

RUNNING HEAD: MEDIA FRAMING OF POLICY IN AMBIGUOUS WARS

**Media Framing of Policy in Ambiguous Wars:**  
A Case of Two Privacy Policies

May 08, 2005  
Submitted to the MIT 4 Story Conference  
Yong Jin Park

**(Working Draft: Please Don't Cite)**

Contact Information:  
Yong Jin Park  
Interdepartmental Ph D program in Mass Communication  
2046 Frieze Building  
University of Michigan, Ann Arbor  
[parkyo@umich.edu](mailto:parkyo@umich.edu)

## **Abstract**

The media are the central storytelling apparatus for generating a certain meaning of policy, far from reflecting what is available to citizens as the best policy option. I unlock this arbitrariness of policy construction. I compare the Patriot Act of today's War Against Terror with the Foreign Intelligence Surveillance Act of the Cold War era. The two wars build upon ambiguous enemies: terror and ideology. I argue that the notion of enemies is reinforced through socio-psychological construct of 'fear and humor' — ancient storytelling devices that prevail in news media throughout the 70s and today.

# **Media Framing of Policy in Ambiguous Wars:**

## **A Case of Two Privacy Policies**

### **Introduction**

#### Mass Media & Policy

Policy is a code that is constructed in a specific cultural and historical context, arbitrary by nature. This study aims to unlock this arbitrariness of policy construction during the war period. The history of war propaganda tells us how the arbitrariness of policy becomes naturalized amid the interplay between the government and the media. That is, the media are the central storytelling apparatus for generating a particular meaning of policy, far from merely reflecting what is available to citizens as the best policy option.

My strategy in this essay is historically comparative. This essay looks at the 2001 'Patriot Act' during the 'War Against Terror' and the 1978 'Foreign Intelligence Surveillance Act' during the 'Cold War'. The two periods share the irony of ambiguous enemies: (1) terror and (2) ideological difference as unspecified entities. The two legislations also share the purpose of intelligence in the US domestic settings – but at the cost of civil rights of privacy protection. I argue that the notion of enemies in two wars is reinforced through social-psychological constructs of 'fear and humor' – ancient storytelling devices that prevail throughout the 70s and today – as they invoke the sense of national identity.

The central question is:

- How a dominant vision of policy is represented in mass media for the fixture of a meaning while filtering out alternative visions of policy

#### FISA & Patriot Act

The origin of the Patriot Act goes back to the year 1978 when President Carter enacted the Foreign Intelligence Surveillance Act. The Act required the government to obtain a warrant before investigating foreign spies. Under the FISA, conducting electronic surveillance should be

qualified for national security interest at the Foreign Intelligence Surveillance Court. Yet, what the FISA created was a special judicial realm in which the protection of the Fourth Amendment applied differently to foreigners (EPIC, 2004). The Patriot Act is a judicial expansion of the FISA (empowering Attorney General to deport or detain non-citizens without judicial review) for the inclusion of the US citizens who can be pre-monitored without warrant. Despite the history of the Patriot Act, no research attempted for a comparison of news media coverage of two policies. It is ironic that the FISA (Oct 25, 1978) and the Patriot Act (Oct 26, 2001) were passed on the almost identical date, while two policies generated remarkably different amounts of media attention. The focus in this essay is on the nature of media representation, i.e. how the media play a role as a visual and aural amplifier of streaming a policy vision from a circuit of cultural, political, and institutional dominance.

## **Conceptual Framework**

### Oppositional Meanings

Stuart Hall (1997) noted, “meaning is relational” (p. 234). That is, the human construction of meanings is contingent upon perceptions of differences between opposites, i.e. binary opposition. Hall’s point is crucial. It describes the way a certain representation of ‘others’ helps us define ‘us,’ while explaining how the exclusion of alternative representations prevents us from defining ‘us’ otherwise. The difference, however, can be ambiguous – the portrayal that can be both positive and negative on the continuum. The binary difference becomes an exaggeration when the media, with shallow coverage of legality, naturalize a certain meaning of a policy.

## **Framing Strategies I**

### Fearful Others

#### Example: Fear of Terror

On March, 2002, *Time* carried a special report about the Patriot Act. The front-page coverage reads “Can We stop the Next Attack?”. The question becomes rhetorical, as the photo of burning New York City in panoramic view foregrounds the meaning of the whole article. The sharp contrast between the New York skyline, mercilessly covered by burning ashes, and the Hudson

River, gorgeously glittered by sunset, signifies a desperate version of the demand for a new measure. A caption below says, “New York, 9/11: Authorities worry that this nightmare scene could be replayed.” This is the construction of the presence of immediate danger, the necessary condition for the new law. The subtitle in the article names the new intelligence act as a “better shield,” proclaiming “the single most effective strategy for pre-empting another attack is hit them first.”

Note another article by *US News & World Report* on March 13, 2004 under the title “Pieces of The 9/11 puzzle.” The article describes how National Security Agency struck a goldmine of intelligence through eavesdropping on a busy phone line – that is, the after-effect of the Patriot Act. Yet, the photo portrayed a different imagery: Blooded street from the deaths of seemingly “Khalid” members (but their identity is unclear from the text) whose Arab names no Americans seem able to pronounce correctly. Occupied by something, Arab soldiers in a truck are not even looking at the blood stains – the whole imagery in a blurred shot. The image of the photo works because of the contrast between the blooded street and the indifference by Arab soldiers in the passing-by truck. The contrast signifies fear – the fear of vividness of blood that stands out from the rest of indifferent ‘others’. The subtitle captures “they [US intelligence] didn’t know he [a Khalid member] was there.” What the article claims is the positive consequence from the implementation of the Patriot Act that hunts down the fearful others.

#### Example: Fear of the Unknown

In the media construction of the FISA, the fear is different. The fear in 1970s is about the faceless of ‘others’ – that is, the contrast with the vivid portrayal of violent imagery after Sept. 11. *The Washington Post*, for instance, carried a textual account of the FISA on Oct 26, 1978 immediately after President Carter’s sign. The textual account, with no photo imagery, imposed complete silence on ‘others’ with an emphasis on factuality. Consider *The New York Times* article titled “Suddenly, a Flurry of Guidelines for the FBI.” The article itself is highly critical of the FISA. A photo of Attorney General Civiletti shows bewilderment by the US government over rising concern on civil rights violation. This is the inclusion of concern over ‘us’, but no justification of policy is made through the construction of horrifying ‘others’. The constant is faceless ‘others’ that are so embedded as if their faces were unknowable to ‘us’. The fear is cold

attachment from the unknown – that is, the abstract enemy of ideology.

## **Framing Strategies II**

### Humorous Others

#### Example: Idiosyncratic Iraqis

A *Newsweek* article describes a ‘comic’ panic within Arab-American communities after the implement of the Patriot Act. The article goes on to explain that the enhanced surveillance measure makes it possible for legal authorities to monitor the money-wiring activities by Arab-Americans. Yet, this seemingly-innocent representation of the Patriot Act is juxtaposed by the image of disorder. It is humorous to see a chart describing the “unlikely” “pulling of billions” by Arab-Americans from the US to their homelands in order to secure their money. The factual information becomes comic with the addition of a shot of a bunch of yelling Arabian protestors in disarray of picketing – the image (of a hairy protestor) that has less to do with the content of the article!

#### Example: Humorous Soviet Spy

*The Washington Post* published a cartoon in which ‘others’ takes a comic part in the justification of the FISA. Here a foreign (perhaps, Soviet) spy (his eyes blinded in a black band) is introduced on the center of the image. He is wearing a dark raincoat, holding a stick, and searching piles of papers. The room (the US homeland) is messed up by his mission: the mirror named “Constitution of the US” is broken, drawers of secret files are left open on the floor, and the book with the title of the “US Laws” is trashed. Then, the spy’s mission is suddenly interrupted by a (innocent-looking) USA police who happens to open the door of the room at the right moment. The caption says, “I’m getting dam tired of your interrupting me while I’m working.” In a rare case in which faceless ‘others’ wear clothes, the clothes are explicitly colored in a humorous reduction – a selling point for surveillance policy.

## **Conclusion**

Representational Schema

## Contradiction

Behavioral research teaches the effectiveness of ‘fear appeal’ in persuasion (Bettinghaus & Cody, 1994). Fear is constructed through the use of negatively-intense emotional words or salience of shocking images. In justifying a policy, however, the construction of ‘others’ for negative connotations is far from being explicit. Rather, socio-psychological construction of ‘others’ requires an ambiguous process on which a dominant discourse incorporates marginalized contexts. Here fear of ‘others’ is replaced by irony and humor in the ambivalence of meanings that seemingly address policy matters.

--- Figure I here ---

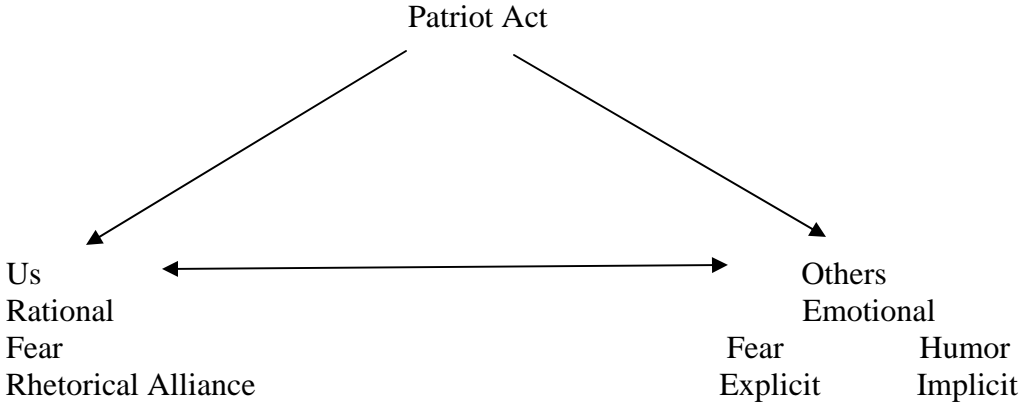
## Policy of ‘Others’ as well as ‘Us’

The construction of policy is the function of this contradiction in disarray. Nemesis never exists in a purely one form (Chatman, 1978). Rhetorical devices of contradiction function in representing two privacy policies. Ambivalence is created in between – with no clear representation of social costs of both policies. Media representation, according to Stuart Hall (1997), plays on these contradictions and instabilities, far from being cohesive (Also see White, 1992). The contradictory image of ‘others’ looms large in lack of direct experiences with actual ‘others.’ What is problematic is that the image of ‘others’, not the nature of a policy, takes a central stage when mass media claim to address the policy that concerns ‘us’.

## Further Studies

Most policy research studies dynamics of political institutions as centrality in policy formulation. This widely-accepted policy research tradition, however, lacks: (1) how policy products reach the public and (2) how the responses from the public influence reshaping of policies. In short, there is almost no policy study that focuses on the conduit of communication with the public. Further studies should fill this intellectual vacuum because the media functions as the public sphere in an institutional setting that excludes the public from the policy bargaining table (See Habermas; Litman, 2001).

**Figure I: Framing Strategies on the Continuum of Others and Us**





## Works Cited

- Bettinghaus, E, & Michael, C. (1994). *Persuasive Communication*. Orlando, Florida: Harcourt Brace College Publisher.
- Chatman, S. (1978). *Story and Discourse: narrative structure in fiction and film*. Ithaca: Cornell University Press.
- Electronic Privacy Information Center. (2004). *Foreign Intelligence Surveillance Act*. Retrieved April 2005, from <http://www.epic.org/privacy/terrorism/fisa>
- Hall, S. (1997). *The Spectacle of the 'Other'*. In S. Hall (Ed). *Representation: cultural representations and signifying practices*. London: Sage.
- Kaplan, D. Whitelaw, Kevin, & Ragavan, Chitra. (2004, March 15). *Pieces of the 9/11 Puzzle: US spies knew about 'Khalid' – but they didn't know he was there*. *US News & World Report*, 136, 30-34.
- Lardner, G. (1978). *Carter Signs Bill Limiting Foreign Intelligence Surveillance*. *The Washington Post*.
- Litman, J. (2001). *Digital Copyrights*. Prometheus Books: Amherst, New York.