

September 4, 2003

APPEALS COURT STAYS FCC RULES

Changing the subject is something the Bush administration specializes in, so they must be so happy in the City on the Hill that football is back. With the Redskins off (note how, despite years of protest, that insulting name remains) playing the Giants tonight in the season kick-off, Washington wags will have something else to focus on to get their minds off of turbulence in Iraq. Policy shifts have Colin Powell sweet-talking the UN once again, while administration requests for another \$60 Billion come before Congress. There are new hearings today on how fifty million Americans were thrown into the dark while energy companies are guaranteed 12% annual profit in the regulated part of the industry. (Thanks to Congressman Ed Markey for that little factoid).

Meanwhile, the best story downplayed in the media continues to be:

OUR MEDIA

YESTERDAY morning FCC Chairman Michael Powell was all smiles, reassuring the viewers of CSPAN that he only wants the best for the American people, and that the new rule changes jammed through 3-2 by the Republican majority would not harm anyone. He even responded to a caller from Arkansas, a self-described progressive who denounced that measure, citing Berlusconi's media monopoly in Italy. Oh, said Michael, that couldn't happen here because one network can't own another. (Not mentioned was Viacom's con-

trol over CBS and UPN.) By afternoon, Powell's cocky smile was wiped right off his usually smug face.

It was then that we learned that a federal appeals court had stayed the imposition of his rules with an order that surprised everyone. They had the backbone to block the new rules for now until a court case can be heard. This was a major setback for Powell and the media companies whose bidding he does. Throughout the proceedings, he kept saying that the FCC had to act because if they didn't the federal courts would step in. Now, they have but not in the way he intended. Not surprising either was that so few media outlets were tracking the case. As Steve Labaton explains in the New York Times:

"The appeals court voted unanimously to prevent media companies from moving forward with plans to take advantage of the new rules. The court also raised tough questions for the commission and its industry supporters about their efforts to reshape the regulatory landscape. The new regulations are already facing a challenge in Congress, where legislators have taken steps to repeal some of them."

FCC "DISAPPOINTED"

THE court's order, however, blocks all of the new rules from taking effect, at least until the outcome of the litigation, which could be many months away. The order also raises questions about whether the rules will ever be allowed to take

effect.

What is so amazing about this is that the lawsuit was brought by small media groups and activists led by public interest lawyers like Andrew Schwartzman. Notes the Times:

“Given the magnitude of this matter and the public’s interest in reaching the proper resolution, a stay is warranted pending thorough and efficient judicial review,” the court concluded in the case, Prometheus Radio Project v. Federal Communications Commission. The groups that brought the case argued that they were likely to prevail in the end because Congress would probably overturn some of the new rules, and because the rules themselves are “arbitrary and capricious.” The FCC said it was surprised and “disappointed.”

GENERAL ELECTRIC TO BUY VIVENDI UNIVERSAL

THE New York Times is also calling, editorially this time for laws that might limit the impending acquisition of Universal Vivendi’s entertainment properties, a purchase that gives General Electric’s NBC even more media properties and power.

Writes the Times: “this deal raises a cautionary flag for the media regulators ostensibly guarding the public interest. (Note use of the word “ostensibly”— DS)” Instead of debating how many of their local affiliates networks should be allowed to own — an anachronistic concern — Congress and the F.C.C. need to consider new rules to foster creativity in the new media landscape. Some new variation on the “fin-syn” (for finance and syndicate) rules may be needed at a time when more of these media giants own their shows, and control their distribution over cable or satellite television.”

THE SIN OF FYN-SYN

THOSE Fin-syn rules give the networks more financial control over syndication. They were adapted after the Gulf war in 1991. The media companies then were lobbying the FCC for rule changes favorable to their interests. After the war, they got most of what they wanted. The quid pro then, as now, seems to have been uncritical war-boosting coverage.

And what will happen when and if NBC takes over. I hate to tell my daughter who works there but her job and the jobs of others are at risk. USA Today reports: “If the merger is finalized, which execs from NBC and Vivendi expect within the next month, NBC might lay off Vivendi entertainment staffers on the West Coast.” In a related story, as they say, the New York Observer reported that “Al Gore met with execs of Universal Television Group early this summer to discuss buying NewsWorld International, a small cable news channel owned by Universal.” NewsWorld is the only outlet that regularly rebroadcasts news from Canada, Japan, China, Mexico etc. Its loss will be a real loss.

WE HATE THE UN UNTIL WE NEED IT

ON the Iraq front, the US has now shifted policy and is asking, begging, pleading, imploring, cajoling, and buying foreign military support for the occupation in Iraq. It now wants the UN to play the very role it had been not allowed to play earlier although Washington wants the US in charge, a demand that may not go down well. And speaking of the UN:

The UN’s new chief inspector, according to an intelligence newsletter says, “The British govern-

ment's Iraq dossier "did not correspond with reality", the UN's chief weapons inspector said Monday, casting further doubts on its use to bolster Britain's case for going to war. The focus of the criticism was the government's intelligence claim that Saddam Hussein's regime was capable of deploying weapons of mass destruction within 45 minutes.

Dimitris Perricos, who replaced Hans Blix as the chief UN weapons inspector in Iraq two months ago, dismissed the intelligence as having no foundation in truth, according to The Independent. He also said that inspections found no evidence to support British and American accusations that Saddam possessed an arsenal capable of widespread death and damage. Meanwhile, former chief U.N. arms inspector Hans Blix felt Washington was intimidating him to produce reports that would justify military action in the run-up to the Iraq war, according to a Reuters report.

"WORKING THE PHONES"

SECRETARY of Defense Rumsfeld is out in on a tour of the colonies saying no new US troops are needed. Secretary of State is "working the phones" (That phrase again!) calling in military chits from countries we sell arms to and give aid to. Meanwhile Britain is upping its troop commitment. All the while, US officials give press conferences saying how well everything is going. One problem though:

The Congressional Budget Office reported that under current policies, the Pentagon would be able to sustain an occupation force of 38,000 to 64,000 in Iraq long-term, down from the existing 150,000 that a number of lawmakers said is not enough to confront the spiraling violence.

An outfit called Centurion, which provides pri-

vate security, reports on growing security threats even as US officials suggest threats are subsiding. Sample: There is an increase in kidnappings and ransom threats reported throughout Iraq. Forty reported kidnapping incidents have occurred in the last three months. Kidnappers are believed to be former regime security and intelligence personnel who have been targeting wealthy families for large sums of money. Victims have reported that they have been tortured and families warned that if they do not come up with the ransom the victim will be executed. The actual number of kidnappings is likely to be far higher than reported. Only Iraqi families have been reported to be targeted to date. There are, however, sufficient precedents in such circumstances for this threat to be taken seriously by all organizations operating in Iraq. International organizations, whether commercial or business, are likely to be seen as potential targets due to the relative wealth involved or back-up services being provided. It is therefore worth remembering that personnel not presenting a good security presence could be targeted."

CAN WE SELL YOU A BRIDGE?

SECURITY, not reconstruction, remains the priority. And how is that going? Listen to this great story from a female blogger in Iraq. Listen to this little anecdote:

"One of my cousins works in a prominent engineering company in Baghdad – we'll call the company H. This company is well-known for designing and building bridges all over Iraq. My cousin, a structural engineer, is a bridge freak. He spends hours talking about pillars and trusses and steel structures to anyone who'll listen. As May was drawing to a close, his manager told him that someone from the CPA wanted the company to

estimate the building costs of replacing the New Diyala Bridge on the South East end of Baghdad. He got his team together, they went out and assessed the damage, decided it wasn't too extensive, but it would be costly. They did the necessary tests and analyses (mumblings about soil composition and water depth, expansion joints and girders) and came up with a number they tentatively put forward – \$300,000. This included new plans and designs, raw materials (quite cheap in Iraq), labor, contractors, travel expenses, etc.

“Let's pretend my cousin is a dolt. Let's pretend he hasn't been working with bridges for over 17 years. Let's pretend he didn't work on replacing at least 20 of the 133 bridges damaged during the first Gulf War. Let's pretend he's wrong and the cost of rebuilding this bridge is four times the number they estimated – let's pretend it will actually cost \$1,200,000. Let's just use our imagination.

“A week later, the New Diyala Bridge contract was given to an American company. This particular company estimated the cost of rebuilding the bridge would be around – brace yourselves – \$50,000,000 !!” Hey, guys we have a bridge here in Brooklyn that we will sell you for less.

A MEDIA CHANNEL INVESTIGATION: DC 9/11

BACK now to part two of my investigative report on the making of docudrama that airs Saturday on Showtime called DC 911: TIME OF CRISIS, which purports to tell the story of how the Bush administration heroically handled the aftermath of the terror attacks. Particularly egregious is its dramatization of Bush's response on the morning of September 11th as he read a story about goats in Florida elementary school. The film pictures him as resolute while reporters and researchers

say he was, in fact, anything but. There is, of course, no mention of some twenty-plus warnings that the administration received prior to 9/11 or how it plans to capitalize on the memory of 9/11 at the upcoming Republican convention which will end at Ground Zero.

KARL ROVE GOES HOLLYWOOD

SO it was not surprising that in November 2001, Karl Rove turned to Sumner Redstone and other media company executives to mobilize Hollywood to help the government fight the War on Terror. (An earlier meeting in October of Hollywood creative types at the offices of a well connected entertainment law firm did not go well because those invited all had ideas but not the power to implement them.) Film director Lionel Chetwynd, with a long history of serving Republican causes was there.

Rove's next move was to go right to the top, but that seems to have failed. This time, as Variety's editor Peter Bart explained, “The industry's top leaders, including Viacom Inc. chairman Sumner Redstone and News Corp. chairman Rupert Murdoch, will assemble in Beverly Hills to hammer out a specific agenda for the entertainment industry to aid the fight on terrorism. The invitation stressed the nonpartisan nature of the meeting, while stressing the importance of launching an industry-wide effort to help the war effort.”

The Hollywood people feared government attempts to use them as propagandists. Disney's Bob Eisner made their point: “We're not going to set out to influence opinion in a manner that could in any way be construed as a propaganda effort backed by the administration.” But, writing in Toronto's Globe & Mail, Doug Saunders, saw

what most American critics did not:

“Why would they need bother? For many years, Hollywood’s most prominent products, its major studio films and TV series, have been almost indistinguishable from government-funded propaganda.” Rove disclaimed any propaganda intent. “That’s not our goal,” he said: “The industry decides what it will do and when it will do it. Content is off the table.”

“A DISASTER”

THIS meeting came and went. The industry “took the meeting” but little was decided. Nikki Finke of the LA Weekly investigated, quoting a longtime Democratic operative in the entertainment business.” “By all accounts, that first meeting was a disaster because the wrong people were in the room. Which is why you saw a follow-up meeting that attempted to bring in all the studios at a much higher level and engage in a more productive and meaningful dialogue.”

“This would mean Hollywood politics wasn’t at work; it was Hollywood elitism, which is worse. And this explains why the output of Hollywood 9/11 was so feeble. What a huge mistake to take this campaign out of the hands of creative people and into the maw of the infamous studio and TV-network systems known for skewering every new idea and slowing to a crawl all progress forward. “What do they mean ‘the wrong people’? The whole idea was inclusion, and that remark speaks to exclusion,” complained veteran screenwriter and director Lionel Chetwynd, a well-known Hollywood Republican and new appointee to the President’s Committee on the Arts and the Humanities. “It’s like they tried to fight a war with only generals and not ground troops.”

LIONEL CHETWYND TO THE RESCUE

CHETWYND offered to fight on the ground. He knew that abstract ideas do not sell as well as specific projects. It appears that afterwards Rove and Chetwynd decided that making a pro-Bush film would be easier than moving a hyper competitive industry that mostly focused on making money. In short what had been sold, as an effort to enlist Hollywood to win over public opinion overseas had become a film aimed at selling the Bush Administration at home.

Explains Saunders: “Lionel Chetwynd, the film’s creator, sees nothing untoward about his role as the semi-official White House apologist in Hollywood. For him, having a well-connected Republican create the movie was a way to get the official message around what he sees as an entertainment industry packed with liberals and Democratic Party supporters. I threw myself on the mercies of my friend Karl Rove.”

Rove knew his resume. He had produced TV movies and documentaries on POW’s at the Hanoi Hilton, Kissinger and Nixon, the Bicentennial, Eisenhower, Carl Foreman, Tom Clancy’s Net Force Bloody Winter, The Man Who Captured Eichmann, Ruby Ridge: An American Tragedy and the Bible. He also did a film on PT Barnum, a hustler of another era. He also did The Heroes of Desert Storm and was brought in to finish the Movie of the Week lionizing New York Mayor Rudy Giuliani after it was decided that the original script did not portray His Honor, The Emperor of New York, uncritically enough.

All of his films including his latest, a holocaust thriller about an American Schindler, Varian’s War, had questions raised about their accuracy. Not all

of Chetwynd's collaborations have won support either. Along with David Horowitz, another leftist turned rightist, he could have founded a fudge factory. Working with neo-con Horowitz, he executive produced a PBS series called National Desk for three seasons. It was lavishly funded by the Corporation for Public Broadcasting and PBS as sop to conservatives in Congress, ostensibly as "balance" to the allegedly left-wing Frontline. (Horowitz has since sued Chetwynd claiming he ripped him off of substantial monies that were due him.) During this period, PBS was refusing to support Globalvision's human rights series, which, ironically, was exposing human rights abuses in Saddam's Iraq.

SCAB?

DURING the Writers Guild Strike in 1988, Chetwynd led the campaign to call it off. The union considered him a scab.

In short, his credentials were perfect.

Rove gave Chetwynd the go ahead, and total cooperation and access beginning with a meeting with Bush at the ranch in Texas. It was then that the British-born and Canadian-raised Chetwynd, became an acolyte. "He took me through his nine days, and it was one of the most extraordinary experiences of my life to sit in the Oval Office with this man and listen to him explain what it was like." After that came other meetings with Donald Rumsfeld, Ari Fleisher, and Bush aide Andy Card.

ACT THREE: MAKING THE MOVIE

RICHARD von Busack of Silicon Valley's weekly newspaper described: "DC 9/11: Time of Crisis will follow the attack from the Washington, D.C., perspective, beginning with the attacks and

ending with George W. Bush's speech of revenge on Sept. 20. In what some might see as a disturbing blend of documentary and dramatic re-enactments, actual news footage of the Twin Towers and Pentagon attacks will be woven in with the drama of Bush's flights around the country on the fateful day and the comments he made as he went."

He also explains that, "DC 9/11: Time of Crisis is the first nondocumentary feature film lionizing a sitting president in 40 years. The last would have been 1963's PT 109, which recounted the wartime adventures of John F. Kennedy, based on his memoirs. It's a case of proven heroism vs. still-fresh actions and reactions that Americans remain divided about."

Chetwynd has denied charges his movie is propaganda "This isn't propaganda," he told the *The Washington Post*. "It's a straightforward docudrama. I would hope what's presented is a fully colored and nuanced picture of a human being in a difficult situation." Commented *London's Independent*: "The fact that it paints its subject in the best possible light at every turn certainly can't hurt the Bush cause, however. It is part of an emerging pattern whereby the anniversaries of 11 September are exploited as political advertisements for the Bush administration. This year it will be the airing of DC 9/11; next year, with just two months to go before the next presidential election, it will be the Republican National Convention in New York."

The film pictures Bush glowingly as a forceful leader, the way Chetwynd came to see him, Already a Bush backer, and contributor to his campaign, he soon became a groupie gushing about the President in the way the Ba'ath party used to genuflect before Saddam. "There's a warmth and a truth and a strength in him, and

you know it's there. Americans know it's there. That's the secret of his (public approval) ratings."

Well, maybe, but just in case, that public approval drops (as it has) soon there was a script, a production and a sale to-guess who?

Viacom.

And by making the film in Canada, Chetwynd, a booster of free market capitalism, benefited from government subsidies. As one reader commented to a Canadian website: 'Canadian tax dollars will be used to cover a good chunk of the bill Canada candidly opposed the war, but now its citizens have no choice but to aid and abet the Bush spin doctors in the aftermath. Blech!' Another wrote: "I don't trust the "press" to say anything disparaging about this at all. Faux News will use this as a propaganda piece rivaling anything Stalin or Mao could ever visualize."

As you would expect, Fox News is all over this film that relies on its coverage or a simulation thereof, to pace the story. Somehow it's unsurprising to learn that Chetwynd ran the script past a panel of Fox News faves like Fred Barnes, Charles Krauthammer and Morton Kondracke. Scenes considered "less than flattering" were dropped. With typical mediaspeak, Showtime's chief Jerry Offsey treats the film as if it is all about story, as its politics doesn't matter. "We found there was just a really good story to be told," he said.

The Canadian press has been far more critical of Chetwynd than the media in the US. Toronto Star columnist Linda McQuaig writes: "Lionel Chetwynd, the writer-producer of this heartily pro-Bush movie, is a kind of west coast David

Frum – a Canadian who has fully embraced the Bush revolution and even joined the administration (sitting on a White House arts committee)." It was Frum who coined the "axis of evil" phrase. He later wrote a revealing book about his time in the White House.

McQuaig contrasts the the entree provided to Chetwynd with the lack of availability of 9/11 documents: "This access is in stunning contrast to the short shrift the administration has given to serious attempts to investigate 9/11, including efforts by a joint Congressional inquiry, which was denied access to top officials.

"The White House is currently blocking publication of most of the inquiry's 800-page report. It is also putting roadblocks in the path of the National Commission on Terrorist Attacks, which Bush initially resisted establishing, but agreed to, under pressure from 9/11 families.

"Among the many questions needing answers: Why was the multi-billion-dollar U.S. military unable to muster any defense of the nation that day, not even sending U.S. fighters up to investigate the hijacked planes?

Peter Carlin of the Oregonian predicts that tapes of the show will be a big seller at the Republican National Convention "where they may well share shelf space with the military's self-produced video of the Jessica Lynch rescue and Bush's own "Top Gun" appearance, via jet fighter, on the USS Abraham Lincoln."

TOMORROW: THE INTERESTS OF VIACOM, OWNERS OF SHOWTIME, WHICH AIRS THE FILM SATURDAY

