How liberty faded after 9/11

Soon after he began covering the U.S. Justice Department for The New York Times in the fall of 2002, Eric Lichtblau was invited to play pickup basketball with Attorney General John Ashcroft at the FBI building, breaking a "no-reporters rule."

But the honeymoon did not last very long. Following his revelatory stories on the war on terror including government surveillance of anti-Iraq war demonstrators, Lichtblau became persona non grata.

He continued to work his sources, of course. In December 2005, in a front-page story in the Times, he and James Risen revealed one of the Bush administration's most closely guarded secrets -- the authorization of the National Security Agency to eavesdrop without warrants on the phone calls and e-mails of American citizens. They received the Pulitzer Prize for national reporting.

Lichtblau elaborates on the administration's efforts to re-make civil and criminal procedures to accommodate the "war on terror," and provides an insider's account of White House pressure on his paper to suppress stories that might endanger national security.

Jam packed with details, some fresh and some familiar, "Bush's Law" reminds us that our constitutional rights are fragile. It won't be time to "move on," Lichtblau suggests, until we re-calibrate the balance between the need for government secrecy in the post 9/11 world and the imperative in a democracy for eternal vigilance by an informed citizenry.

In the months after the 2001 attacks, Lichtblau writes, Americans gave the Bush administration a "wide berth" to take all necessary steps to head off another.

Unfortunately, "the state of emergency never ended, and disdain for Congress, courts, and critics, "continued unabated."

Lichtblau's account of secret government operations, undertaken "with something approaching
reckless indifference" for the right of suspects -- and innocent men and women swept up along with them -- is chilling.

In public, President Bush repeated that court approval was required for wiretaps. But, Lichtblau demonstrates, his government monitored tens of thousands of e-mails and phone calls and invaded financial privacy through information supplied by a Belgian banking consortium named SWIFT.

Lichtblau portrays the Fourth Estate as the beacon of hope in an America that has "lost her way." And he documents the climate of fear and intimidation in which journalists now work.

Times editors Bill Keller and Phil Taubman were summoned to the White House where Condoleezza Rice, Stephen Hadley, John Negroponte, Harriet Miers and NSA chief Michael Hayden told them that publication of the Lichtblau-Risen story would shut down a program vital to national security when the "enemy is inside the gates."

Hours later, Bush warned publisher Arthur Sulzberger that if al Qaeda attacked America, "There'll be blood on your hands."

The Times deserves credit for publishing the piece. Nonetheless, Lichtblau is not nearly tough enough on his journalistic colleagues.

After all, the Times' editors refused to run the story before the presidential election of 2004, then sat on it for 14 months. They didn't reconsider until Risen threatened to go it alone in a book he was writing on America's intelligence agencies.

And they gave the revelations about warrantless wiretapping a modest one column-wide headline. That Lichtblau isn't sure if "there are any editors in the country" who would have given him a green light is a sad commentary on the mass media in the 21st century.

Lichtblau tries to end on an optimistic note, but it isn't easy. Investigative journalism remains an endangered species.

Pressure from the White House, the nose dive of newspapers, and the public's preference for pundits and partisans have taken a toll.

Although the president's popularity has plummeted, "Bush's Law" remains largely intact.

And there's no end in sight to the "war on terror."

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