

## FREE TO FOLLOW THE RULES?: A GLIMPSE AT THE ROLE OF IRAQI MEDIA, PAST, PRESENT, AND FUTURE

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*The Iraqi media has always reflected the social attitudes of the people who controlled it and, to a much lesser degree, those of its recipients. This Comment is a brief foray into a few of the reasons for the recent changes in that dynamic. It is a discussion of how the transition of the native Iraqi media into a semblance of a free press has been affected by conditions both inside and outside of Iraq, public perception, and the U.S. government's varying influence over the Iraqi media. This short work as a whole underscores an uneasy symmetry between old attitudes that were a product of the Ba'ath media machine and current concerns that have arisen under much different circumstances.*

*The policy towards media within Iraq during Saddam's presidency was one of suppression, censorship, and government-controlled content. Despite having to overcome numerous hurdles in the post-Saddam era, the Iraqi media's development is ongoing. Legal impediments for Iraq's fledgling media still exist on many levels even with the regime change, from religious-based libel laws on one end of the spectrum to the U.S.-imposed media restrictions on the other, with multiple layers of local and national law in between. Compounding the difficulties of obtaining and relaying information within present-day Iraq are safety concerns that raise the stakes for Iraqi journalists far beyond mere harassment or detention. The technologically-savvy insurgency's presence in the Iraqi media scene is also a facet of the new era of Iraqi communications; countering their efforts remains a challenge.*

*Noting the level of a nation's media encumbrance is more than a general remark on social progress. It is a telling reflection of both the people and the government within the community it serves. The underpinnings of change likely lie not only with how, and through whom, the message is relayed to the Iraqi people, but by whether or not the Iraqi government takes notice of Iraqi public opinion.*

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\* J.D., Florida State University College of Law, expected May 2009; B.A., Psychology, University of Central Florida, 2003. Many thanks and warm regards to the following: Amanda Kesphol, my first, incredibly patient editor; Keith Kluwe, who always keeps me on the right path; Professor Barbara Petersen, J.D., for her time and expertise; last, but not least, my patient and professional editors on the *Journal* staff.

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## I. INTRODUCTION

Iraq is experiencing a media revival characterized by hostility, manipulation, courage, and, above all, the facilitation of intense discourse for a voracious public. Many scholars have epitomized the creation of a free media within Iraq as the ideal vehicle for conveying the country into democracy, but the implications of an unrestricted local voice within the country extend far beyond that role. This paper will only briefly touch on the media's function as a facilitator of democracy. The main focus will be the Iraqi media's journey from dictatorial mouthpiece to a semblance of a free press, and how this transition has been affected by dynamic conditions both inside and outside of Iraq, public perception, and the reduced influence of the U.S. government on the Iraqi media. This discussion as a whole illuminates an uncanny and perhaps unexpected symmetry between past concerns that were a product of the Ba'ath media machine and current problems that have arisen under much different circumstances.

In order to gain a more complete understanding of the significance and possible repercussions of the recent changes in Iraqi media dialogue, this paper will address four topics that broadly cover the magnitude of the Iraqi media's evolution. The first point of discussion sets the stage for understanding the current tone of mass communications within Iraq. That point explores the conditions under which both the Iraqi and the wider pan-Arab media operated during the period of Saddam's presidency. The attitude towards media within Iraq during this era was clearly one of suppression, censorship, and government-controlled content. Conversely, the pan-Arab media operating outside Iraq flourished, rapidly expanding during the post-Gulf War era. Despite Iraq's absence as a participant in the Arab media scene, the country and its leadership were ever-present as a contentious topic of discussion, leading to unexpected consequences for the Iraqi media's development in the post-Saddam era.

The second section covers the new Iraqi media identity, shaped

both by the United States' efforts and the multitude of news outlets that sprang up, seemingly overnight, to feed an insatiable Iraqi public. While the initial efforts of the U.S. to both influence and enter Iraqi media were at first largely ineffective, proving to be a disappointment to the Iraqi public, new strategies and tactics have made U.S. presence in the media less of a puppet show and more of a legitimate dialogue. The public's reaction and receptiveness may be the best measure of effective reporting by both the U.S. and local media. Accurate portrayals of current events were, and in some respects still are, likely located somewhere between the two points of view.

The third section reviews the legal and personal security challenges faced by Iraq's fledgling media. Legal hurdles exist on many levels, from religious-based libel laws on one end of the spectrum to the U.S.-imposed media restrictions on the other, with multiple layers of local and national law in between. Compounding the difficulties of obtaining and relaying information within present-day Iraq are safety concerns that raise the stakes for Iraqi journalists beyond mere harassment or detention; in some instances, reporting has led to serious injury or the death of journalists or possibly their families. The Iraqi media's unflagging efforts to report the news despite these obstacles are a testimony to their resolve, endurance, and dedication to bringing the story home.

The final section covers the entry of insurgent reporting into the mainstream Iraqi media. Technology, slick production, and branding lend an air of authenticity to messages designed to create the perception of a well-organized and well-funded insurgency. While attempts to counter these messages are ongoing, the ease with which the prolific insurgency's messages reach the population is a serious cause of concern for both the Iraqi and the U.S. governments.

## II. THE IRAQI AND PAN-ARAB MEDIA IN SADDAM'S TIME

The Iraqi and pan-Arab<sup>1</sup> media operated in spheres virtually exclusive of each other during Saddam Hussein's rule. The technology that allowed for the creation of a wider Arab identity was largely banned in Iraq, which remained a self-contained and isolated nation even though a communications renaissance was occurring all around it. Despite this absence of active participation in

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1. Pan-Arab here refers mainly to the other Arab states within the Middle East. For more information regarding the nations that comprise the "new Arab public", see MARC LYNCH, VOICES OF THE NEW ARAB PUBLIC: IRAQ, AL-JAZEERA, AND MIDDLE EAST POLITICS TODAY 2-5 (2006).

the discourse, the plight of the Iraqis, the state of affairs within their country, and their leader were all contentious topics of discussion in pan-Arab media outlets well before the U.S. invasion of 2003. This discussion, coupled with the Arab world's inaction regarding the plight of the Iraqi people, may have contributed to the explosion of homegrown media in Iraq after the fall of Saddam's regime.

The freedom to report events in Iraq contemporaneously and truthfully, restricted as it was in the first half of the twentieth century,<sup>2</sup> succumbed completely to the Ba'ath regime, which acceded to power in Iraq in 1968.<sup>3</sup> Ofra Bengio, author and Senior Research Fellow at Tel Aviv University, unabashedly refers to the news reporting apparatus during the period following the coup as the "Ba'[a]th media," leaving little room for doubt as to where the message was being formulated.<sup>4</sup> In 1969, the regime officially annexed the media as a branch of the government,<sup>5</sup> effectively placing all forms of media dialogue under the Ba'ath's exclusive purview and control. To further ensure communications continued to comport with Ba'ath policy, Saddam Hussein's son, Oudai, was given substantial control over both broadcast and print media in the 1990s<sup>6</sup> and became chairman of the journalist's union.<sup>7</sup> Reporters Without Borders notes that from the time Saddam Hussein rose to the presidency in 1979 through the 1990s, numerous journalists in Iraq who were suspected of holding views contrary to those of the Ba'ath Party were prosecuted, tortured, or killed.<sup>8</sup> It is estimated that nearly 400 journalists were in exile during this period, having fled Iraq to protect themselves, their families, and their communities from retribution.<sup>9</sup> Those who tried to leave the country were denied visas for no apparent reason.<sup>10</sup> These measures effectively removed the power from the journalists' pens, ensuring those who stayed would fall in line with the Party.

Even though this level of domination presented an anathema for those who wished to report news from different perspectives,

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2. OFRA BENGIO, *SADDAM'S WORD: POLITICAL DISCOURSE IN IRAQ* 8 (1998). The author notes the existence of a handful of privately-owned newspapers that were permitted some degree of freedom during the period preceding the rise of the Ba'ath Party; the press was not nationalized until 1967, a year before the Ba'ath took power. *Id.*

3. *Id.* at 3.

4. *See id.* at 7.

5. *Id.* at 8.

6. BENGIO, *supra* note 2, at 8.

7. REPORTERS WITHOUT BORDERS *IRAQ ANNUAL REPORT* (2002), [http://www.rsf.org/article.php3?id\\_article=1440](http://www.rsf.org/article.php3?id_article=1440) [hereinafter *IRAQ ANNUAL REPORT* 2002].

8. *See id.*

9. *Id.*

10. *Id.*

the resulting unbroken unity of the message streaming to the public likely had a great deal to do with the survival of the regime.<sup>11</sup> The Ba'ath Party, as one method of securing the loyalty of the populous, went to extreme lengths to turn Saddam Hussein into an icon that embodied virtuous characteristics of mythical proportions.<sup>12</sup> When Saddam Hussein rose to power in 1979, his every word was revered and memorialized by the press in newspapers, pamphlets, and books.<sup>13</sup> According to Bengio, journalists competed to see who could best imitate his speaking style in their work.<sup>14</sup> This form of flattery not only furthered the journalists' careers, but also furthered the spread of the Ba'ath Party's propaganda.<sup>15</sup> One prominent form of propaganda repeatedly used was the "glittering generality," essentially taking words common usage and infusing them with complex, ambiguous, and almost mystical meanings. The words chosen to be labels were often of religious and traditional significance and designed to evoke deep sentiment. With the additional meaning given to them by the Ba'ath through contextual and repetitive usage, these words became powerful components of the Ba'ath regime's propaganda machine.<sup>16</sup>

Controlling the day-to-day message was not the limit of the Ba'ath media's information manipulation within Iraq. *Apparatus of Lies*,<sup>17</sup> a White House publication, acknowledges the sophistication of the Party message and how it was disseminated through the media, but laments the Party's purpose of creating tragedy and exploiting suffering.<sup>18</sup> The dissemination of false reports and forgeries through the media, which then became cemented in the public

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11. BENGIO, *supra* note 2, at 10.

12. *See id.* at 13.

13. *Id.* at 10-11.

14. *Id.* at 11.

15. *Id.* at 4-5, 9-10.

16. *Id.* at 12; Ronald B. Standler, Propaganda and How to Recognize It 4 (Sep. 2, 2005) (unpublished manuscript), <http://www.rbs0.com/propaganda.pdf>. Bengio notes one of the most commonly used labels by the Ba'ath Party may have been *thawra*, which corresponds in English to "the revolution." BENGIO, *supra* note 2, at 12. The term was broadened from merely referring to one event, the coup, and extended to objects of more permanence, such as a logo or flag. *Id.* It was also burdened with additional meanings of value significance; by using the word *thawra*, a person could theoretically have been referring to a host of ideas such as leadership, the overthrow of evil, or permanence itself. *Id. passim*.

17. *See* WHITE HOUSE OFFICE OF GLOBAL COMMUNICATIONS, APPARATUS OF LIES: SADDAM'S DISINFORMATION AND PROPAGANDA 1990-2003, at 4-5 (2003), <http://www.globalsecurity.org/wmd/library/news/iraq/2003/apparatus-of-lies.pdf> [hereinafter APPARATUS OF LIES].

18. This "tragic" reporting style may have become ingrained into the culture; many of the current publications take up substantial space with stories about martyrs and the plight of those who stand up against the evils of the occupation and opposing parties. Links to online Iraqi newspapers, some of which are available in English, are located at Iraqi Media, [http://www.menavista.com/iraqi\\_media.htm](http://www.menavista.com/iraqi_media.htm) (last visited Mar. 4, 2009).

record,<sup>19</sup> caused harm from a historical perspective by creating nearly irrefutable deception.

The powerful Ba'ath media may have helped to maintain the regime's power base, but the communication stranglehold also held dangerous, though not unexpected, consequences for all Iraqi citizens.<sup>20</sup> The *Al-Mukhabarat al-'Iraqiyya*, Iraq's former secret police, was comprised of several military, police, and intelligence agencies that created an impressive—and equally repressive—internal security force.<sup>21</sup> The *Mukhabarat* maintained the Ba'ath regime's domination of news and popular spoken opinion through the use of spies and through the swift enforcement of harsh laws.<sup>22</sup> The agency used an extensive network of informants that would relay information from one informant to another quickly, and that would act with no less speed.<sup>23</sup> Certain topics of discussion were legally verboten, such as verbally insulting Saddam, punishable by death, and others became taboo for fear of reprisal.<sup>24</sup> As a result, private conversations were closely guarded, particularly those pertaining in any way to the President or his Party.<sup>25</sup>

This caution extended to any conversation that might possibly be considered disparaging to Saddam. Novelist Jon Lee Anderson had the surreal experience of driving past a massive mosque and palace construction projects in 2000 with Iraqis who refused to acknowledge the construction's very existence out of fear.<sup>26</sup> This occurred during a time when the general population was struggling under the burden of United Nations sanctions,<sup>27</sup> and any reference to the president's lavish expenditures might have been interpreted as a criticism. Anderson describes this adaptive behavior as being similar to that in the story about the emperor's clothes, with "places you saw but pretended not to see, and which you certainly didn't talk about, at least not in loud voices or to people you didn't

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19. See APPARATUS OF LIES, *supra* note 17, at 4-5.

20. The information sieve also captured many elements of education, one notable result being that textbooks were only changed every thirty years, thus allowing the government to manipulate both the accuracy and amount of history being taught in the schools. See JON LEE ANDERSON, *THE FALL OF BAGHDAD* 22-23 (2004).

21. Ibrahim al-Marashi, *Iraq's Security and Intelligence Network: A Guide and Analysis*, 6 MIDDLE E. REV. OF INT'L AFF. 1, 1-2 (2002), available at <http://meria.idc.ac.il/journal/2002/issue3/al-marashi.pdf>.

22. See *id.* at 5-7.

23. See *id.* at 6.

24. ANDERSON, *supra* note 20, at 12.

25. See *id.*

26. *Id.* at 12-14.

27. The post-Gulf War U.N.-imposed sanctions had a far more devastating effect on the population of Iraq than on the leadership, the intended target. See John Pilger, *Squeezed to Death*, THE GUARDIAN (London), Mar. 4, 2000, <http://www.guardian.co.uk/weekend/story/0,3605,232986,00.html>.

completely trust.”<sup>28</sup>

The population’s ability to receive news from sources outside of Iraq was also severely curtailed. Hussein outlawed the ownership of satellite television receivers,<sup>29</sup> effectively cutting off a significant amount of news flow from the rest of the world. Outside newspapers were banned for all except the elite.<sup>30</sup> Cyber-café’s in Baghdad did permit access to the Internet through a government Internet provider; however, all activity was closely monitored.<sup>31</sup> The only remaining peripheral media outlets that reached into the interior of Iraq, which included the BBC and Voice of America, were received via radio transmission.<sup>32</sup>

In striking contrast to the repressive atmosphere within Iraq during this period, the pan-Arab media was thriving and proving to be a force to be reckoned with. What Marc Lynch, an associate professor of political science at George Washington University, calls the “New Arab Public” was, and is, being shaped by the fairly recent flood of political discourse coming from multiple Arab media outlets within the Middle East that are not entirely government controlled.<sup>33</sup> Arguably, the most widely known icon of the early days of the pan-Arab media movement is Qatar-based al-Jazeera, launched in 1996.<sup>34</sup> Al-Jazeera’s news programs regularly host guests with opposite views on everything from the U.S. presence in Iraq to the value of martyrdom.<sup>35</sup> Lively debate of political and religious matters is a characteristic of al-Jazeera and many other pan-Arab broadcast outlets, providing a valuable medium for airing conflicting views and uniting viewers across borders.

The use of a shared language by such a large population has served to create a diverse discussion among and about other Arab nations that may have actually permitted the pan-Arab media’s survival. Modern Standard Arabic (MSA) is generally spoken in mediums where the message is meant to be transmitted over a large area, while regional media outlets and publications are still usually produced in the local dialect.<sup>36</sup> MSA, a modern variation of the Classical Arabic found in the Qur’an, was formerly limited in

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28. ANDERSON, *supra* note 20, at 12.

29. See David Lomax, *Iraq’s Television Revolution*, BBC NEWS, Feb. 25, 2005, <http://news.bbc.co.uk/2/hi/programmes/newsnight/4298455.stm>.

30. See LYNCH, *supra* note 1, at 29.

31. IRAQ ANNUAL REPORT 2002, *supra* note 7, at 2.

32. *Id.*

33. See LYNCH, *supra* note 1, at 2, 36-37.

34. *Id.* at 41.

35. *Id.* ch. 4.

36. Nat’l Virtual Translation Ctr., Modern Standard Arabic, <http://web.archive.org/web/20080203044554/http://www.nvtc.gov/lotw/months/august/ModernStandardArabic.html> (last visited Mar. 4, 2009).

use to the educated upper classes, but today MSA is widely aurally understood by the Arabic-speaking population, even if that population cannot read it.<sup>37</sup> As a result of the wide availability of satellite television across the world in the mid-1980s, one of the first formats of Arabic news to be broadcast was actually newspaper headlines and articles read aloud in MSA, a practice that continues today.<sup>38</sup>

With the advent of media forums such as al-Jazeera, the availability of a wide audience outside a host country's borders provides a feast of topics to discuss, and few, if any, actually relate to the state of affairs within a host country.<sup>39</sup> While some Arab governments sponsor, or at least tolerate some of these media outlets, the majority of the leadership maintains tight control, either expressly or implicitly, over the media discourse regarding current events and social issues within their own country.<sup>40</sup> The odd result is that a person looking for open discussion about his or her own country has to look to media outlets operating outside that country's borders. As a result of having a broad audience across several countries, outlets like al-Jazeera can provide news and entertainment for a wide audience and still enjoy a tolerable relationship with their host country's leadership.

Despite the inference of homogeneity in the term "pan-Arab media," the media of the region is actually connected more by a common language and satellite television than by common viewpoints.<sup>41</sup> Iraq was noticeably missing from the media surge occurring in the Arab world, but it did have a presence in the forum as a heated topic of discussion.<sup>42</sup> Some gulf states, particularly Kuwait and Saudi Arabia, saw Iraq as a potential threat and were opposed to rehabilitating the country, while exiled individuals and others who purported to represent the interests of the Iraqi people lamented the state of affairs within the country.<sup>43</sup> Despite the volume and intensity of the discussion, this discourse did not generate assistance for the Iraqi people from the Arab community.<sup>44</sup> Iraqi hostility towards the rest of the pan-Arab world grew as a result of the pan-Arab inaction and the Iraqi people's frustration over not

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37. *See id.*

38. *See* LYNCH, *supra* note 1, at 49; Ahmed Abdelali, *Localization in Modern Standard Arabic*, 55 J. AM. SOC'Y FOR INFORMATION SCIENCE & TECH. 23-28 (2004).

39. *See* LYNCH, *supra* note 1, at 38-40.

40. *Id.*

41. *See id.* at 8.

42. *Id.* at 133.

43. *Id.* at 118, 133.

44. *Id.* at 96.

having their own voice.<sup>45</sup> This created a backlash that arguably kindled the incredible surge of Iraqi media after the fall of Saddam. The Iraqis, however, were not the only voices clamoring to be heard in Iraq in the days following the invasion.

### III. SHAPING THE NEW IRAQI MEDIA

The U.S. government had been considering the implications of the Iraqi media's post-war role well before the 2003 invasion. The U.S. National Security Archive, in response to a freedom of information request, released a white paper<sup>46</sup> detailing a "Rapid Reaction Media Team" (RRMT), a concept which proposes having U.S.-educated teams of Iraqi journalists on the ground as soon as the invasion was complete, ready to report in "a new Iraq (by Iraqis for Iraqis)."<sup>47</sup> It appears there were high hopes that this wave of coverage would inspire optimism in the new, democratic future of the country and help ensure future stability.<sup>48</sup> The primary result anticipated by the composers of the paper was the formation of an indigenous Iraqi media as a paragon of free media in the Middle East.<sup>49</sup>

It is because of these and other similar actions that the U.S. has been accused of planning to monopolize communications within Iraq, criticized for not taking into account independent media outlets, which were non-existent in Iraq prior to the invasion, and lambasted for not recognizing the cultural information-gathering methods of the Iraqi people.<sup>50</sup> However, it may be just as plausible that the U.S. wanted to enter the Iraqi media in order to offer a widely accessible alternative voice to all of the sensational coverage in the early days after the invasion. From a strategic standpoint, al-Jazeera and many of the other Arab outlets that were able to broadcast into Iraq after the invasion were certainly not

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45. *Id.* at 133, 223-26. The anger of the Iraqi people was expressed openly and repeatedly in the Arab media shortly after the 2003 invasion. The accusations went as far as to say that the Arab media actually encouraged and sensationalized much of the violence during this period. According to Lynch, the Arab perception was that they had rallied behind the Iraqi people in their time of need, finding the Iraqi response shocking and hurtful. *Id.* at 224-25.

46. A white paper is an official government report or document advocating a particular position or course of action. The OWL at Purdue, White Paper: Purpose and Audience, <http://owl.english.purdue.edu/owl/resource/546/01/> (last visited Mar. 4, 2009).

47. NAT'L SEC. ARCHIVE, WHITE PAPER: "RAPID REACTION MEDIA TEAM" CONCEPT 1 (2003), [http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB219/iraq\\_media\\_01.pdf](http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB219/iraq_media_01.pdf).

48. *See id.* at 5.

49. *Id.*

50. *See* LYNCH, *supra* note 1, at 34-35; NAT'L SEC. ARCHIVE, IRAQ: THE MEDIA WAR PLAN (Joyce Battle ed., 2007) [hereinafter MEDIA WAR PLAN], <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB219/index.htm>.

going to give much airtime to coalition messages, nor were they sympathetic to the U.S. agenda.<sup>51</sup> The only effective method for the U.S. to reach the Iraqi population was for the U.S. to enter the media fray. Nonetheless, some of the oft-touted criticism of the methods initially used by the U.S. to present itself to Iraq and the rest of the world may be justified.

The blueprint for Iraq's new media was designed far away from the mosques and dusty souks of Iraq.<sup>52</sup> Much of it was crafted in distant Washington, D.C., prior to the March 2003 invasion.<sup>53</sup> Science Applications International Corporation (SAIC), a self-described "scientific, engineering, and technology applications company that uses its deep domain knowledge to solve problems of vital importance to the nation and the world,"<sup>54</sup> is the San Diego corporation that was awarded a no-bid government contract for the rebuilding of Iraq's media.<sup>55</sup> SAIC's mandates included organizing the reconstruction and modernization of the Iraqi media's aging infrastructure, providing experts on developing democracy, and developing programming for the Iraqi network.<sup>56</sup> The corporation was given control over the Iraqi Reconstruction and Development Council (IRDC), which was comprised of Iraqi exiles who were brought to the United States for the purpose of assisting in the rebuilding process.<sup>57</sup> The group was then returned as planned to Iraq after Saddam was removed from power.<sup>58</sup>

Not all of SAIC's plans came to fruition, however. More than one commentator noted that the company was ill-equipped to take on the challenge of rebuilding the outdated and partially destroyed Iraqi media infrastructure from the ground up in the wake of the invasion.<sup>59</sup> SAIC was also inadequately prepared to handle the burden of creating programming for the new network,<sup>60</sup> which was expected to mirror the type of programming found on PBS and the

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51. See LYNCH, *supra* note 1, at 213.

52. A *souk* is a Arab market. Dictionary.com, Entry for Souk, <http://dictionary.reference.com/browse/souk> (last visited Mar. 4, 2009).

53. See Dean Calbreath, *A Blueprint for a Nation*, THE SAN DIEGO UNION-TRIBUNE, July 4, 2004, available at [http://www.signonsandiego.com/uniontrib/20040704/news\\_mz1b4nation.html](http://www.signonsandiego.com/uniontrib/20040704/news_mz1b4nation.html).

54. Science Applications International Corporation, <http://www.saic.com> (last visited Mar. 4, 2009).

55. MEDIA WAR PLAN, *supra* note 50.

56. See Center for Public Integrity, Windfalls of War: Science Applications International Corp, <http://projects.publicintegrity.org/wow/bio.aspx?act=pro&ddlC=51> (last visited Mar. 4, 2009).

57. Calbreath, *supra* note 53.

58. *Id.*

59. See Center for Public Integrity, *supra* note 56.

60. *Id.*

BBC and was to be named the “Iraqi Media Network” (IMN).<sup>61</sup>

One of the American journalists selected to join the group of Iraqi expatriates and American journalists, Don North, wrote of his experience with SAIC’s IMN.<sup>62</sup> The network went live with its first radio broadcast on April 10, 2003, and was on television the following month.<sup>63</sup> North describes the atmosphere at this time as one of anticipation.<sup>64</sup> Hopes were high that the media outlet would be used to promote government accountability, in stark contrast to its former role as solely a propaganda machine.<sup>65</sup> The initial programming fell far short of these expectations.<sup>66</sup> It consisted largely of Coalition Provisional Authority (CPA)<sup>67</sup> meetings and press conferences, not the local news that would have been more appealing and meaningful to the people.<sup>68</sup> This miscalculation disappointingly resulted in Iraqi viewership of little more than 10%.<sup>69</sup>

As of December 2003, North felt IMN had failed in large part because those who were responsible for running the network had no credible journalism or television experience.<sup>70</sup> North pulled no punches in describing IMN as “run[ning] on a shoestring and look[ing] like it.”<sup>71</sup> The vision of a network that was to be a model for the Arab world and an outlet “by Iraqis for Iraqis”<sup>72</sup> seemed to be forgotten.

The Iraqi press, however, was not willing to wait for IMN or anyone else to instruct it on how to report the news.<sup>73</sup> After decades of serving as a dictator’s mouthpiece, any deficiencies in journalistic expertise, such as unpolished grammar, lack of objectivity, and a deficiency in the basic skills for writing accurate and informative news pieces,<sup>74</sup> did not slow the proliferation of hundreds of

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61. Don North, *Iraq: One Newsmen’s Take on How Things Went Wrong*, CORPWATCH, Dec. 15, 2003, <http://www.corpwatch.org/article.php?id=7891>.

62. *Id.*

63. *Id.*

64. *Id.*

65. *Id.*

66. *Id.*; LYNCH, *supra* note 1, at 216-19.

67. The Coalition Provisional Authority was the name given to the U.S. government body operating in Iraq after 2003. COALITIONAL PROVISIONAL AUTH., AN HISTORIC REVIEW OF CPA ACCOMPLISHMENTS 2 (2004), *available at* [http://www.cpa-iraq.org/pressreleases/20040628\\_historic\\_review\\_cpa.doc](http://www.cpa-iraq.org/pressreleases/20040628_historic_review_cpa.doc).

68. *See* North, *supra* note 61.

69. *See id.*

70. *Id.*

71. North, *supra* note 61.

72. NAT’L SEC. ARCHIVE, *supra* note 47.

73. *See* North, *supra* note 61.

74. *See* ZUHAIR AL-JEZAIRY, THE IRAQI PRESS: THE HERITAGE OF THE PAST AND THE CHALLENGE OF THE FUTURE 7-8 (Lotte Dahmann ed., 2007), *available at* [http://portal.unesco.org/ci/en/files/23828/116870779611099\\_Iraqi\\_report.pdf/1099%2BIraqi\\_report.pdf](http://portal.unesco.org/ci/en/files/23828/116870779611099_Iraqi_report.pdf/1099%2BIraqi_report.pdf).

newspapers and magazines that filled the streets of Iraq shortly after the invasion.<sup>75</sup> Having been deprived of a domestic voice for so long, the public welcomed even the most crude but enthusiastic delivery of the flood of information streaming from these new sources.<sup>76</sup>

While the volume of available news from Iraqi, U.S., and pan-Arab media was undoubtedly satisfying to the Iraqi people after decades of unadulterated propaganda and censorship, the quality and slant of the news in the months following the invasion left many feeling shorted.<sup>77</sup> The Iraqi media's initial lack of professionalism did not go unnoticed in an environment where people needed good, reliable information to make decisions regarding daily activities.<sup>78</sup> Other news sources, such as al-Jazeera and Iran's al-Alam, were perceived as pushing a divisive political agenda. Specifically, a message that did not correspond with the reality of the situation in Iraq at a time when people were living without electricity, clean water, or functional schools.<sup>79</sup>

The Iraqi citizens also viewed the United State's developing message of glowing optimism as unrealistic.<sup>80</sup> The U.S. methods of disseminating information through IMN's television station, later known as al-Iraqiya, sometimes involved the use of an Arabic-speaking broadcaster relaying information from the CPA in a fashion similar to Iraq's news stations, which created a kind of puppet-show effect, transparent and offensive to many Iraqis.<sup>81</sup> Instead of allaying fears and reaching out to the people directly, communicating in this manner arguably made Iraqis even more suspicious of the United States' plans for their country.<sup>82</sup>

The promising early development of the native Iraqi media began to stagnate with the passing of time. Training opportunities are now available to Iraqi reporters, giving them a chance to learn the art of objective reporting.<sup>83</sup> Unfortunately, financial and political circumstances have limited the spread of less biased news cov-

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75. *Id.*

76. *Id.* at 19.

77. Zamira Eshanova, *Iraq: After 30 Years, News Options Begin to Grow and Diversify*, RADIO FREE EUROPE/RADIO LIBERTY, May 6, 2003, <http://www.rferl.org/content/Article/1103136.html>.

78. *See id.*

79. *Focus on Reconstruction in Fallujah*, INTEGRATED REG'L INFO. NETWORKS, May 24, 2005, <http://www.globalpolicy.org/security/issues/iraq/reconstruct/2005/0524fallujah.htm>.

80. *See Eshanova, supra note 77.*

81. *See LYNCH, supra note 1*, at 216-17, 250-51.

82. *Id.* at 250-51.

83. Jill Carroll, *Letter from Baghdad: Not That Independent*, AM. JOURNALISM REV., June-July 2004, at 63, 63-64, available at <http://www.ajr.org/Article.asp?id=3687>.

erage.<sup>84</sup> Of the roughly 300 publications that originally sprang up in Iraq during the months following the invasion, about half come out regularly.<sup>85</sup> Many still in operation are tied to a political party with a bank account and an agenda; truly independent publications are rare.<sup>86</sup> Some of the newly trained, more objective reporters are being admonished by their editors for writing pieces without inserting their own opinions.<sup>87</sup>

With regards to the U.S.'s current presence in the Iraqi media, the U.S. government has recently stepped out of the shadows and become a more active participant in Iraqi media discourse. Members of the State Department and other U.S. government agencies working in Iraq now appear in press conferences alongside Iraqi officials,<sup>88</sup> fulfilling Marc Lynch's call for the U.S. to engage with the Iraqi public directly, as a clearly identifiable player.<sup>89</sup> Lynch does not see this as a cure-all for the public relations issues that still exist in Iraq, but believes the Iraqi's desire for change can keep the dialogue open as long as the U.S. is an active and respectful participant.<sup>90</sup> The availability of U.S. officials in an open forum likely eases some of the Iraqi suspicions about U.S. intentions and behind-the-scenes control over the new government, which can only serve to improve relations.

Widespread frustration was an unforeseen consequence of the media revival in the pan-Arab world; it remains to be seen if that same concern crops up in Iraq. Lynch notes that from 1998 to 2003 the powerful pan-Arab media collided with a wall of disappointment when it realized that all of its vibrant and passionate discourse did not clearly result in any political gains, democratic or otherwise.<sup>91</sup> The true test of whether or not Iraq is on its way to becoming a democracy may be measured equally both by whether the press has freedom to report what they choose and by whether the Iraqi government actually feels compelled to respond and react to the people's concerns.

#### IV. LEGAL & SAFETY HURDLES

The Iraqi media environment does not currently embody the principles of freedom hoped for by the U.S. and coalition govern-

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84. *Id.*

85. *Id.*

86. *Id.*

87. Carroll, *supra* note 83, at 64.

88. Transcripts from recent press conferences are on file with the author.

89. LYNCH, *supra* note 1, at 250.

90. *See id.* at 250-51.

91. *Id.* at 131.

ments prior to March 2003. Despite advances made by the native Iraqi media, Iraq's 2007 rankings by Freedom House were unimpressive and reflected significant limitations on the media's ability to report the news from inside the country.<sup>92</sup> *Freedom of the Press 2007* lists Iraq as "not free" despite post-Ba'ath progress, with the political, legal, and economic environments all being ranked poorly.<sup>93</sup> A lack of professionalism,<sup>94</sup> funding,<sup>95</sup> and adequate support combined with legal and safety concerns<sup>96</sup> are adding miles onto the long road to a free Iraqi media.

Even though Iraqis no longer face threats of reprisal from the *Mukhabarat* under the current regime, they still face opposition by militias and politicians that create a need to censor themselves.<sup>97</sup> It appears that Iraqi government officials do not understand the nature of a free media and, out of fear, are trying to limit it as much as possible.<sup>98</sup> New government regulations, lingering Ba'ath era directives, U.S.-imposed laws, and fear of reprisal from opposition groups are creating self-censorship that is oddly reminiscent of the attitude under the Ba'ath regime, although certainly not as extreme. The rules and regulations governing the media in Iraq are so vast and complex that only a brief overview can be provided here.

The basis for freedom of expression can be found in the Iraqi Constitution itself. The Constitution allows for freedom of expression as long as it is respectful of public order and morality.<sup>99</sup> This is a broad umbrella indeed. Theoretically, judges would be allowed enormous power to determine what the limitations of this provision entail, as neither public order nor morality are terms with simplistic meanings.<sup>100</sup> This is particularly true of a culture where religion is deeply ingrained in many aspects of daily life. What apparently is acceptable under these exceptions to free speech are Ba'ath era laws that are still in force and which can be used in the prosecution of journalists in Iraq today.<sup>101</sup> One of the most com-

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92. See FREEDOM HOUSE, *FREEDOM OF THE PRESS 2007*, at 167-68 (2007).

93. *Id.* at 167.

94. Press Release, Int'l Fed'n of Journalists, IFJ-FAJ Plan Urgent Programme to Build Unity and Professionalism in Iraqi Journalism (Jan. 26, 2004), <http://www.ifj.org/en/articles/ifj-faj-plan-urgent-programme-to-build-unity-and-professionalism-in-iraqi-journalism>.

95. Carroll, *supra* note 83, at 63-64.

96. See *id.* at 167-69.

97. See *The Iraqi Media Three Months After the War: A New but Fragile Freedom*, REPORTERS WITHOUT BORDERS, July 23, 2003, [http://www.rsf.org/article.php3?id\\_article=7587](http://www.rsf.org/article.php3?id_article=7587).

98. *On the Media: Protection Racket* (WNYC radio broadcast Oct. 20, 2006) (recording and transcript available at <http://www.onthemedial.org/transcripts/2006/10/20/03>).

99. ARTICLE 19, *FREE SPEECH IN IRAQ: RECENT DEVELOPMENTS 4* (2007), <http://www.article19.org/pdfs/publications/iraq-free-speech.pdf>.

100. See *id.* at 4-5.

101. *On the Media: Protection Racket*, *supra* note 98.

monly used criminal sanctions against journalists is public insult of a public official.<sup>102</sup> Several journalists have been charged with this crime in the last few years, challenging the very foundations of what it means to have a free press.<sup>103</sup>

Numerous stories have been printed in Western news reporting what seems to be arbitrary enforcement of antiquated laws. One example is the case of Twana Osman, editor-in-chief of a major newspaper, who was given a six-month suspended sentence and fined approximately fifty dollars for publishing an article alleging that a high-ranking public official had two employees of the phone company fired for cutting off his phone when he did not pay the bill.<sup>104</sup> It appears as though these cases will be handled on an individual basis, hopefully taking into consideration public opinion in favor of media autonomy, until legislation can be written to strengthen the media freedoms guaranteed by Iraq's Constitution (approved in 2005),<sup>105</sup> or the old laws are repealed.

While the move to a new government has significantly changed the political landscape of the country, there are many Ba'ath era laws lingering past their time. According to Article 19, an organization supporting a "Global Campaign for Free Expression," the Iraqi Constitution's provision that preserves Ba'ath-era laws unless specifically amended or appealed extends the life of an oppressive body of law aimed at silencing expression.<sup>106</sup> Even the knowledge that these laws exist likely produces a chilling effect on speech, and the threat of arrest and conviction only adds to the burden of caution carried by those who are trying to satiate the public's need for current, accurate information.

In addition, the U.S. government contributed to these difficulties through orders enacted by the Coalition Provisional Authority (CPA), which was charged with maintaining law and order until power could be transferred to the Iraqi people.<sup>107</sup> Despite the dissolution of the CPA on June 28, 2004,<sup>108</sup> the orders it passed have

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102. *Id.*

103. See Charles Levinson, *Iraq's 'PBS' Accused of Sectarian Slant*, CHRISTIAN SCI. MONITOR, Jan. 10, 2006, at 6, available at <http://www.csmonitor.com/2006/0110/p06s01-woiq.html>.

104. Comm. to Protect Journalists, *Attacks on the Press 2006: Iraq*, <http://www.cpj.org/attacks06/mideast06/iraq06.html> (last visited Mar. 4, 2009).

105. ARTICLE 19, *supra* note 99, at 3.

106. *Id.* at 12, 16.

107. See COALITIONAL PROVISIONAL AUTH., *supra* note 67, at 2. For more information regarding the mission and accomplishments of the CPA, please see the official U.S. government website for the CPA, Coalitional Provisional Auth., <http://www.cpa-iraq.org> (last visited Mar. 4, 2009).

108. Gulf-Law.com, *Iraq Update August 2004*, [http://gulf-law.com/iraq\\_0408.htm](http://gulf-law.com/iraq_0408.htm) (last visited Feb. 7, 2009). The Iraq Transition Assistance Office (ITAO) is the current incarnation of the U.S. government in Iraq. For information regarding its mission, see Embassy of

not been repealed and currently have the effect of law.<sup>109</sup> CPA Order 14 is of particular concern for journalists because it prohibits the media from disseminating information that would incite violence or civil disorder.<sup>110</sup>

It is the utilization of this CPA Order that led to the much-publicized closing of the Iraqi offices of al-Jazeera and another pan-Arab media outlet, al-Arabiya.<sup>111</sup> These closures, however, have been characterized as retaliatory actions designed to send a message<sup>112</sup> and were largely ineffective: both channels continue to broadcast from other Arab countries and are received in Iraq via satellite.<sup>113</sup> The closure of al-Jazeera, in particular, has been linked to a desire for retribution against the pan-Arab media for creating an atmosphere that encouraged violence and accusations that al-Jazeera had been another of Saddam's mouthpieces during the Ba'ath era.<sup>114</sup>

Another major concern for Iraqi journalists comes not from laws passed by the Iraqi government over the last several years, but instead from insurgent and sectarian threats as well as actual violence. It is estimated that 113 Iraqi journalists have been killed as a result of hostile action since March 2003.<sup>115</sup> While the Ba'ath era secret police are no longer a threat, the even more insidious non-governmental entities that comprise the insurgency have taken the *Mukhabarat's* place as the retaliatory arm of the conflict between the media and those factions who wish to be in power.

A 2008 Reporters Without Borders report states that, as of March 2008, hundreds of Iraqi journalists are in exile to protect themselves and their families from this new threat.<sup>116</sup> Some fled the country after surviving assassination attempts.<sup>117</sup> Many jour-

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the United States in Baghdad, Iraq, <http://iraq.usembassy.gov/iraq/itao.html> (last visited Mar. 4, 2009).

109. See, e.g., ARTICLE 19, *supra* note 99, at 15-16.

110. *Id.*

111. *Id.*

112. See Joel Campagna, *Arabic Satellite Channels and Censorship*, TRANSNAT'L BROADCASTING STUD. (Int'l Div. of the Broad. Educ. Ass'n) Fall/Winter 2004, <http://www.tbsjournal.com/Archives/Spring05/campagna.htm>.

113. See LYNCH, *supra* note 1, at 229; Allied Media Corp., Al Arabiya TV Viewer Demographic, <http://www.allied-media.com/ARABTV/AlarabiyaDEMOG.htm> (last visited Mar. 4, 2009); Allied Media Corp., Al Jazeera TV Viewer Demographic, <http://www.allied-media.com/aljazeera/JAZdemog.html> (last visited Mar. 4, 2009).

114. See LYNCH, *supra* note 1, at 64-65, 225.

115. Comm. to Protect Journalists, Iraq: Journalists in Danger, [http://www.cpj.org/Briefings/Iraq/Iraq\\_danger.html](http://www.cpj.org/Briefings/Iraq/Iraq_danger.html) (last visited Mar. 4, 2009). This figure does not include the Iraqi media support staff who have been killed. See *id.*

116. ANGÉLIQUE FERRAT & HAJAR SMOUNI, REPORTERS WITHOUT BORDERS, HUNDREDS OF JOURNALISTS FORCED INTO EXILE IN FIVE YEARS SINCE LAUNCH OF US-LED INVASION OF IRAQ 2-3, 5 (2008), [http://www.rsf.org/IMG/pdf/RapportRefugiés\\_GB.pdf](http://www.rsf.org/IMG/pdf/RapportRefugiés_GB.pdf).

117. *Id.* at 6.

nalists who flee to other Arab countries are permitted to continue their careers as journalists, but in some of those countries they are unsurprisingly forbidden to criticize their hosts.<sup>118</sup> Those who stay in Iraq work with the uncomfortable knowledge they may be targeted by someone close to home, like one reporter who found his name on a target list in his neighborhood bakery.<sup>119</sup> This pattern is not likely to change until laws protecting journalists are enacted and enforced.

Meanwhile, the international community is unwilling to stand idly by and wait for the Iraqi government to take measures to protect citizen journalists. It has mobilized to bring awareness to the efforts and plights of reporters who dare report from within the new Iraq. For example, the International News Safety Institute (INSI), which is sponsoring the Iraqi Media Safety Group (IMSG) from within Iraq, is one of many organizations that has rallied to this cause.<sup>120</sup> The Group is tasked with the tasks of providing safety training and lobbying the Iraqi government to pass laws that protect journalists' well-being.<sup>121</sup> While the current state of affairs in Iraqi media is a far cry from where the U.S. government envisioned it would be, post-invasion, proponents of change hope that the efforts of the international community and those working from the inside to facilitate change can succeed in removing these potentially paralyzing disincentives.

## V. INSURGENT PRESENCE WITHIN THE IRAQI MEDIA

Any discussion of the current media environment within Iraq would not be complete without addressing the insurgency's and militia's use of mass media to further their own ends. With the new availability of a variety of print, radio, television, and Internet sources of information, the Iraqi people have greater choices regarding where they get their mass-produced news. Insurgents in Iraq and across the Arab world are reaching out to potential audiences with technological savvy, using these same media. The pervasiveness of this output and the impressions of legitimacy are difficult to counter, and remain a challenge to Iraqi and U.S. counter-insurgency efforts.

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118. *Id.* at 10-11.

119. *Id.* at 5-6.

120. Press Release, Int'l News Safety Inst., Journalists and Safety Advocates Welcome Launch of Iraqi Campaign over Violence against Media, (Sept. 21, 2007), [http://www.newssafety.com/index.php?view=article&catid=314%3Apress-room-news-release&id=5893%3Ajournalists-and-safety-advocates-welcome-launch-of-iraqi-campaign-over-violence-against-media&option=com\\_content&Itemid=100077](http://www.newssafety.com/index.php?view=article&catid=314%3Apress-room-news-release&id=5893%3Ajournalists-and-safety-advocates-welcome-launch-of-iraqi-campaign-over-violence-against-media&option=com_content&Itemid=100077).

121. *Id.*

The impetus behind the insurgency's need to terrorize likely stems, at least partially, from the power shift in Iraq between the two most prominent branches of the Muslim faith following the U.S. invasion. The insurgents being discussed here are primarily Sunni, the largest of the two main branches of Islam, although a significant number of insurgent groups are Shi'a.<sup>122</sup> Iraq's general population is predominately Shi'a.<sup>123</sup> The Sunni were the more powerful of the two branches of Islam represented in the Ba'ath Party, in spite of being far less numerous than the Shi'a.<sup>124</sup> In Iraq, the minority wielded tremendous power over the majority.<sup>125</sup> Now that the Iraqi leadership better reflects all religious, ethnic, and tribal groups within the country, the Sunni have, to a degree, been displaced from their position of power.

It is important to note that a number of Sunni insurgency groups within Iraq are recent arrivals and actually originated in other Muslim countries,<sup>126</sup> such as al-Qaeda, which is a transplant from Afghanistan.<sup>127</sup> The messages of these groups, combined with those of the native Sunni insurgents that are operating from within Iraq, range from religious superiority over other sects to a call for removal of the infidel invaders.<sup>128</sup> Their actions, portrayed in videos and explained in press releases, include martyring oneself in a public area and planning and executing attacks against foreign soldiers.<sup>129</sup>

Perhaps the most succinct and accurate description of "the Sunni insurgent media network is lean, mean and fast-moving."<sup>130</sup> The widely cited publication by Radio Free Europe Radio Liberty, *Iraqi Insurgent Media: The War of Images and Ideas*, analyzes many of the insurgent groups' sophisticated use of mainstream media formats for disseminating ideologies and informing others about their activities.<sup>131</sup> According to the authors, insurgent access

122. Febe Armanios, *Islam: Sunnis and Shiites* 1-2 (Cong. Research Serv., CRS Report for Congress Order Code RS21745, Feb. 23, 2004), <http://www.fas.org/irp/crs/RS21745.pdf>.

123. *Id.* at 1.

124. Sharon Otterman, Council on Foreign Relations, *IRAQ: The Sunnis* (Dec. 12, 2003), <http://www.cfr.org/publication/7678/>.

125. *Id.*

126. Ahmed S. Hashim, *The Sunni Insurgency in Iraq* (Aug. 15 2003), <http://www.mideasti.org/scholars/editorial/sunni-insurgency-iraq>.

127. Jayshree Bajoria, Council on Foreign Relations, *al-Qaeda (a.k.a. al-Qaida, al-Qa'ida)* (Apr. 18, 2008), <http://www.cfr.org/publication/9126/>.

128. DANIEL KIMMAGE & KATHLEEN RIDOLFO, *RADIO FREE EUROPE/RADIO LIBERTY, IRAQI INSURGENT MEDIA: THE WAR OF IMAGES AND IDEAS 40-42* (2007) [hereinafter *WAR OF IMAGES*], available at <http://realaudio.rferl.org/online/OLPDFfiles/insurgent.pdf>.

129. *Id.* at 7-8, 25-30, 40-42.

130. Daniel Kimmage & Kathleen Ridolfo, *Iraq's Networked Insurgents*, *FOREIGN POL'Y*, Nov.-Dec. 2007, at 88, 88.

131. See generally *WAR OF IMAGES*, *supra* note 128.

to the public appears to be achieved largely through written press releases, magazines, films, and the Internet, giving them the ability to distribute a variety of information while retaining an unknown location.<sup>132</sup> Mimicking the practice of official organizations, the various groups use their formal logos when issuing statements and closely follow the format of official releases, keeping to the facts in a prescribed fashion.<sup>133</sup>

While distribution of the Sunni insurgency's message is primarily found in printed publications and films, the Internet is proving to be a useful weapon in the insurgency's arsenal of media forums.<sup>134</sup> The Jamestown Foundation's publication, *Terrorist Focus*, notes one alarming effect of insurgent internet usage, the ability for insurgents to anonymously discuss tactical and strategic knowledge. This includes advice on how to build explosive devices and how to conduct target selection.<sup>135</sup> The prospective audience for these educational messages, along with communications espousing the virtuous nature of the insurgency's struggle, is no longer limited to the Arabic-speaking world.<sup>136</sup> Although the implications of the use of the Internet in this manner are not unique—the web is a cornucopia of information for many who wish to create an incendiary device—it is still a disturbing thought that would-be jihadists can now reach out from across the globe to an Islamist online support group in order to find the necessary motivation and skills to become killers.<sup>137</sup>

Satellite television was also an outlet for at least one insurgent group, albeit for a short period of time. Al-Zawraa was a Sunni insurgent satellite program relayed from an unknown location in Iraq and then transmitted via satellite to Cairo, where it was broadcasted to the Middle East.<sup>138</sup> The group behind the network was the Islamic Army of Iraq, which has become a haven for many members of the former Ba'ath Party, including one previous parliamentarian.<sup>139</sup> The channel content consisted mainly of low-quality video footage of brutal attacks and American anti-war videos.<sup>140</sup> Egypt cancelled the station in February 2007, citing interfe-

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132. *Id.* at 3-4.

133. *Id.* at 8.

134. *Id.* at 7, 46.

135. Chris Zambelis, *Iraqi Insurgent Media Campaign Targets American Audiences*, TERRORISM FOCUS (Jamestown Found., Washington, D.C.), Oct. 16, 2007, at 2, 2.

136. *Id.*

137. *See id.*

138. Posting of Lawrence Pintak to Public Diplomacy Blog, [http://usepublicdiplomacy.com/index.php/newsroom/pdblog\\_detail/070110\\_war\\_of\\_ideas\\_insurgent\\_channel\\_coming\\_to\\_a\\_satellite\\_near\\_you/](http://usepublicdiplomacy.com/index.php/newsroom/pdblog_detail/070110_war_of_ideas_insurgent_channel_coming_to_a_satellite_near_you/) (Jan. 10, 2007, 4:40 PDT).

139. *Id.*

140. *Id.*

rence with other channels, although diplomatic pressure may have been behind the government's action.<sup>141</sup> It is also plausible that the Egyptian government was concerned that the programming might provoke more violence within its own borders.

In *Iraqi Insurgent Media: The War of Images and Ideas*, the authors note that the way in which the insurgent groups depict themselves in their publications, broadcasts, and websites is of paramount importance because it shapes public opinion about their movement.<sup>142</sup> In television broadcasts, available for viewing online, insurgents use sophisticated production equipment and techniques that imply they are well-organized and well-funded.<sup>143</sup> These broadcasts sometimes feature programs with an anchorman who recites news in a format very similar to mainstream television news, albeit with a covered or blurred face.<sup>144</sup> Some of the websites offer films of a group's activities, many of them with voice-over commentary and songs.<sup>145</sup> Modern Standard Arabic is used in many of the video clips and downloadable music,<sup>146</sup> for the same reason it is used in mainstream pan-Arab media—to reach a wide audience.

The theme in these videos is generally keyed back to the message of the insurgent group, which commonly includes either a rally for pushing the U.S. invaders out of Iraq or a call for jihad, a war between nonbelievers and holders of the faith.<sup>147</sup> It is notable that most of the insurgent's songs refer to a global jihad movement, not just Iraq's, although there are some nationalist songs that contain elements of propaganda reminiscent of the Ba'ath regime.<sup>148</sup> This trend of using music with global appeal likely reflects another means by which the movement attempts to make itself appear omnipresent.

If censorship is an anathema to free press and free speech, can this type of message be countered in Iraq without sacrificing newfound basic principles of a semi-free media? Outright barring of

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141. *Egypt Pulls Plug on Al Zawraa*, AME INFO, Feb. 26, 2007, <http://www.ameinfo.com/111837.html>.

142. See WAR OF IMAGES, *supra* note 127, at 7, 26.

143. See *id.* at 26-28.

144. *Id.* at 27, 30.

145. *Id.* at 27.

146. *Id.* at 31.

147. *Id.* at 37-38. It should be noted that the correct translation of jihad is not "holy war," as it is commonly interpreted. The term actually means something closer to the struggle to do good. The U.S. government has been advising diplomats to not use the term "jihadist" because it implies that the persons committing acts of terrorism are legitimate fighters. For an overview of this topic, see Matthew Lee, "Jihadist" Booted from Government Lexicon, ASSOCIATED PRESS, Apr. 24, 2008, <http://www.msnbc.msn.com/id/24297050/>.

148. WAR OF IMAGES, *supra* note 128, at 31-32, 38 n.22.

information reception is certainly no longer a viable option with the proliferation of cyber cafés and satellite receivers in Iraq.<sup>149</sup> Whether or not the insurgency will continue to grow depends largely to the Iraqis themselves; fortunately, insurgent tactics have become distasteful to many Iraqis.<sup>150</sup> The support insurgents still draw from some people, however, is largely drawn from a united dislike of the U.S. occupation.<sup>151</sup> Measures that the U.S. can and has taken to improve and clarify the boundaries of its relationship with the new Iraqi government, including entering the mainstream media as an identifiable figure, will hopefully reduce the attractiveness of the insurgency's message.

## VI. CONCLUSION

Making a transition of this magnitude cannot be done quickly, painlessly, or easily. To quote H.L. Mencklen, "[f]or every complex problem, there is a solution that is simple, neat[,] and wrong."<sup>152</sup> Censorship and propaganda, the bread and water of the Ba'ath regime, are not the correct approaches for the governments of Iraq and the U.S. to take in shaping the new Iraqi media. While there are valid concerns regarding the professional standards of the Iraqi press, granting it a free environment that allows it to evolve into a dependable voice can only hasten its progress. It would be extremely beneficial to Iraq and the Arab world as a whole if the Iraqi media were able to develop into the seemingly elusive paragon of free media that was originally envisioned. Perhaps it would instill a much-needed national pride in the Iraqi people, who after the fall of Saddam had rebelled against those in the Arab-speaking world who had made hollow claims of representing their interests for so long.

Noting the level of a nation's media encumbrance is more than a general remark on social progress. It is a telling reflection of both the people and the government within the community. The Iraqi government would be better served if it permitted the press to report accurately about the country's leadership, even if the reports were unpleasant. Having an open environment, devoid of oppressive laws, means government officials are more likely to be held accountable, as long as the government takes interest in the

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149. OpenNet Initiative, Iraq, <http://opennet.net/research/profiles/Iraq> (last visited Mar. 4, 2009).

150. See Think & Ask, Iraq's Insurgency Builds, Grows Alliances, <http://www.thinkandask.com/2006/021806-insurgent.html> (last visited Mar. 4, 2009).

151. *Id.*

152. Gary Green, Famous Quotes in Law, <http://ggreen.com/just-for-fun/quotes/> (last visited Mar. 4, 2009) (quote attributed to H.L. Mencklen).

people's reactions and concerns with government activity. Such government notice of public opinion may prove to be a valuable benchmark of democratic progress.

If the Iraqi people feel as though their interests, and those of the U.S., are acknowledged by the Iraqi government and accurately represented in the country's mainstream discourse, perhaps efforts to push the insurgency out of Iraq will be more effective. While a freer Iraqi press will not immediately create a democratic society, an environment where the voracious public can get its information from journalists who are protected by the law, instead of being repressed by it, will construct a foundation for the remarkable transformations yet to come.