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Off the Record: The Press, the Government, and the War over Anonymous Sources

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Off the Record: The Press, the Government, and the War over Anonymous Sources Norman Pearlstine When Norman Pearlstine—as editor in chief of Time Inc.—agreed to give prosecutor Patrick Fitzgerald a reporter's notes of a conversation with a "confidential source," he was vilified for betraying the freedom of the press. But in this hard-hitting inside story, Pearlstine shows that "Plamegate" was not the clear case it seemed to be—and that confidentiality has become a weapon in the White House's war on the press, a war fought with the unwitting complicity of the press itself.

Watergate and the publication of the Pentagon Papers are the benchmark incidents of government malfeasance exposed by a fearless press. But as Pearlstine explains with great clarity and brio, the press's hunger for a new Watergate has made reporters vulnerable to officials who use confidentiality to get their message out, even if it means leaking state secrets and breaking the law. Prosecutors appointed to investigate the government have investigated the press instead; news organizations such as *The New York Times* have defended the principle of confidentiality at all costs—implicitly putting themselves above the law. Meanwhile, the use of unnamed sources has become common in everything from celebrity weeklies to the so-called papers of record.

What is to be done? Pearlstine calls on Congress to pass a federal shield law protecting journalists from the needless intrusions of government; at the same time, he calls on the press to name its sources whenever possible. *Off the Record* is a powerful argument with the vividness and narrative drive of the best long-form journalism; it is sure to spark controversy among the people who run the government—and among the people who tell their stories.
Norman Pearlstine, editor in chief of *Time Inc*. from 1995 to 2005, was previously the managing editor of *The Wall Street Journal*; he trained as a lawyer before making his career as a journalist. He is now a senior adviser to the Carlyle Group. He lives in Manhattan.
When Norman Pearlstine—as editor in chief of *Time Inc*.—agreed to give prosecutor Patrick Fitzgerald a reporter's notes of a conversation with a "confidential source," he was vilified for betraying the freedom of the press. But in this hard-hitting inside story, Pearlstine shows that "Plamegate" was not the clear case it seemed to be—and that confidentiality has become a weapon in the White House's war on the press, a war fought with the unwitting complicity of the press itself.

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spark controversy among the people who run the government—and among the people who tell their stories. "Mr. Pearlstine's central argument is compelling, particularly his contention that when a news outlet has fought a First Amendment case all the way to the Supreme Court and lost, continued resistance amounts to defying the entire legal system, a choice that should be reserved for truly extraordinary causes. 'No one is above the law and that includes publishers,' he writes."—**William Powers, *The New York Times***
"Back in the summer of 2005 it was no fun being Norman Pearlstine. As editor in chief of Time Inc., he had been battling Patrick J. Fitzgerald, the tenacious special prosecutor investigating the Valerie Wilson case . . . Mr. Pearlstine took the case all the way to the Supreme Court, which early that summer declined to review it. Having thus exhausted all legal remedies, he faced a stark choice: He could continue resisting—meaning jail time for Mr. Cooper and costly fines for Time Inc.—or wave the white flag. In a decision he described at the time as 'the most difficult I have made in more than 36 years in the news business,' Mr. Pearlstine gave in, turning over Mr. Cooper's notes (against the reporter's wishes) and other files Mr. Fitzgerald had requested. The media class was stunned . . . *Off the Record* is Mr. Pearlstine's effort to defend his choice. This is no easy trick. Media bigs are not a very sympathetic class to begin with. And despite the professional and social price Mr. Pearlstine paid for the decision, by complying with the subpoenas it really did appear he had taken the easy way out, sparing himself and his company a lot of trouble and expense . . . Along the way he traces the evolution of Time Inc.'s legal strategy, which sounds boring but isn't. His many years as a reporter and editor for The Wall Street Journal are evident in the clean, engaging way he tells such back-room tales as his decision to dump the renowned First Amendment lawyer Floyd Abrams (who, in addition to representing Time Inc. and Mr. Cooper, also represented Judith Miller, then a reporter for The Times, in the Wilson affair) . . . Pearlstine's central argument is compelling, particularly his contention that when a news outlet has fought a First Amendment case all the way to the Supreme Court and lost, continued resistance amounts to defying the entire legal system, a choice that should be reserved for truly extraordinary causes. 'No one is above the law and that includes publishers,' he writes."—**William Powers, *The New York Times***

"'I was born to be a lawyer,' writes Norman Pearlstine in one of the autobiographical chapters to his fascinating book . . . *Off the Record* is a terrifically candid and genuinely fascinating book by a shrewd and vastly experiences journalist."—**Tim Rutten, *Los Angeles Times***

"This is a brutally honest, tough, savvy, and absolutely riveting book. Norman Pearlstine gives us the behind-the-scenes narrative of the Valerie Plame case and uses it to reexamine the rules of engagement between reporters and sources. With his deep knowledge of journalism and the law, he is the perfect person to write such a book. The result is a gripping and surprisingly candid narrative as well as a provocative analysis of a topic critical to the future of journalism and democracy."—**Walter Issacson, president of the Aspen Institute and author of *Einstein***

"Norman Pearlstine pulls no punches on either journalism or law in this fascinating book. He tells us what really happened in the Valerie Plame-Scooter Libby imbroglio, and the

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Pablo Cook:

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