "it is more—and more balanced—coverage rather than less coverage that will best promote both crime prevention and public confidence in law enforcement" (31, p. 237). Thus police might establish a media information center as near

to the site of an ongoing incident as practicable. Such a center would facilitate the release of official information, and provide a centralized location where media personnel could verify information as well as be apprised of the detrimental potential of specific reportage.

The media, on the other hand, must recognize that “in a relatively small number of situations involving extraordinary violence, where emergency conditions exist or where a criminal objective would be furthered by press coverage, arguments in favor of temporary, limited, but effective regulation of the media should be given weight” (31, p. 237). It is generally recognized, however, that necessary or appropriate restraints in the timing, content, or techniques of coverage are best left to the determination of those who make news decisions.

The role of the news media in terrorist incidents has come to the attention of the Subcommittee on Civil and Constitutional Rights of the House Committee on the Judiciary. It has recognized the need for voluntary self-restraint on the part of the media (32, pp. 15–16):

Government officials, law enforcement officers and media representatives generally understand the need to develop voluntary flexible guidelines for news coverage of a terrorist incident. The development of voluntary guidelines would foster a mutual understanding between the media and law enforcement, thereby serving both the media's pursuit of the news and law enforcement's duty to maintain order and preserve human life and property.

The media have demonstrated increasing awareness that during terrorist incidents they must balance their responsibility to provide full and fair coverage with their responsibility not to exacerbate the threat to life and impede effective law enforcement management. After the Hanafi Muslim incident, the National News Council offered to become a clearinghouse for internal guidelines prepared by news organizations (*New York Times*, March 23, 1977, sec. 2, p. 4). Among the first to formulate written guidelines for coverage of terrorist/hostage situations were four major news organizations—CBS News, the Louisville *Courier-Journal* and *Times*, the Chicago *Sun-Times* and *Daily News*, and United Press International. Other organizations subsequently followed, some no doubt prompted by a solicitation of media views in October of 1978 by Representative Don Edwards, Chairman of the Subcommittee on Civil and Constitutional Rights.

Most guidelines share a number of characteristics. First, they adopt a flexible approach emphasizing case-by-case determination of the newsworthiness of the event, the use of balance and restraint, and the avoidance of sensationalism. Most attempt to avoid affording the terrorist an unedited platform, often suggesting that the demands be paraphrased. The guidelines suggest that media personnel avoid becoming participants or intermediaries in terrorist situations. Most provide for

greater control over coverage by senior news executives, particularly with regard to the use of live broadcasts. None of the guidelines, however, prohibits media personnel from directly contacting the terrorists for interviews or by telephone. Curiously, most of the guidelines reiterate the basic principles of professional journalism—accuracy, balance, common sense—suggesting, as one commentator has remarked, “an embarrassing question: Shouldn’t journalists ask themselves how these basics sometimes get shoved aside, ignored or forgotten when they’re most necessary?” (10, p. 23).

The guidelines adopted so far do not attempt to resolve the essential problem posed by media coverage: how to avoid the media becoming the inducement for or instrument of terroristic crime.

A comprehensive solution might involve the following recommendations:

1. *Timing.* The media should delay reporting details that could inflame or aggravate an incident, particularly information that could provide terrorists with valuable intelligence. Such information need not be forever suppressed, merely delayed until after the danger has passed.

2. *Balance.* The amount of coverage afforded an incident should be in proportion to its objective news value. Incidents should be placed in context, including factual background reports of terrorism in general and appropriate follow-up coverage of the consequences to the victims and perpetrators. Information about the perpetrators should be balanced with information about the official response to them. Glamorization and excessive publicity should be avoided, particularly with respect to propaganda demands and live interviews. The media should avoid reporting speculation and unverified casualty figures and rumors. Disclosure of “how-to” aspects and specific law enforcement strategies and tactical capabilities should be minimized when necessary to prevent aiding terrorists in planning future attacks.

3. *Cooperation.* Media personnel should attempt to cooperate with police and other news organizations in order to minimize abuses arising from unrestrained competition. Reporters and equipment should be pooled when practicable to minimize obtrusiveness and burdens on law enforcement personnel. In cases of extraordinary violence, a metropolitan committee of editors and news directors should be constituted with authority to promulgate additional restraints as may be required. Media supervisory personnel should make themselves available to law enforcement officials, and public information police officers employed, in order to facilitate dissemination of accurate information.

4. *Nonintervention.* Media personnel should avoid becoming a party to the negotiation process and curtail direct contact with perpetrators during ongoing incidents; provision may be made for media contacts with the perpetrators after resolution of the incident. Direct media contacts, in any case, should be undertaken only by qualified news personnel upon the express authorization of senior news executives and after consultation with appropriate authorities so as not to interfere with police communications, incite the perpetrator by particular questions or phrasing, or vitiate police efforts to minimize harm to persons or property.

5. *Education.* Media coverage should emphasize that: (a) resort to terroristic violence is contrary to social values and has a low probability of success; (b) police must operate under the drastic practical handicap of minimizing harm to persons and property in relation to terroristic violence; (c) police personnel take the same risks as those imposed by terrorists; and (d) society is not helpless with regard to terroristic violence, but rather acts within a certain legal framework. Access to the media should be provided for the voices of reason among dissident groups so as to minimize the need to resort to violence. Various tertiary institutions should promote responsible media coverage, including continuing professional education of media personnel, professional codes and associations, and periodic conferences between law enforcement officials and media policymakers to facilitate the frank exchange of views and concerns.

Some of these proposals are not alien to the traditional exercise of self-restraint now practiced by the United States media. Cooperation between the media and civil authority has precedent in kidnapping cases since the 1931 Lindbergh case and during wartime since World War II. Other proposals may require alteration of journalism's traditional role as an impartial reporter of events without regard to their consequences. Such claims to impartiality, however, do not insulate the media from becoming the instrument, though unwillingly, of terroristic crime:

The problem lies in journalism's moral neutrality posture, which prohibits the development of an ethic oriented toward the maintenance of the community, its standards, values and culture. Traditions that prescribe an inflexible "watchdog" role for the press, or emphasize the publication of terrorist rhetoric when the community itself feels intimidated, appear self-defeating. Clearly judgments must be made by journalists that differentiate between wars of ideas fought within legitimated institutions of the community, and struggles fought outside these institutions and which rely upon violence rather than verbiage, intimidation instead of intellect (21, pp. 717, 743).

Thus the time is ripe to discuss a more active role for the media in handling terroristic violence coverage. The media's failure to take the initiative would only exacerbate existing conflicts and invite the search for more restrictive alternatives.

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