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Gates Assails News Agency for Publishing Photo of Marine Killed in Afghanistan

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A furious Defense Secretary Robert M. Gates has upbraided The Associated Press for its decision to go against the wishes of a young Marine's family and publish a photograph of him taken after he was mortally wounded in Afghanistan.

In a scathing letter to Tom Curley, president and chief executive of The A.P., Mr. Gates said that the news agency's decision was "appalling" and that the issue was one not of constitutionality but of "judgment and common decency."

The A.P. defended the decision, which editors said they made only after careful review and sharing the pictures with the family. [In an explanation](#) of its deliberations, The A.P. said it decided "to make public an image that conveys the grimness of war and the sacrifice of young men and women fighting it."

The publication of such dramatic images has been relatively rare, partly because journalists are not often on hand to see such events and because military guidelines, which The A.P. followed, bar the showing of pictures of dead soldiers before the family is notified.

The photograph in question was part of a package of articles and photographs about Lance Cpl. Joshua M. Bernard, 21, of New Portland, Me., and his unit, which was ambushed in Afghanistan on Aug. 14. Before sending the package to its newspaper clients, The A.P. sent a reporter to Maine to talk with the man's family. They did so out of respect, Michael Oreskes, The A.P.'s senior managing editor, said in an interview, not to ask permission to publish the pictures. But the father, John Bernard, a former Marine, asked The A.P. not to publish the picture, saying it would only hurt the family more.

In an advisory to clients, The A.P. said its articles and photographs "offered vivid insights into how the battle was fought, and into Bernard's character and background." After the articles and pictures had been distributed but before they were published, Mr. Gates called Mr. Curley to urge him to change his mind.

"I am begging you to defer to the wishes of the family," Mr. Gates said, according to his spokesman. Shortly after hanging up, Mr. Gates sent his letter.

"The American people understand that death is an awful and inescapable part of war," Mr. Gates wrote. But publishing this photo, he said, goes against the wishes of the family and thus would mark an "unconscionable departure from the restraint that most journalists and publications have shown covering the military since Sept. 11."

A few newspapers have published the picture, and many more have not. The New York Times published the photograph on its Web site.

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