



But Is It News?

The *New York Times* and the International Freedom Center¹

On June 7, 2005, the *Wall Street Journal* published an op-ed—an opinion piece—blasting the proposed International Freedom Center (IFC), a museum to be established alongside a memorial at the site of the World Trade Center.² The op-ed’s author was Debra Burlingame, whose brother had piloted the plane that was crashed into the Pentagon on September 11, 2001. Her piece characterized the IFC as an expression of liberal propaganda that would dishonor victims by lumping them with victims of slavery, Nazism, Soviet gulags, and so forth. In her view, this detracted from the memory of 9/11 and injected politics into the memorial because it implied that the attacks were merely part of a larger picture of global and historic repression—sometimes by Americans. Burlingame, a board member of the World Trade Center Memorial Foundation, claimed that the people behind the IFC were a “Who’s Who of the human rights, Guantanamo-obsessed world.”³

To the extent that the IFC had caused controversy prior to June 7, it had played out in private. But Burlingame’s article triggered a charged, public debate. Here was a cable-news-ready battle in the so-called culture war over what constituted patriotism. Conservatives seized on Burlingame’s charges, citing the IFC as an egregious example of an anti-Americanism prevalent, in their view, since the 2001 terrorist attack. A conservative blogger formed a website, Take Back the Memorial, that began collecting signatures for a petition urging government officials to pull the plug on the IFC. Jeff Jarvis—a widely read blogger and self-described liberal who had survived the attacks on the World Trade Center—joined the anti-IFC campaign, enhancing its credibility.

¹ This case was written from secondary sources. All thoughts attributed to those quoted come from their own writings or can be imputed from those writings. The case is an educational tool, intended as a vehicle for classroom discussion.

² Debra Burlingame, “The Great Ground Zero Heist,” *Wall Street Journal*, June 7, 2005, p. A14. For full text of the op-ed, see Appendix 1.

³ Debra Burlingame, “The Great Ground Zero Heist.”

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In response, IFC President Richard Tofel wrote a June 9 op-ed for the *Wall Street Journal*.⁴ Tofel argued that the IFC would bring “a universal ‘narrative of hope’ to a place where hope is imperative.” The IFC will not, he wrote, “tell people what to think, but... get them to think—and to act in the service of freedom as they see it. And it will always do so in a manner respectful of the victims of September 11.” Tofel also made two appearances on the right-leaning Fox News.

A New York City-centered controversy, the story was a natural fit for the *New York Post*, a tabloid with a conservative editorial page. On June 9, the *Post* wrote a news story about Burlingame’s op-ed with the headline, “WTC Shrine ‘Hijack’—Sister of Tragic Sept 11 Pilot Calls Site Museum a ‘Blame U.S.’ Mess.” *Newsday* also covered the story in its June 10 news pages, pegging it to the comments of Congressman Peter King (R-NY), who had come out against the IFC after reading Burlingame’s piece.

The emerging controversy posed a dilemma for the *New York Times*—arguably the country’s most influential newspaper, one that prided itself on being “the paper of record,” a non-sensational, mainstream publication. The question: Was it news? Burlingame clearly had an agenda—to stir opposition to the IFC on ideological grounds. Should the *Times* become party to the fracas she had created? Burlingame’s opposition to the IFC was not in itself news. The *Times* did not typically write about opinions expressed in other publications. Furthermore, it was far from clear whether many, let alone most, of the tens of thousands of 9/11 family members and survivors shared Burlingame’s views. But was the intensive debate she had sparked in itself newsworthy? As a Memorial Foundation board member, Burlingame was a legitimate player in the wider discussion over what to build at Ground Zero.

As editors at the *Times* decided whether to cover the story, they also considered how to cover it. The paper could write a “he said/she said” story that represented the competing arguments. That was what both the *Post* and *Newsday* had done. Or it could assess the validity of arguments on either side. This approach, however, threatened to enmesh the paper in a cultural battle that was perhaps better left alone. By engaging, would the *Times* be playing into Burlingame’s hands, giving her publicity and letting her shape the public conversation?

The IFC

Burlingame’s piece in the *Wall Street Journal* surprised even her allies. Until that point, their concerns, expressed privately to the IFC’s organizers, had focused on its prominence. The IFC was a museum, part of a complex that would also include a memorial and another museum focused exclusively on September 11. The memorial would be underground and occupy 100,000 square feet. The aboveground cultural complex—housing the IFC as well as the Drawing Center

⁴ Richard Tofel, “A Fitting Place at Ground Zero,” *Wall Street Journal*, June 9, 2005, p. A16. For full text of the op-ed, see Appendix 2.

(an art gallery)—would take up 250,000 square feet. Opponents feared that the IFC would pull attention, visitors, and fundraising dollars away from the memorial and the related museum. (They were not the only people with concerns about its size. Envisioned by planner Daniel Libeskind as both a gateway to the memorial and a buffer against the nearby office towers, the complex would, said some critics, block both light and the view.)

While the form the memorial would take had for years attracted intense public debate, the IFC itself had generated little opposition. It was the brainchild of Thomas Bernstein, a businessman who had made millions investing in movies. He was also co-founder of the Chelsea Piers sports and entertainment complex in Manhattan; board president of [Human Rights First](#)—a non-profit human rights advocacy group focused on refugees and civil liberties based in New York and Washington; and an executive committee member of the US Holocaust Museum. He and President George W. Bush had at one time co-owned the Texas Rangers professional baseball team, and remained friends. He had raised at least \$100,000 for Bush's presidential campaign, and spent the night at the White House.

Bernstein conceived the idea for the IFC in late 2001. He envisioned it as a celebration and exploration of freedom, focused on the perpetual human struggle for freedom throughout history and around the globe. He was not sure what the IFC would contain, but tentative ideas included “a gallery devoted to the world's sympathetic response to the attacks, an exhibition on freedom-related political documents like the Declaration of Independence, and a salute to freedom fighters around the world.”⁵

New York Governor George Pataki and Lou Thomson, then-head of the Lower Manhattan Development Corporation (LMDC) created to govern development at Ground Zero, approved Bernstein's concept (which he pitched with his partner, Peter Kunhardt, co-creator of the PBS series *Freedom: A History of Us*). To sit on the IFC board of directors, Bernstein recruited an ideologically diverse group that included former Soviet dissident Natan Sharansky, Holocaust Museum Director Sara Bloomfield, and Richard Norton Smith, who had headed the libraries of various Republican presidents. Bernstein also assembled planning and advisory committees stocked with dozens of academics, activists, writers, and political figures. The committees included both liberals like Anthony Romero, executive director of the American Civil Liberties Union, and conservatives like John Raisian, director of the Hoover Institution.

Over the next couple of years, planning for the IFC proceeded, but details were few. In July 2004, the *New York Times* published an article with the headline, “Freedom Center Is Still a Somewhat Vague Notion.”⁶ It quoted Bernstein, who said, “We're still a work in progress. We've got a strong concept, a strong team, and a lot of work to do.” The IFC, he added, would focus on “different parts of the world transitioning from tyranny to freedom.” The article cited one possible

⁵ Robert Kolker, “The Grief Police,” *New York Magazine*, November 20, 2005.

⁶ Robin Pogrebin, “Freedom Center is Still a Somewhat Vague Notion,” *New York Times*, July 24, 2004, p. E1.

exhibit where “visitors would walk through prison cells representing those that housed Susan B. Anthony, Mother Jones, the Rev. Dr. Martin Luther King Jr., Nelson Mandela, Vaclav Havel, and Natan Sharansky.”

What little opposition there was came from the left. Whether because of Bernstein’s relationship with President Bush, or because of the generic, pro-freedom rhetoric of the IFC planners, some feared that it would convey a flag-waving, U.S.-first message. Dawn Peterson, an NYU grad student whose brother was killed in the attacks on the World Trade Center, worried that the IFC “would trace the familiar liberal progression of American exceptionalism.”⁷ The July 2004 *Times* piece noted that Bernstein sought to reassure critics on the left by saying that the IFC wasn’t, in the *Times*’s words, “an arm of the Bush administration or a place of pro-American propaganda.”

In October 2004, the board named Richard Tofel, a lawyer and former Dow Jones executive, as IFC president. On May 16, 2005, the LMDC formally informed its Family Advisory board about the plans for Ground Zero—plans that had been public for months. Some of the people on the board were alarmed. Monika Iken, who had lost her husband in the attacks, said:

When you see how [the cultural building] looks on a big screen next to the memorial, it really takes away from the memorial. That’s when we were like, “Wait a minute, that’s not what we wanted. I mean, first of all, you’re encroaching on our memorial. Our memorial needs to stand alone. And then you’re banking on our visitors to substantiate your institution going forward,” because they’re gonna charge money to get in there. And that’s when the chaos began.⁸

On May 19, the LMDC unveiled the design for the IFC, and an IFC newsletter described the museum. The IFC would play a “leading role in the Memorial’s mission to ‘strengthen our resolve to preserve freedom, and inspire an end to hatred, ignorance and intolerance.’”⁹ The exhibition space would tell “freedom’s story.” The only potential exhibit the newsletter mentioned was:

A “Freedom Walk”—offering visitors a multimedia collage of some of freedom’s most inspiring moments, interwoven with deeply moving and unequalled views of the Memorial—as well as a set of galleries offering compelling and thought-provoking treatments of great freedom issues and stories from around the world, throughout the ages and up to the moment.

⁷ Alisa Solomon, “Memorial Chauvinism,” *The Nation*, September 8, 2005

⁸ Robert Kolker, “The Grief Police.”

⁹ “An Overview of the International Freedom Center,” *International Freedom Center News*, May 2005.

Its Educational and Cultural Center would “nurture a global conversation on freedom in our world today.” Its Civic Engagement Network would provide visitors “opportunities to act in freedom’s service in their own communities and around the world.”

Not everyone liked the sound of the IFC plans. One person who didn’t was Debra Burlingame. She set out to voice her opposition.

Debra Burlingame

On June 2, Burlingame met with IFC creator Bernstein, his partner Kundhardt, and the museum’s president, Tofel. With her was fellow Memorial Foundation board member Lee Ielpi, who was also opposed to the IFC. Burlingame had become an activist in the wake of 9/11, when her brother Charles F. “Chic” Burlingame III died piloting American Airlines flight 77, which was crashed into the Pentagon. A former producer for Court TV, Ms. Burlingame used her contacts to set up TV appearances for herself and other family members. Their purpose, Burlingame said, was to explain who her brother was and to stress that he would have done everything in his power to fight off the terrorists. She also had a political goal:

[A]ll my efforts are focused not on memorializing my brother, but, in his name doing what I can to contribute to what I believe will be the fight of our lives, the war against terrorism.¹⁰

A registered Democrat, Burlingame came to admire President Bush in the wake of 9/11 and frequently spoke out on his behalf. When some 9/11 family groups objected to Bush’s use of images from Ground Zero in campaign commercials, she came to his defense and argued that the complaints were political:

I suspect that the real outrage over the ads has more to do with context than content. It’s not the pictures that disturb [these groups] so much as the person who is using them.¹¹

Initially, Burlingame strongly supported the efforts of victims’ families—led by the so-called “Jersey girls,” widows of 9/11 victims—to hold the government accountable for lapses leading up to 9/11. The sign that she held at one rally said, “The men who murdered my brother were listed in the San Diego phone book.” But she came to see the effort as overly partisan, an attempt to inflict political damage on President Bush. She argued that Kristen Breitweiser and the other Jersey Girls were inoculated from criticism:

People held back from criticizing the relatives because of who they were.
But what’s happening is that this prominent group of activists have

¹⁰ Shawn Cohen, Pilot’s Death Leads to Sister’s Crusade, *The Journal News*, December 30, 2003, p. 1A.

¹¹ Matthew Continetti, “How to Stage a Controversy,” *The Weekly Standard*, March 22, 2004.

become the rock stars of grief in this country. I think people are getting sick of them because they are being so demanding. I can say it because I'm a relative too.¹²

Taking the initiative, Burlingame co-founded her own group, 9/11 Families for a Safe & Strong America. She debated Breitweiser several times on cable news shows about terrorism issues. She championed President Bush's hawkish approach to Iraq and echoed many White House arguments, claiming, for example, that Saddam Hussein and Al-Qaeda were allied. Burlingame spoke at the 2004 Republican National Convention in New York.

At the June 2005 meeting with Bernstein and others, Burlingame and Ielpi expressed their concerns about IFC's prominence at Ground Zero. "It was very collegial," Tofel said, continuing:

At the end, she handed out pictures of her brother as a boy, holding a model plane. We left knowing we had these two people on the board who had issues, but we were going to talk.¹³

Tofel had no way of knowing that Burlingame had already submitted an op-ed to the *Wall Street Journal*.

The Op-Ed

Burlingame's June 7 piece criticized the IFC on ideological grounds. "Ground Zero has been stolen, right from under our noses," she wrote. "How do we get it back?" She claimed that the IFC would provide "a slanted history lesson, a didactic lecture on the meaning of liberty in a post-9/11 world," a "heaping foreign policy discussion over the greater meaning of Abu Ghraib," and:

A high-tech, multimedia tutorial about man's inhumanity to man, from Native American genocide to the lynchings and cross-burnings of the Jim Crow South, from the Third Reich's Final Solution to the Soviet gulags and beyond.

She used the heart of the piece to criticize individuals affiliated with the IFC. Her targets included George Soros, a billionaire businessman and activist who was only marginally involved with the IFC, and Bernstein. While Soros was a well-known foe of conservatives, Bernstein—as a friend and former business partner of President Bush—was a more elusive target. Burlingame focused on Bernstein's role as president of Human Rights First. This, she said, was "his true calling... as an activist lawyer in the human rights movement." The government, she wrote, was:

¹² Julie Coman, "Families of 9/11 are the 'rock stars of grief,' says sister of Pentagon Pilot," *Sunday Telegraph*, June 27, 2004, p. 25.

¹³ Robert Kolker, "The Grief Police."

Handing over millions of federal dollars and the keys to that building to some of the very same people who consider the post-9/11 provisions of the Patriot Act more dangerous than the terrorists that they were enacted to apprehend—people whose inflammatory claims of a deliberate torture policy at Guantanamo Bay are undermining this country's efforts to foster freedom elsewhere in the world.

No one affiliated with the IFC had said that the museum would examine the causes of 9/11, or blame the United States for the attack. The statements of IFC officials suggested that exhibits would present 9/11 as part of an ongoing struggle between freedom and tyranny. Nonetheless, in her op-ed Burlingame depicted the IFC as a pet project of America-haters. She wrote, “The so-called lessons of September 11 should not be force-fed by ideologues hoping to use the memorial site as nothing more than a powerful visual aid to promote their agenda.”

Although Burlingame’s line of argument may have surprised her allies, they readily adopted it. “She articulated the strategy,” said Charlie Wolf, whose wife had been killed in the attacks, “and we all participated in it, to let the public know about it so it would become a political issue.”¹⁴ What had been a prosaic, behind-the-scenes debate about square footage now became, thanks to Burlingame’s op-ed, a full-fledged battle. Said *New York* magazine:

She’d tapped into culture politics, artfully associating the IFC with liberal intellectuals, the antiwar movement, and the p.c. police. This was no longer just a local development fight. Now it was a struggle between down-home blue-collar American values and the self-loathing predilections of the liberal cultural elites—a red-state-blue-state battle.¹⁵

Reaction on the Right

Burlingame hooked into a powerful network of right-wing media. On the morning that her op-ed was published, she went on the *Bill Bennett’s Morning in America* radio program, hosted by the conservative pundit and author who had been secretary of education and “drug czar” under President George H. W. Bush. By the end of the day several of the most heavily trafficked right-wing blogs—including *Powerline*, *Little Green Footballs*, *Roger L. Simon*, and *Michelle Malkin*—had taken up the cause.

Malkin, best known for a book defending the internment of Japanese Americans during World War II, put up a June 7 post saying that Burlingame had:

¹⁴ Robert Kolker, “The Grief Police.”

¹⁵ Robert Kolker, “The Grief Police.”

Blown the whistle on George Soros and other human rights zealots who are trying to turn Ground Zero into a blame-America monument.... This abomination needs to be nipped in the bud. Now.¹⁶

Bernstein's friendship with President Bush didn't jibe with the IFC opponents' storyline, and most did not acknowledge it. But Malkin mentioned it in her syndicated column on June 8, saying it "gives cover to his radical activism as president of Human Rights First."¹⁷

Malkin and the other bloggers linked to each other's posts and to a podcast of Burlingame's interview with Bennett. They also promoted the just-formed Take Back the Memorial [website](#). The site's creator, conservative blogger Robert Shurbet, described it as "an online voice for all those who believe that Ground Zero is no place for politics." It rapidly became a hub for opponents of the IFC and joined forces with Burlingame's 9/11 Families for a Safe & Strong America. The Take Back the Memorial website contained a petition directed at Governor Pataki, Mayor Michael Bloomberg, and the Lower Manhattan Development Corporation. It read:

We, the undersigned, believe that the World Trade Center Memorial should stand as a solemn remembrance of those who died on September 11th, 2001, and not as a journey of history's "failures" or as a debate about domestic and foreign policy in the post-9/11 world. Political discussions have no place at the World Trade Center September 11th memorial, and the International Freedom Center honors no one by making excuses for the perpetrators of this heinous crime. The memorial should be about what happened that day, about the brave heroes who risked their lives so selflessly, and about the innocent lives that were lost... nothing more.¹⁸

The campaign found a valuable ally in Jeff Jarvis, a well-known columnist and TV critic who had created *Entertainment Weekly*. He had been one of the first to report on the World Trade Center attacks, having arrived on the scene just moments after the first tower was struck. Jarvis—who described himself as both a liberal and a "post-9/11 hawk"—maintained a blog called *BuzzMachine*. Many right-wing blogs linked to a June 8 Jarvis post that included a passage written from the point of view of a person killed at Ground Zero. "On my grave," Jarvis wrote, "please do not build a memorial to the mistakes of my neighbors and ancestors. Don't stand on the grass above me and flagellate. Just let me lie there in peace, please."¹⁹

The furor received further publicity from CNN, when on June 10 reporter Jacki Schechner quoted Jarvis' statement during a segment on the afternoon political roundup program, *Inside*

¹⁶ Michelle Malkin, "The Soros-ization of Ground Zero," *Michelle Malkin*, June 7, 2005.

¹⁷ Michelle Malkin, "The Desecration of Ground Zero," *Jewish World Review*, June 8, 2005.

¹⁸ Take Back the Memorial petition, *Take Back the Memorial*.

¹⁹ Jeff Jarvis, "Using the Innocents," *BuzzMachine*, June 8, 2009.

Politics. In the same segment, Producer Abbi Tatton noted the anti-IFC activism of 9/11 Families for a Safe & Strong America (but didn't mention that it was Burlingame's group). "It's a rallying cry," Tatton said. "They really don't want this to happen."²⁰

The IFC Response

The outcry was loud enough to force the museum's organizers to respond. They did so on June 9, when IFC president Tofel published an op-ed in the *Wall Street Journal*. Tofel first addressed concerns about the IFC's prominence. He said that the sunken memorial, "Reflecting Absences," would "dominate the site, and provide its soul." He also pointed out that the Memorial Center—a separate museum focusing exclusively on September 11 and containing its "iconic artifacts"—would have "exhibit space roughly equal in size to that of the International Freedom Center." The IFC, he said, would "complement" the memorial.

Quoting figures such as Abraham Lincoln and the second President Bush, Tofel emphasized the importance of freedom and depicted 9/11 as part of a worldwide struggle against oppression. He cited Martin Boudou, the Czech Republic's ambassador to the US and one of the "scholars of freedom" advising the IFC:

9/11 is a story of courage, hope, and freedom: the courage to make the decision to go into the buildings to save someone, the hope to start anew after disaster, the wish to base our society on free will in the context of a pluralistic public sphere. It was a moment of truth in the story of freedom, and it connects the United States with democratic revolutions around the world, which share this quality of believing in the possibility of new beginnings.²¹

Tofel said the IFC would be "devoted to advancing the cause of freedom," but acknowledged that people defined that in different ways:

To be sure, the International Freedom Center will host debates and note points of view with which you—and I—will disagree. But that is the point, the proof of our society's enduring self-confidence and humanity. Moreover, the International Freedom Center will rise above the politics of the moment. It will not exist to precisely define "freedom" or to tell people what to think, but to get them to think—and to act in the service of freedom as they see it. And it will always do so in a manner respectful of the victims of September 11.²²

²⁰ *Inside Politics*, CNN, June 10, 2005.

²¹ Richard Tofel, "A Fitting Place at Ground Zero."

²² Richard Tofel, "A Fitting Place at Ground Zero."

Tofel made no effort to directly refute Burlingame's charges; this, said *New York* magazine, "only opened the door for the IFC's foes to brand him a dissembler."²³ But as *New York* also pointed out, Tofel had the task of defending an institution that didn't yet exist, and whose mission was still nebulous. While there was no proof that the claims of critics were true, nor was there tangible proof that their claims were false. "Bernstein and Tofel knew the IFC wasn't left wing," said *New York*, "but how can you prove a negative?"²⁴

Further complicating matters for the IFC, one of Burlingame's primary charges—that the IFC would focus on "man's inhumanity to man"—was not false, but misleading. Oppression would, in fact, be a subject of the IFC, but while the museum would focus on the effort of freedom-fighters to overcome it, Burlingame emphasized the oppressors. In any case, it was unlikely that even the most powerful, or obsequious, defense would have mollified critics. Charles Johnson of the blog *Little Green Footballs* wrote:

After reading Tofel's "nothing up my sleeve" column, I'm more convinced than ever that this memorial will be a complete travesty, and a disgrace to the memories of 3,000 murdered people.²⁵

The New York City press

Some of the New York City media picked up on Burlingame's charges. On June 9, the *New York Post* reported on her op-ed in its news pages under the headline "WTC Shrine 'Hijack'—Sister of Tragic Sept 11 Pilot Calls Site Museum a 'Blame U.S.' Mess," accompanied by a sketch of the prospective IFC. "Burlingame said she is upset that the Freedom Center will take up 300,000 square feet above ground at the trade center site, while the memorial itself... is allocated just 50,000 square feet, below ground," the *Post* wrote.²⁶ (This was an error: The actual numbers were 250,000 and 100,000, respectively.) Under the subheading "Hall of Shame," the article listed the five planners and advisors targeted by Burlingame. The *Post* did not point out that conservatives were also involved with the project.

The *Post* piece did quote two people affiliated with the IFC, including one of its directors, John Bridgeland, who had recently served in the Bush administration. "We've have [sic] made such a strong effort to keep this nonpartisan," he said. The *Post* also interviewed IFC advisor Eric Foner—a Columbia professor Burlingame charged with participation in a teach-in against the Iraq war where a colleague had called for "a million Mogadishus." Foner told the *Post* that he had "actually condemned the speaker for those comments." Finally, the *Post* quoted Gretchen Dykstra,

²³ Robert Kolker, "The Grief Police."

²⁴ Robert Kolker, "The Grief Police."

²⁵ Charles Johnson, "IFC Responds to Ground Zero Memorial Outrage," *Little Green Footballs*, June 9, 2005.

²⁶ Dan Mangan, "WTC Shrine 'Hijack'—Sister of Tragic Sept. 11 Pilot Calls Site a 'Blame U.S.' Mess," *New York Post*, June 9, 2005, p. 8.

president of the Memorial Foundation, who mildly observed that “we have every confidence that [the IFC] will maintain its neutrality and its impartiality as it helps people reflect on 9/11.”

The following day, June 10, *Newsday* wrote about Burlingame’s op-ed, citing the remarks of Republican New York Congressman King. After reading Burlingame’s op-ed and hearing from colleagues in Congress who had also read it, King vowed to get IFC officials to change their plans. “Gettysburg should be about Gettysburg and a 9/11 memorial should be about 9/11,” King said.²⁷ The article also quoted IFC President Tofel, who said that the content of the museum “is not final,” and that history’s horrors have a place in a discussion of freedom. “We will tell the story of the Nazi Holocaust but will also be telling the story of the greatest generation that defeated the Nazis,” he said. Unlike the *Post*, *Newsday* spoke to a victim’s relative who supported the IFC. Tom Roger, whose daughter was a flight attendant on Flight 11, said the IFC needed to be seen in conjunction with the memorial and the memorial museum.

Fox News Covers the Story

For a week, the story continued to percolate. It seemed tailor-made for the Fox News Channel, which often covered cultural battles pitting “real Americans” against “liberal elitists.” On the June 14 *Your World with Neil Cavuto*, Cavuto interviewed first Burlingame, then Tofel. Cavuto asked Tofel if the IFC would include stories about atrocities committed by Americans, and his response—“atrocities is such a loaded word”—reverberated throughout the conservative blogosphere. Afterward, Cavuto offered his own commentary:

There are plenty of museums dedicated to other issues. Let this one focus on “this” issue: nearly 3,000 innocent people slaughtered. Doing anything else disgraces their memory and makes lunacy of their loss. It would be like asking the Jews to build a museum dedicated to better understanding the Nazis—why they hated them and why they ended up gassing them by the millions. Stop it and wake the hell up.²⁸

One of the IFC’s PR problems was that Tofel, not a 9/11 family member, was its public face. Although the IFC had a newly-composed advisory board of 9/11 family representatives (hastily assembled in response to the furor over Burlingame’s op-ed), it was Tofel who on June 21 went on Fox News’ morning show, *Fox & Friends*, to debate Burlingame. They had a heated discussion, but the topic on that night’s top-rated *The O’Reilly Factor* was the altercation that had allegedly taken place afterward. *Fox & Friends* anchor Richard Kilmeade told Bill O’Reilly that Tofel had patted Burlingame on the back and sarcastically said, “Nice try,” bringing her to tears. Said Kilmeade:

²⁷ William Murphy, “Furor Over Focus of WTC Memorial,” *Newsday*, June 10, 2005, p. A5.

²⁸ *Your World with Neil Cavuto*, Fox News Channel, June 14, 2005.

I don't think it was meant for me to hear. So I asked her as she started crying again, "What did he just say to you?" She said he said, "'Nice try.'" I thought he patted her way too hard, as well. So I quickly followed him to the green room. And I said, "What are you doing?" He said, "You don't know the whole story." I go, "All I know is you should not be talking to her like that and don't touch her again. It's totally inappropriate." And he said—just sat there and stared. And then a few people jumped in between us.²⁹

Whether or not the anecdote was accurate, the image was powerful: An IFC official had bullied a woman whose brother had been killed on 9/11.

Cover it now?

By June 15, the story had snowballed to the point that the *New York Times* had to consider whether or not to report on Burlingame's op-ed piece. In just a week, fueled by television coverage, the dispute between Burlingame and the IFC had risen from the local to the national level. But it was still essentially a story about one person's opinion, an opinion provocatively expressed precisely to generate publicity. Editors debated whether to report it and, if so, how.

New York Times. The *New York Times* played a unique role in American journalism. Although with the rise of cable news and the Internet, the *Times* had arguably become less powerful, it still helped to shape which stories other outlets covered and how they covered them. To a large—and, some would argue, disturbing—degree, an occurrence was not news until the *Times* covered it. To make it into the *Times*, stories generally had to meet a high threshold. Did the Burlingame op-ed, either by itself or in conjunction with the campaign it triggered, meet that threshold? If reporting revealed Burlingame's charges were false or exaggerated, would that make the story more newsworthy, or less?

9/11 Families. Coverage in the *Times*—even critical coverage—was valuable. A Potemkin village of a movement could, with the help of *Times*-generated publicity, become a genuine movement. So editors had to determine: Did Burlingame have a constituency? Was there, beneath her claims, a sentiment shared by a significant number of citizens, particularly those who had lost family members on 9/11? The 9/11 families were hardly monolithic. For one, their number was vast, as *New York* magazine pointed out:

The attacks on the World Trade Center and the Pentagon left us with a total of 2,933 people recorded dead. Liberally speaking, that could mean that as many as 10,000 or 15,000 parents and children and siblings might

²⁹ *The O'Reilly Factor*, Fox News Channel, June 21, 2005.

be inclined to stay involved in the rebuilding of ground zero—this, not including the thousands of survivors of the attacks, the dozens of first responders who made it out alive, and all their families.³⁰

No single person or group could speak for this many people. Some, but far from all, aligned themselves with one or more of the 20-plus groups representing family members. Sometimes these groups worked together; other times they worked at cross-purposes. For example, one active contingent of 9/11 family members believed there should be nothing at Ground Zero except a memorial—no commercial or cultural activity.

But there was evidence that a considerable number of 9/11 families opposed the IFC. In June 2005, Families of September 11—which was neutral in the battle over the IFC, and whose vice president Tom Roger supported it—commissioned a poll that found that 41 percent supported the IFC and 50 percent opposed it. The poll was hardly conclusive—it had a margin of error of 9.8 percentage points—but it suggested, at the very least, that Burlingame had plenty of company.

The Narrative of 9/11

Times editors also had to consider the political and ideological context for Burlingame's op-ed. The effort to define what had happened on 9/11 began while Ground Zero was still smoldering. On the afternoon of September 11, George Bush said, "Freedom itself was attacked this morning by a faceless coward, and freedom will be defended." That night in a televised address, he said, "America was targeted for attack because we're the brightest beacon for freedom and opportunity in the world." A few days later, Bush vowed to "rid the world of evil-doers."

This was the storyline advanced by the White House, as well as most pundits and journalists: Evil cowards had attacked the country because they hated American values. In the weeks after 9/11, few prominent public figures offered a different interpretation, and those who did were reviled. Susan Sontag came under fire both for a *Ms.* piece challenging the notion that the hijackers were cowards, and for a *New Yorker* article that said:

Where is the acknowledgment that this was not a "cowardly" attack on "civilization" or "liberty" or "humanity" or "the free world" but an attack on the world's self-proclaimed superpower, undertaken as a consequence of specific American alliances and actions.³¹

Critics of Bush Administration policy often paid a price. Six days after the attacks, on his ABC network show *Politically Incorrect*, comedian Bill Maher said that Americans were the cowards for "lobbing cruise missiles from 2,000 miles away."³² In response, White House Press

³⁰ Robert Kolker, "The Grief Police."

³¹ Susan Sontag, "Talk of the Town," *The New Yorker*, September 24, 2001.

³² *Politically Incorrect*, ABC, September 17, 2009.

Secretary Ari Fleischer said, “It’s a terrible thing to say and it’s unfortunate.” Federal Express and Sears pulled ads from *Politically Incorrect*, and several ABC affiliates dropped the show, eventually forcing its cancellation. In 2002 and 2003, even as millions of Americans—including dozens of members of Congress—spoke out against an invasion of Iraq, a strong “pro-American” orthodoxy prevailed in some quarters. When the lead singer of country band the Dixie Chicks rebuked President Bush prior to the war— “[W]e’re ashamed that the President of the United States is from Texas”—they were essentially black-listed; many DJs refused to play their music. The band also had to deal with numerous death threats, a boycott, and CD-burnings.

The 9/11 topic remained sensitive into 2005. In January, conservatives led by Bill O’Reilly called on Hamilton College to cancel a panel discussion featuring Ward Churchill, a professor at the University of Colorado. At issue was an essay published the day after the attacks in which Churchill blamed not only American foreign policy for 9/11 but also the victims who, he suggested, deserved to die:

If there was a better, more effective, or in fact any other way of visiting some penalty befitting their participation upon the little Eichmanns inhabiting the sterile sanctuary of the twin towers, I’d really be interested in hearing about it.³³

Burlingame, who labeled Churchill’s essay “hate speech,” called Hamilton’s president and urged her to retract the invitation. On February 1, Hamilton cancelled the panel discussion.

On March 4, 2005, hosting Churchill on a new program, *Real Time*, comedian Maher joked that both of them had been “Dixie Chicked.” While he disagreed with Churchill that people working in the World Trade Center were complicit, Maher said it was important to examine why people around the world hated the United States. In a comment that drew furious responses from many bloggers, including Jeff Jarvis, Maher repeated his suggestion, first offered not long after 9/11, that the county erect a “why they hate us” pavilion at Ground Zero. There was still widespread aversion to exploring the motivations of terrorists. In the view of many, to try to understand terrorists was to exonerate them—explication was justification—and to blame the US for 9/11 was especially perverse. Burlingame’s piece fed this sentiment.

Memorial Battles

Memorials, it seemed, were especially able to drive to extremes both sides in the ongoing dispute over the US role in global affairs. In recent years, most efforts to memorialize major events had been fraught. As historian Kate Cambor wrote:

³³ Ward Churchill, “Some People Push Back: On the Justice of Roosting Chickens,” *A Supplement of Dark Field Notes, Pockets of Resistance*, no. 11, September 12, 2001.

[I]f in the past monuments were one of the more effective means of publicly affirming communal values or placing an official imprimatur on dominant narratives of history, it seems fairly clear that in today's contentious times they usually seem to underscore the challenge of maintaining a harmonious democratic pluralism.³⁴

Memorials to events less charged than 9/11, and farther in the past, had sparked controversy. A World War II Memorial, unveiled in 2004, had drawn criticism on a number of grounds. A group called the National Coalition to Save Our Mall had objected because it broke up the view between the Lincoln Memorial and the Washington Monument. Some African-American and civil rights groups objected because it occupied space historically used for mass demonstrations, including the one where Martin Luther King had given his "I Have a Dream" speech. Some architectural critics and veterans objected because they believed the memorial bore too close a resemblance to the work of Nazi architect Albert Speer.

By 2005, the Vietnam War Memorial in Washington, DC, was regarded as a success. But in 1982, prior to its erection, it generated intense opposition, mostly from conservatives who argued that it reflected the domestic political battle over the war rather than the war itself. Critics found the modernist design overly funereal, a monument to loss, not heroism. Leaders of the opposition included Congressman Henry Hyde (R-IL) and Texas millionaire and POW-MIA activist Ross Perot, who called the memorial a "tombstone."³⁵ Some conservatives also saw a liberal message in the design, according to which two walls bearing the names of the dead and missing would meet in a V. The V, said the *National Review*, "immortalizes the antiwar signal."³⁶

In Oklahoma City, a memorial to the 1995 terrorist attack on the Alfred E. Murrah Federal Building was created with relatively little controversy, probably because it didn't involve national security. There, too, however, people debated how to balance memory with the desire to "move on." The question was whether to open or keep closed Fifth Street, which ran in front of the bombsite. Some argued that keeping it closed would hurt businesses, inconvenience residents, and allow terrorists to fundamentally alter the cityscape. Others argued successfully that the best way to honor the dead was to keep it closed.

Whether/what to write?

With such a history, it was not easy to decide whether, and what, to write about the Burlingame op-ed and ensuing debate. The *New York Post* had decided that Burlingame's status as

³⁴ Kate Cambor, "Recasting the Stones," *The American Prospect*, March-April 1999.

³⁵ Mike Feinsilber, "Critics Blast Design of Proposed Vietnam Veteran Memorial," *The Associated Press*, January 11, 1982. Perot would run as an independent candidate for President in 1992 and 1996.

³⁶ *National Review*, "Stop That Monument," September 18, 1981.

a victim's relative and a member of the Memorial Foundation board made her op-ed newsworthy. For its part, *Newsday* had focused on the furor over the piece, in particular one congressman's reaction. The *Daily News* had so far left the story alone.

As editors at the *Times* mulled the situation, they faced two discrete choices. They could choose to continue to ignore the story on the grounds that Burlingame was gaming the media, and the *Times* would not play along. But that in itself—doing nothing—made a statement. On the other hand, if editors deemed the story newsworthy, they then had to determine how to cover it. Should the *Times* emulate the *Post* and *Newsday*: write a story describing the opposing claims, the so-called “he-said, she-said” method? This was a typical approach to controversial topics: present each side's claim, and leave it to readers to determine the truth. The other alternative was to try to assess the claims on each side, and then either rebut or endorse them. But this risked putting the *Times* in the middle of an unwinnable battle between warring elements of US society.