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TO PROMOTE AND
ELEVATE THE STANDARDS
OF JOURNALISM

NIEMAN REPORTS
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WHAT OPEN-SOURCE JOURNALISM REVEALS
THE NIEMAN FOUNDATION AT HARVARD UNIVERSITY

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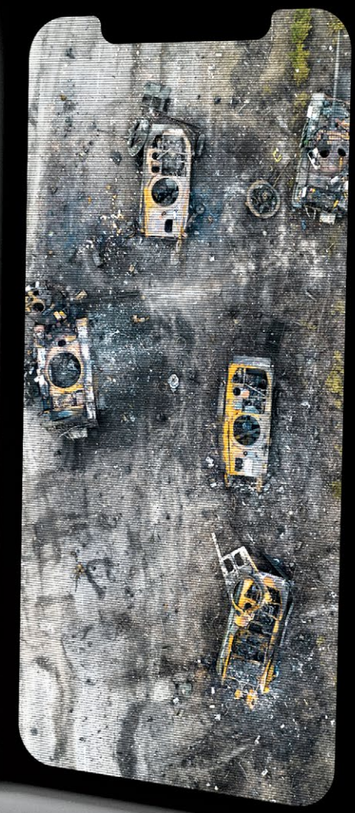

WHAT OPEN-SOURCE JOURNALISM REVEALS

SPURRED BY RUSSIA'S INVASION OF UKRAINE, OPEN-SOURCE INVESTIGATIONS ARE BEING INTEGRATED INTO STANDARD NEWSROOM PRACTICE

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PUBLISHER
Ann Marie Lipinski

EDITOR
James Geary

SENIOR EDITOR
Laura Colarusso

ASSISTANT EDITOR
Natalie De Rosa

DESIGN
Dan Zedek

EDITORIAL OFFICES
One Francis Avenue, Cambridge,
MA 02138-2098, 617-496-6308,
nreditor@harvard.edu

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Contributors

Julia Craven is a freelance reporter who has been covering health, wellness, and fitness with cultural nuance since 2019. She's the brain behind Make It Make Sense, a weekly health and wellness newsletter available on Substack. Before this, she spent five years reporting on race and politics.

Maxim Edwards is an editor at Bellingcat and a journalist specializing in Central and Eastern Europe. His work has appeared in The Atlantic, The Guardian, and Foreign Policy among other publications.

Malachy Browne is a senior story producer on the Visual Investigations team at The New York Times. He has led investigations into the killing of Breonna Taylor, Ahmaud Arbery, and other Black Americans by police, Russian airstrikes on hospitals in Syria, chemical weapons attacks in Syria, and the killing of a young Palestinian medic along the Gaza-Israel border.

Geoffrey King is Open Vallejo's executive editor and the president and CEO of its nonprofit parent corporation, Informed California Foundation. He is a proud native of Vallejo, California.

Elyse Samuels is the senior producer of The Washington Post's Visual Forensics team. She is a founding reporter on the team, which launched in the summer of 2020. Elyse joined The Post's video department in 2016 where she has worked as a Facebook Live producer, breaking news video editor, and the team's first verification video editor.

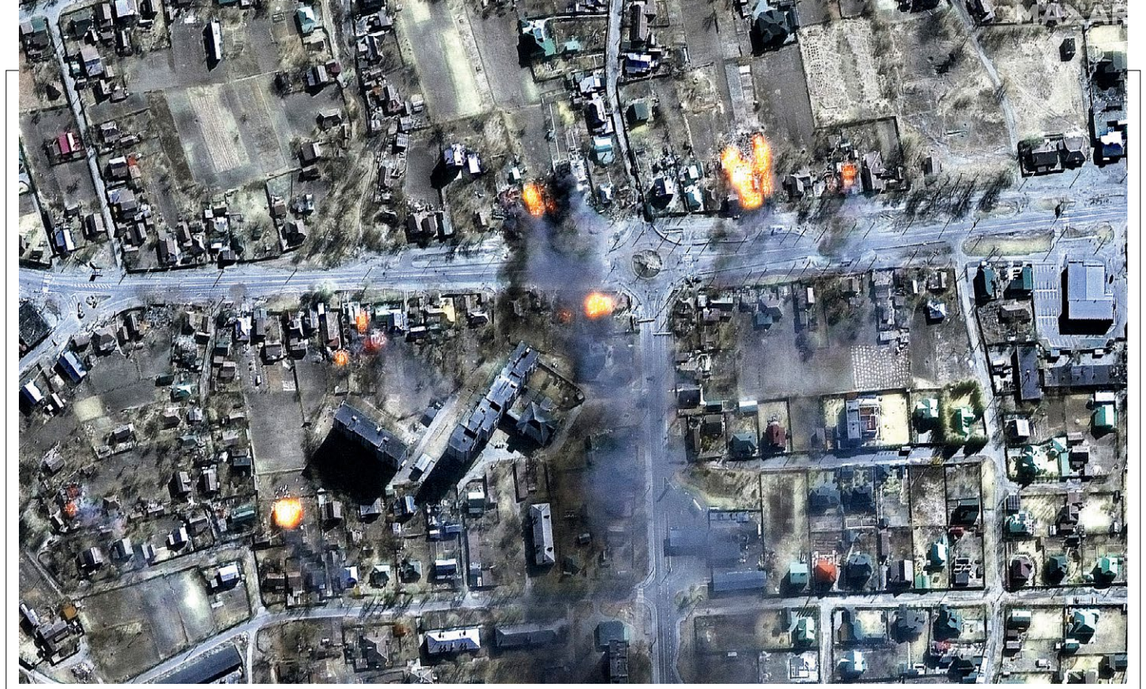
Nadine Ajaka is the executive producer for Visual Forensics at The Washington Post, where she has worked since May 2017. At The Post, she leads a team of video reporters focused on investigative reporting based primarily on open-source visuals.

Maurizio Franco is a freelance reporter based in Rome. He has covered topics such as the housing crisis, labor exploitation, and social rights. His articles have been published in Italian and international outlets like L'Essenziale, Der Spiegel, and El Pais. He is a member of Centro di Giornalismo Permanente, a collective of freelance journalists based in Rome.

Daniele Ruzza is a freelance journalist and translator based in Rome. He has covered topics such as labor exploitation, foreign affairs, human rights, and social inequality. He has worked for news outlets and press agencies like Agenzia DIRE, Left, VoxEurope, Green Europe Journal, and the European Data Journalism Network.

Jared Schroeder is an associate professor of journalism at Southern Methodist University in Dallas. His research focuses on press rights, democracy, and emerging technologies.

Jonathan Peters is a media law professor at the University of Georgia, where he is also the chair of the Department of Journalism. He has written for Vanity Fair, Esquire, The Atlantic, Sports Illustrated, and Wired, among others.



Flames burst out of buildings and homes in the northeast area of Chernihiv, Ukraine, March 16. Cover illustration by Ricardo Tomás

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Many journalists have been flooded with strategic suits against public participation. Illustration by Doug Chayka

FROM THE CURATOR

An Overdue Generational Shift Is Changing How Journalists Manage Traumatic Stories

The stoicism that reporters once mustered when covering tragedies is giving way to a new public candor

BY ANN MARIE LIPINSKI

Michelle Ye Hee Lee has sharp memories of her first traumatic assignment. It was 2011, and U.S. Rep. Gabby Giffords had been shot in a suburban Arizona supermarket parking lot, the victim of a gunman whose rampage that January morning would kill six people and injure 13.

Among the dead was nine-year-old Christina-Taylor Green. The AP reported that the girl's parents were donating their daughter's organs, and Lee's Arizona newspaper editor asked the young reporter to contact the father and check the story.

"I remember listening to him cry as I had to confirm every single body part of his daughter and feeling, 'Oh man, I know this is my job and I have to get through it,'" recalls Lee. "It was several years later that I wondered: What was I doing? Did we have to put him through that? Did we have to match the AP story and re-traumatize him? What are we putting aside in order to do that story? The moment still stays with me."

I reached out to Lee after reading her coverage of another trauma — the deadly crush of young Halloween celebrants that killed 158 in Itaewon, a popular Seoul neighborhood. I had just arrived in South Korea to participate in a democracy forum as the country declared a period of national mourning. Coverage and discussion of the tragedy were inescapable, even in a week when North Korea menaced its neighbor by launching missiles into the East Sea.

A heavy burden of Itaewon coverage was the need to review the hundreds of police call logs and videos posted on social media channels, evidence of the horror people experienced as the crowd swelled. This was followed by video of the desperate, mostly futile efforts to revive the victims, many of them wearing the Halloween costumes that hours earlier had promised a night of celebration long delayed by the pandemic.

But beyond reporters' reconstructions of the disaster and mournful accounts of the fatalities — a dozen of the dead were teenagers and more than 100 were in their 20s — I was struck by how open some journalists were about the emotional toll of covering the story.

The facade that reporters historically wore in recounting traumatic events had been replaced by a new public candor and questioning, unrecognizable from what Lee, now Tokyo/Seoul bureau chief for The Washington Post, experienced a decade ago post-shooting. As I followed the Itaewon story, I felt that I was witnessing an overdue generational shift in how we manage traumatic stories and the reporters who cover them.

"I had really great mentors in the [Arizona] newsroom, but there was no culture then of asking, 'How are you doing? What do you need?'" Lee recalled when we spoke. "It's only been in the last three to five years that this culture has shifted, and it's okay for journalists to talk about being human ... and not fear that that affects our credibility."

Within days of the Itaewon disaster, there were social media announcements of "online grief and healing sessions" being offered to journalists in Seoul by the Asian American Journalists Association. Lee, the outgoing president of AAJA, helped launch similar sessions during the height of the Covid-19 pandemic "because the mental needs of our members [were] rising."

Jeanie Chang, a U.S. certified clinical trauma specialist who was born in Korea, ran the sessions and said the challenges of covering the Itaewon story were compounded by the "vicarious trauma" journalists had already experienced during this epic year.

"I'm not saying that 2022 was more traumatic than ever, but Covid, a war, political and racial tension, school shootings — we were not meant to endure trauma after trauma," she said.

In her off-the-record conversations with the journalists, Chang talked about managing the stress and grief that are common to such assignments. Some of her counsel is hard (sleep; it's okay to also have fun) and some of it thoroughly practical (make the word document on your screen large and the video small; watch the video but turn the audio down; turn off TikTok).

She notes there has been progress in how newsrooms address the challenges of trauma reporting, but that the work needs to be ongoing, not episodic.

"If newsrooms don't put mental health at the forefront," she told me, "I don't know how the news survives."

For South Korean journalists, the Itaewon story revived memories of the 2014 Sewol ferry disaster, when a boat sank off the southwestern coast of South Korea and more than 300 passengers, most of them high school students, died. A number of newsrooms made public apologies for their coverage, which had been tainted by naive trust in government statements that turned out to be false.

Chong-ae Lee, a senior journalist for the Seoul Broadcasting System, recognized in the story an opportunity to improve trauma reporting in her country — both for journalists and the subjects of their coverage — and published guidelines that continue to steer her newsroom and others.

ANN MARIE LIPINSKI

Na Kyung Heo, an intern at a Singaporean media company, consoles her interviewee, a student who lost three friends in Itaewon

The advice is wise: "Disaster reporting guidelines must be adopted and training must take place ahead of time so journalists are prepared. Ethical issues related to trauma ... can't be learned while covering an incident." It is also provocative: "If a lot of journalists approaching victims and families seem to do more harm than good, try to organize a pool system. Families' emotional trauma is not something to compete over."

She has been building on her guidelines and working with a national trauma center to create a clinic for journalists, a need dramatically underscored by the Itaewon story. "I hope we can really make our community understand the importance of our role, that we sacrifice to get the right information, and that sustaining journalists' health is important for our society."

On the day before I left Seoul, I visited the Itaewon neighborhood, its main street bursting with floral memorials, photos and letters to the dead, religious figures chanting, and protestors angered by the slow response from police on the night so many in the community perished.

On a crowded stretch of sidewalk, I saw a young television reporter crouching, interviewing an even younger woman, who had begun to weep. The reporter looked up at her cameraman as if for guidance. I could feel her struggle, as would any journalist who has ever interviewed a grieving survivor. She gave the cameraman another plaintive look, then silently handed him her microphone and put her arms around the woman. She would ask no more questions, and the two of them stayed like that, each leaning against the other, for several minutes.

As the reporter prepared to leave, I introduced myself and told her I was moved by her compassion. She seemed relieved. "I didn't know what to do," she said. We exchanged contact information and arranged to talk a few days later. Na Kyung Heo ("I like to be called Lizzie") is 23 and was working the Itaewon story as an intern for a Singapore-based media company. The woman she was interviewing the afternoon we met was a high school student who had lost three friends in the disaster.

That interview was the most difficult in a week that had included reporting on a lost-and-found center for bereaved families, hospitals where bodies had been taken, and memorial sites where she tried to ask parents and grandparents about their loss. "They turned their backs to the camera so it was a picture of me trying to talk to them," she said.

Heo said her journalism training has not included guidance on trauma reporting or mental health and that she's been relying on instinct and conversations with senior reporters in her newsroom. She thinks about the high school student often and notes that when that story aired, "they left the part out with my arms around her."

She adds: "I hope she wasn't hurt by what I did." ■

LIVE@
LIPPMANN

“We Need a Language That Has Been Developed, Defined, and Codified by People Who Look Like Us”

Deborah Douglas and **Susanna Siegel** on re-defining objectivity, advocacy journalism, and newsroom power dynamics

Objectivity, once a prized tenet of journalism, has come under scrutiny in recent years. What does it mean to be objective? Should journalists re-define it? And is objectivity an ideal that journalists should still aspire to?

Susanna Siegel and Deborah Douglas answered these questions and more in a conversation with Nieman Fellows in October. Siegel is the Edgar Pierce Professor of Philosophy at Harvard University, where she has taught since 1999. She is author of two books and many articles about perception and the relationships between perception and culture, memory, and reasonable person standards in the law. This semester she is teaching an undergraduate course on the philosophy of journalism, “Truth, Lies, and the Press.”

Douglas is co-editor-in-chief of The Emancipator. She previously served as the Eugene S. Pulliam Distinguished Visiting Professor at DePauw University, senior leader with The Op Ed Project, which amplifyies underrepresented expert voices, and founding managing editor of MLK50: Justice Through Journalism. Douglas is also the author of “U.S. Civil Rights Trail: A Traveler’s Guide to the People, Places, and Events That Made the Movement,” the first-ever travel guide to follow the official civil rights trail in the South.

Edited excerpts:

On objectivity

Susanna Siegel: Much anti-racist reporting is exemplary as accountability, explanatory, and investigative journalism. Yet often this kind of journalism is criticized by critics who rely on the vocabulary of “objectivity.” The critics say the journalists are “biased” and cannot be “objective.” Increasingly, such attacks reach beyond the professional circles, into broader publics, as we have seen with the barrage of charges against Nikole Hannah-Jones’ 1619 Project.

What vocabulary can we use to characterize such vital journalism from attacks like these?

The popular anti-objectivity option says, “If being objective is pretending not to care about or advocate for democracy, or if being objective means I have to leave behind what I know from my experiences when I’m reporting … If it means these things, well then I don’t want to be objective.”

In this option, one is agreeing to some extent with the attackers by saying, “You’re right about one thing: My coverage is not objective, and that’s fine with me.”

Then there’s the pro-objectivity option, which says to the critics, “No, you’re wrong. Here are all the ways that my reporting is objective.”

Here’s a consideration favoring the pro-objectivity option. Most words have valences. Valences are positive or negative, and they’re not sensitive to what an individual happens to associate with the word. [You might love spiders and dislike babies,] but that does not stop the word “spider” from having a negative valence and “babies” from having positive one. Purely as a matter of political rhetoric, if you can find your opponent as opposing a thing that has positive valence — such as doing something that’s bad for the babies — then you can score a rhetorical point.

> “I think we need more humanity in our storytelling, not less humanity in our storytelling

Inside the world of journalism, “objectivity” is so hotly contested that it may have no steady valence. [In broader public], the word “objectivity” has a positive valence. That’s why it can be used improperly, for [repressive] gatekeeping. When accusing reporting or a journalist as lacking objectivity, the criticism is that it’s lacking a good, positive thing.

“Debates” [over objectivity] are an illusion. They’re not really debates. The journalism and the journalists under attack are not falling short of objectivity at all. Instead the critics are mis-using this vocabulary. They’re misusing it, they’re misapplying it, because they’re weaponizing it. One way to defend against that move is not to let them have the word. That’s the pro-objectivity option.

Recently Xi Jinping described contemporary China as a special, superior, non-electoral form of democracy — despite its repressive media environment, the fact that there’s no clear principle of succession, and no real channels of accountability. If you think Xi is misusing the term “democracy,” then you might not want to say, “Well if that’s democracy, then I’m anti-democracy.” Yet that’s what the anti-objectivity option does. It lets the opponent define “objectivity,” and then rejects the result.

Deborah Douglas: I really appreciate all the different definitions that Susanna brought up. Right now, the word objectivity to me is a weapon, and I say, “Throw it out.” I want to have a whole new word.

I appreciate the effort to rebrand it and repackage it. I don’t want to reclaim it. You can have it back. White males, they can have their word.

I like the definition of excellence in journalism that María Len-Ríos at Emory came up with. It’s a lot of different factors, but it includes context, proportionality, voices, a lot of different things. We need a whole new word.

[We need] a language that has been developed, defined, and codified by people who look like us, and not like the original people who came up with this idea of what credible storytelling, authenticity, and bearing witness really look like.

On advocacy journalism and democracy

Douglas: The one thing that we haven’t talked about now is the fact that journalism is a part of the American project as a democratic exercise.

Nieman Fellow Deborah Berry (right) moderates a discussion on rethinking objectivity with Susanna Siegel (left) and Deborah Douglas

ELLEN TUTTLE

There’s a built-in bias … [because of] the fact that we’re the only profession mentioned in the Constitution. If we are pursuing this democratic ideal — we haven’t gotten there yet, it’s still just an idea — then, what is it that activates that democratic idea?

I would like to think that an antiracist society is part of that definition. How could that be advocacy when it’s the thing that drives us every day within our daily practice?

We have people in charge of the narrative who are not prepared and don’t have the expertise to really, truly be the gatekeepers of the narratives that bear witness to our lives.

I’d like to get to a place where people start to be a little more introspective and excavate and understand where they have the capability to make a decision and where they need stand back and center other people, voices, and experiences. We could have this collective practice of bearing witness and accountability together.

Siegel: I don’t like the word “advocacy.” When you call it advocacy it sounds sectional, it sounds partisan. I think the argument for [inclusive] journalism comes [not from advocacy], but directly from a fundamental principle of democracy, which is political equality.

If everybody is going to have a say [in governance], then everybody needs an equal opportunity to be heard. That means we need information channels connecting journalists to all the parts of the communities that they’re reporting on. Advocacy of specific interests need not play any role in this argument at all.

Douglas: To me, advocacy is a sterile word. It does not confront the idea that we’re really fighting for our lives. It’s a life-or-death situation. We’re in the highest stakes that we’re fighting for on a regular, everyday basis. To say that what I do, or what other outlets do is advocacy, is really you asking me to diminish my humanity.

I think we need more humanity in our storytelling, not less humanity in our storytelling. It takes you to some weird, default experience. You have to ask yourself, “Who’s experience is that? Who’s the default?” That doesn’t serve [the] majority of us.

On how to change newsroom power dynamics

Douglas: I think that’s hard, because when you’re disagreeing with your producer or with your editor on their thought process, there’s a power differential there. How do we keep amplifying these ideas and how to break through?

It has to do with critical mass like having people in a room like this. Go back into the newsroom. Evangelize for evolving the way we think about things, but also, finding other people in newsrooms, affinity groups, and then our community to raise the question, to ask the question, to press forward as a group not as an individual.

When you disaggregate the mass into one person, then you’re a target. If you’re vulnerable because there’s this power differential, then you never win. You run the risk of being seen as problematic. Being seen as part of a community, a conversation — there’s more power in numbers.

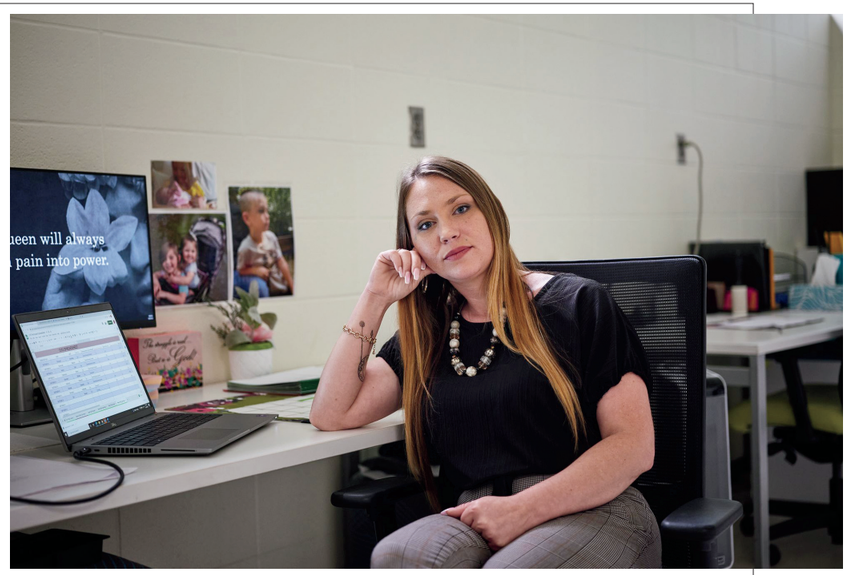
We do have power. We just have to stop long enough to figure out where our power lies, where our community power is.

I want the people who were in charge to be called to account but in a loving way, not in an angry kind of way. Like, “We’re trying to do something different here. Come on over here, and let’s have a conversation. Let’s have a reparatory conversation about how you helped create this, and, by virtue of following your leadership, I helped create that problem, too. I’m going to tell you what I’m going to do about it to repair, but let’s talk about what you did.” ■

NIEMANS @WORK

Investigating a 'Windfall' for Temp Agencies

Emily Corwin, NF '21, on how subsidies to create permanent jobs for the formerly incarcerated are doing the opposite



Courtney Decker has held many temp jobs despite promises she would be hired permanently

I stopped scrolling and squinted at Harvard's course catalog, rereading the class title on the screen: "The Criminal Legal System as a Labor Market Institution." I had reported on the criminal justice system for years and had set out to study the relationship between that system and economic inequality as a Nieman fellow that semester. Yet I couldn't quite grasp what I was looking at.

In class, sociologist Sandra Susan Smith explained how the government, through its criminal justice policies, impels workers with criminal records to accept jobs with low wages and poor working conditions, and creates a subordinate class of disproportionately Black workers whose desperation employers can exploit.

With funding for an investigative project from an Abrams Nieman fellowship, I set out to explore how the temporary staffing industry contributed to this dynamic. Over 13 months, I interviewed dozens of formerly incarcerated temp workers across six states, spoke to academics, service providers, and advocates, and dug into a little-known tax credit for businesses. The result was an investigation, published by ProPublica in August, which revealed how temporary staffing agencies — the employers of last resort for many formerly incarcerated workers — collect hundreds of millions in federal subsidies that were intended to promote permanent employment.

The reporting itself felt like walking through a fun house decked with trick mirrors. I was used to reporting on issues like elder abuse and discriminatory bail practices — things society agrees are problematic. This was different.

I spoke with temp workers who earned less than the colleagues they toiled next to and received no benefits or paid days off. Some described dangerous jobs they performed without training. Others had been stuck in temp work for more than a decade. Yet few would give me more than 10 minutes of their time. My biggest problem, I came to realize, was that most of these workers didn't think their circumstances were newsworthy.

So, I turned to the data, in particular the Work Opportunity Tax Credit, a longstanding federal job subsidy for employers of formerly incarcerated and other hard-to-employ workers.

I requested tax credit records from 50 states and received usable records from nine. An analysis showed that temp agencies were collecting nearly a quarter of these credits.

Publicly traded temp agencies' SEC filings revealed that the tax credit had become an enormous windfall for the industry. As one economist explained to me, it was likely this program was contributing to the conversion of permanent jobs into temp work across the low-wage economy.

In other words, a program that was supposed to counteract the problems Smith's class had highlighted was actually making them worse.

Tax credits aren't sexy, but they are tangible. By revealing the failures of this program, I was able to illustrate the many ways the government — instead of improving poor work conditions — created a labor force willing to accept them. ■

WILLIAM DESHAZER/PROPUBLICA

A Play About Life and Death in the South

John Archibald, NF '21, discusses his debut as a playwright

I write about life in Alabama. Which means I write about death in Alabama. And issues of life and death — you might have noticed — are complicated.

Especially in Alabama.

Even before the destruction of Roe v. Wade, my home legislatively declared itself a pro-life state, banned assisted suicide, and began incarcerating pregnant women who tested positive for things like THC, often taking their children away once they were born.

It continued to execute people with mental deficiencies, and those sentenced under archaic laws, or on sketchy evidence. It stockpiled people in prisons so overcrowded and dangerous the safest place to be, statistically, is death row.

I've been to six executions, including one in the old electric chair they called "Yellow Mama," where a man with an IQ of 69 failed to die on the first jolt. He was killed 19 minutes later, as his father watched.

I write about life and death and hypocrisy. I write and I write and try to tell the stories well. But I wonder if news stories ever make a difference.

That's where Nieman came in. During my time in Cambridge, I took playwriting courses, and had begun to write a play about the hypocrisies of life and death in the South. It was read at the Harvard Playwrights' Festival, and people seemed to get it.

I completed that play — "Pink Clouds" — in the months since. It is a play, told through the eyes of a reporter (definitely, surely, probably, maybe not be based on me) who believes he is doing God's work, but comes to see he cannot save the world if he loses himself or his family. It is about our delusions of certainty, an exploration of what it means to die, and to exist in a world that seems to value life more than it values lives.

The play is largely about inequality and death — executions, abortions, euthanasia, and other ways people die — and it seeks to underscore the cognitive dissonance of what it means — for some — to be pro-living in a place like Alabama, a state that sanctions death in the name of life.

In September, it was part of a Human Rights Week playwriting festival at Birmingham's Red Mountain Theatre, and I intend to develop it further.

When I left Cambridge in 2021, I left with one clear goal: I would spend the rest of my life exploring as many different mediums, as many different ways to tell stories, as I possibly could.

If I can't reach people with facts, I'll try fiction. If I cannot reach them with columns, I'll try videos, or podcasts, or plays.

We push ourselves when we try to tell the stories we know in different ways, and it is not always easy. But there is nothing more satisfying — more fun — than to reach people where they are willing to be reached. And to make them feel. ■

A Memoir for a Holocaust Survivor

For **Dina Kraft**, NF '12, writing Hannah Pick-Goslar's story was a chance to keep her memory alive

When I started helping Hannah Pick-Goslar, one of Anne Frank's best friends, write her memoir earlier this year, I knew we were in a race against time. Still razor sharp of mind, but increasingly frail of body at 93, she'd get tired after a couple of hours of talking. I'd say, "That's fine, we can break for today." But then she'd inevitably think of another thread, another story and I'd settle in and keep recording.

Hannah died in late October at her Jerusalem home, six months after we met for our first interview for the memoir. I was extremely fortunate to have had the time to not only learn the details of her life story directly, but to get to know her as the remarkable, resilient person she was. At 16 she kept her four-year-old sister alive as the Bergen-Belsen concentration camp descended into chaos in the final months of the war when typhus swept the camp and prisoners were left to starve to death.

Anne Frank and her friend Hannah Pick- Goslar playing at the Merwedeplein in Amsterdam, May 1940

It was during this time, on a cold, rainy night in February 1945, that Hannah and Anne Frank had a chance encounter in Bergen-Belsen across a barbed wire fence. Hannah was stunned Anne was there. She had been the first of their friends to discover the Frank family had left their apartment in July 1942 and had believed their cover story — that they had escaped to Switzerland. Hannah found a shell of her once vivacious friend at the fence. Anne was now freezing and starving, and her sister Margot was already weak from typhus, the disease that a few weeks later would kill them both. Risking her life, Hannah would return twice to throw small packages of food over the fence to Anne, the first of which was snatched away by a fellow prisoner.

I first met Hannah in 1998 when I interviewed her for the Associated Press about a biography that had been recently published about her. I had been so excited to meet her, remembering her as Anne Frank's friend "Lies" in the diary which I had read when I was 13. About 24 years later, in January, a literary agent contacted by Penguin Random House in London approached me about ghostwriting a memoir of a Holocaust survivor. The book project — titled "My Friend Anne Frank" — was off the ground after I submitted writing samples and met with Hannah. I'm grateful to have had the opportunity to get to know Hannah and through our daily interviews over cups of tea, to also find a new friend in her.

The task of co-writing Hannah's memoir is a life-changing responsibility. Every day we lose more eyewitness to the cruelty and carnage of the Holocaust. I'm humbled by the opportunity to help keep her story alive in the world, especially now, when unfortunately, it feels more urgent than ever. ■

ANNE FRANK FONDS - BASEL VIA GETTY IMAGES

PUBLISH OR PERISH?

A spate of Trump titles sparks debate about whether it's OK for journalists to withhold vital reporting for their books

BY JULIA CRAVEN

New York Times reporters meet with President Donald Trump in Jan. 2019. Recent books on his presidency have raised ethical questions about journalists holding back scoops for their books.

antalizing bits of information were happily fed to the public in the days leading up to the release of "Confidence Man," a meaty look at everything from Donald Trump's upbringing to his presidency by New York Times reporter Maggie Haberman.

Many of the revelations were unsurprising, such as when Trump, the architect of the birtherism lie, suggested he wouldn't use the same toilet as former President Barack Obama. Or when Haberman reveals that Trump may have impersonated a reporter on a call with Rep. Debbie Dingell after decades of reportedly assuming the alias "John Miller" to defend himself against bad press. Some revelations were deeply concerning, such as Trump giving Rudy Giuliani, the former mayor of New York and his personal attorney, the green light to "do anything" necessary to overturn the results of the 2020 election. Or when he warned that he would sue Congress for moving to impeach him.

But Haberman's discovery that Trump did not intend to leave the White House after losing the 2020 election to Joe Biden were outright concerning. Haberman wrote that Trump, initially, seemed to understand that he had lost. Then he pivoted. In the weeks following the election, Trump began to tell aides that he wasn't exiting the office.

"We're never leaving," Haberman reports Trump told an aide. "How can you leave when you won an election?"

Following the election, Trump dodged most journalists' questions about his refusal to publicly acknowledge Biden's win, only saying that he would leave the White House when the time came. Prior to a CNN report on Haberman's book in September, it hadn't been widely reported that Trump had made plain his intentions to refuse to cede power.

It's unclear when Haberman obtained this information, but she's said publicly that she began focusing on the book "in earnest" following the second impeachment trial in February 2021 once Trump was out of office. Still, the online fallout from the revelation that Haberman hadn't gone to print with these reported comments from the president about the election as soon as possible — or at least during the aftermath of the Jan. 6 storming of the U.S. Capitol by Trump's supporters — was swift and intense, as The Wrap noted. One commenter tweeted that Haberman could write any damning information about Trump for her employer "like a real journalist, not a PR agent or anti-democracy grifter." Another alleged that she was profiting from the president's alleged crimes, while a different tweeter sarcastically likened Haberman's editorial decisions to declining to report a murder.

The pushback also raised a sticky question that has become more prevalent within journalism of late: When is it acceptable for journalists to withhold reporting in service of their book project, especially when that reporting is clearly of urgent public interest?

ABC News reporter Jonathan Karl reported on a never before revealed memo sent to Vice President Mike Pence by Trump's campaign attorney on how to overturn the election results in his 2021 book, "Betrayal: The Final Act of the Trump Show." In another instance, Michael Bender released "Frankly, We Did Win This

PREVIOUS SPREAD: TOM BRENNER/NEW YORK TIMES VIA REDUX

Bob Woodward meets with Donald Trump in the Oval Office, Dec. 2019. In Feb. 2020, Trump told Woodward he knew Covid-19 was airborne — a detail Woodward wouldn't reveal until his book release

Election: The Inside Story of How Trump Lost" in the summer of 2021 when he was a reporter at The Wall Street Journal, detailing how Trump was working behind the scenes to undermine the previous year's election results. Washington Post reporters Philip Rucker and Carol Leonnig were criticized when they began promoting their book, "I Alone Can Fix It," revealing that top officials feared Trump was planning a coup and wondering if they could use the military to stop him.

Political reporters writing books that contain exciting, never-before-published information isn't a new phenomenon. But the wave of books detailing the Trump administration's routine abuses of power, which often presented real threats to human life during his tenure, has given new urgency to ethical questions around this dilemma.

All journalists and newsrooms contend with when to publish a story. Should it go live right now, or will other breaking news overshadow the reporting? Should the report be held longer to see if anything new develops? Is more in-depth reporting required to make better sense of this information?

And, most importantly, who benefits from holding the information back?

"If the answer is the reporter, the writer, the publishing house, or the news organization [benefits] from making it splashy, then I think you really have to have to weigh that," says Allison Hantschel, author, freelance writer for Dame magazine, and co-publisher of the journalism and politics blog First Draft, who has written on this topic. "Who are you serving? That's something that we've really lost in journalism is the idea of who you serve."

Scoops that could benefit the public being used as commercial tools to generate sales have ramped up in recent years, in part due to the volume of misconduct by the Trump administration.

During the early days of the pandemic, in early February 2020, Trump said to reporter Bob Woodward, who was working on "Rage" at the time, "It goes through air, Bob. That's always tougher than the touch. You know, the touch — you don't have to touch things, right? But the air, you just breathe the air. That's how it's passed. And so that's a very tricky one. That's a very delicate one. It's also more deadly than your — you know, your — even your strenuous flus."

In the following weeks, Trump and his administration promoted a very different reality, riddled with constant reassurances that everything would be fine. On Feb. 25, Trump told the public that Covid-19 was "a problem that's going to go away." The next day, Trump said in a briefing that the coronavirus was "like a regular flu that we have flu shots for." Then, on Feb. 27, he claimed that "like a miracle," the coronavirus would one day "disappear." This pattern of lies about the severity of the disease would continue throughout his presidency. And by the time Trump's true understanding of the

Haberman's book revealed that White House staffers regularly found toilets clogged with documents during the Trump administration

ABOVE: WHITE HOUSE/BOB WOODWARD; RIGHT: MAGGIE HABERMAN

pandemic was publicized in September 2020, at least 200,000 Americans had died due to Covid-19.

Defenders of Woodward's decision to hold off on publishing Trump's Covid comments praised him for taking the time to flesh out the context around the information he had. At the same time, critics maintained that even a tiny chance the scoop could have saved lives was one worth taking. Part of Woodward's response was that it took him until May 2020 to verify the scoop, which prompted more questions as to why the information wasn't reported once it was pinned down. Another argument is that Woodward's reporting wouldn't have shifted public policy, since nothing about the administration's response shifted once the news was broken. But that misses the point that some individuals would have changed their behaviors, regardless of whether policy shifted, if they knew the disease was deadlier than the seasonal flu.

> **"As a journalist, one would have to ask, 'Who's my loyalty toward?' Is it myself and my book? Is it to my employer? Or is it to the public?' "**
>
> **Dan Gillmor**, Arizona State University

Withholding critical information for books is a worrisome trend, says Samuel Freedman, a journalism professor at Columbia University and the author of nine books. "An individual author has to ask herself or himself: 'How do I feel about having had information that potentially could have saved lives? And I didn't disclose it because I wanted to wait till the book was ready to be published so I'd sell more copies?'"

The societal consequences of withholding information depend on the book's subject matter. One of the scenes from "The Final Days," Carl Bernstein and Woodward's book on the end of Richard Nixon's presidency, pertained to the man's drunkenness and how people around the former president were afraid for his wellbeing. But the difference is, Freedman says, when Bernstein and Woodward researched that book, Nixon wasn't in office. Running to print information about him wouldn't have altered the course of history. Their reporting during the Watergate scandal itself clarified Nixon's wrongdoings and the White House's cover-up, and their discoveries were published in The Washington Post at the time of the events, not months later in a book.

Media analysts interviewed for this story believe there is an ethical imperative to publish information in the public interest, including information that genuinely affects people's health or national security or when a reporter has clear evidence that an official is lying about something significant. "We reported both of our books while on leave from The Post, conducting interviews with the agreement that they be used only for our books," Leonnig and Rucker said in a joint statement to Nieman Reports. "When we came across information that we felt the public needed to know right away, we set forth to try to report that information in real-time for The Post. We stayed in regular contact with Post editors about our book project." (Jonathan Karl declined to comment through an ABC spokesperson; Michael Bender, who is now at The New York Times, has not responded to a request for comment.)

One such instance of publishing in real time followed Trump's phone call with Ukrainian president Volodymyr Zelensky.

"Phil and I felt we had information from our book reporting that shed new light on an unreported and newly-relevant pattern of Trump's concerning conversations with foreign leaders," said Leonnig over email. "Our sources agreed to our request to use the information for The Post's news pages."

There doesn't appear to be an industry-wide consensus on this approach, though. BBC radio host Zeinab Badawi pressed Haberman about her decision not to report Trump's intention to unlawfully remain in the White House, asking if she was valuing profits over journalistic principles, especially considering current Justice Department and congressional investigations into Trump's attempts to interfere with the transfer of power.

"When I learn of information, and it's confirmed and reportable, my goal is always to get it into publication as quickly as possible," Haberman told Badawi. "I wanted to paint a fuller picture, and it's a process of going back and revisiting scenes and interviewing sources, and that often reveals new information. People are willing to say things for history in books ... and to reveal information that they are not for the daily report." (Haberman did not respond to a request to comment from Nieman Reports.)

Following this backlash, The New York Times released a statement in support of Haberman, saying: "Maggie Haberman took leave from The Times to write her book. In the course of reporting the book, she shared considerable newsworthy information with The Times. Editors decided what news was best suited for our news report."

This thinking aligns with that of Jonathan Martin and Alexander Burns, who were both journalists with The New York Times at the time of publication of "This Will Not Pass," another Trump book that saved multiple scoops for the hardback rather than the news report.

"People are always more willing to speak for history than they are for a story that's going to be in the paper the next day," Martin said during an interview with The New Yorker's Isaac Chotiner in May. "It doesn't matter who's doing the reporting or what the topic is. I think that's generally a sort of safe bet. A lot of authors will understand this. And I think when people know that they're talking for history it prompts a measure of candor that perhaps political actors wouldn't be willing to offer in real-time."

But Dan Gillmor, a professor at Arizona State University and co-founder of the ASU News Co/Lab, says sources dictating when something is published "should never be considered a good idea."

"It's completely understandable when people hold off if they think it's going to give them a boost in sales or fame. But it leaves a really bad taste in [people's mouths]. Or it should," he says. "As a journalist, one would have to ask, 'Who's my loyalty toward?' Is it myself and my book? Is it to my employer? ... Or is it to the public?"

Newsroom facilitation of this decision-making can be uneven. Rarely is there an actual policy to guide a journalist's judgment on what information to keep for their book since the news organization likely doesn't own the rights to that reporting.

At The New York Times, "journalists or their book publishers generally own the copyright in any new and original material that they create for a book, outside of their jobs for The Times," said Cliff Levy, deputy managing editor at The New York Times, through a spokesperson. "The Times would retain ownership in any material included in the book that was originally written for The Times as part of their work for The Times."

Journalists at The Washington Post who write books also retain their intellectual property rights for personal book projects.

At the Los Angeles Times, the union contract allows employees to retain the intellectual property rights to the book projects they pursue personally. The paper declined to provide further information about their policies on books written by their staff. The Seattle Times has two primary approaches to book publishing. If the paper is publishing the book through a partnership with a publishing company — through which they invest in the production and marketing of the book — they own the material and compensate the journalists who worked on the book for their time.

In the second approach, the journalist works on the book on their own time or while on book leave. "In these instances, the journalist works directly with a publisher outside of The Seattle Times, which makes investments in creating and marketing the book. In these cases, the journalist owns the work, dependent on the contract they sign with the publisher," said Danny Gawlowski, the paper's assistant managing editor, through a spokesperson.

Should a journalist at The Seattle Times write a book in the second instance, the spokesperson said the paper doesn't benefit from it financially. Spokespersons from The New York Times and The Washington Post said their institutions don't benefit financially from reporter's personal book projects either. But writing a book does establish a journalist's experience and expertise, which The Seattle Times sees as an investment in their staff who choose to write books. "Of course, when we make decisions based on supporting our staff and better providing expertise to our audience, those decisions also support our subscription strategy as well as our journalistic mission," Gawlowski added.

BRENDAN SMIALOWSKI/AFP VIA GETTY

Kim Jong Un and Donald Trump shake hands during a meeting on the south side of the Military Demarcation Line that divides North and South Korea, June 2019

Branching outside of newspapers and magazines and into other forms of publishing can be a revenue boost for newsrooms. The Atlantic has opened its archives and started to pursue TV and film deals based on reporting done by the outlet's reporters. Vox Media Studios has done shows that are largely based on work done by staffers on editorial. And The Washington Post publishes e-books based on material that's already appeared in the paper, though a spokesperson tells Nieman Reports "it's not an active space for us."

Freedman and Gillmor emphasized that agreements around book projects should be made in advance between journalists and editors. "Under our policy, we typically ask our journalists to share especially newsworthy information with their editors during the course of their research on and writing of their books," Levy said. "Editors can then work with the journalists and decide what might be best suited for the news report, including when to publish."

"If the author gets material for a book that would be a scoop if it was published as a news story, does it matter whether the author is on paid leave from the news organization while doing the book work?" asks Freedman. "Does it matter if the author is doing the book work while continuing to work full time and be paid by the news organization? Does it matter if the access that the reporter is getting to sources and documents and so on is partly a function of the author's association with the news organization? All those things have to be weighed in terms of what an author's obligations to the news organization are, and I think what's unfortunate is it's probably relatively rare that any of this gets clarified ahead of time."

Gawlowski said that the paper doesn't consider the process of saving information for a book as withholding but as furthering the reporting process. "We're much more focused on what audiences need in every format. We tend to break news in our main publications, then provide additional reporting and context through books." ■

OPEN-SOURCE JOURNALISM IN A WIRED WORLD

SPURRED BY RUSSIA'S INVASION OF UKRAINE, OPEN-SOURCE INVESTIGATIONS ARE BEING INTEGRATED INTO STANDARD NEWSROOM PRACTICE

BY MAXIM EDWARDS

ILLUSTRATION BY RICARDO TOMÁS

A popular traffic app could show you the queues building up at border crossings between Russia and its neighbors back in September, as young men evading mobilization sought to escape the country.

Apple's Find My tool can show you where a Russian soldier who stole a local's headphones ended up.

A heat signature tracker can show you where fires rage in the warzones of Ukraine's east and south.

Satellite imagery starkly comparing Ukraine's cityscapes before and after Russian airstrikes is now a regular fixture in the news.

More than nine months into the Russian invasion of Ukraine, the online methods for tracking this war are many and proliferating, including the most obvious source of all — social media networks. A 2019 law designed to keep its military from posting on social media has not deterred Russian servicemen from sharing images and updates from the frontline, not least on Telegram and the Russian social network VKontakte, potentially allowing anyone with an Internet connection to pinpoint the place, time, and sometimes individuals seen in footage of military movements.

Open-source investigations (OSI), popularly and misleadingly known as open-source intelligence, is not synonymous with social media, however. OSI is any information that can be publicly accessed by others, including but not limited to online sources. That includes everything from local newspapers to satellite imagery and images shared on TripAdvisor. What it doesn't include are two mainstays of traditional investigative journalism — non-public document leaks or closed-source reporting, otherwise known as shoe-leather reporting and interviews.

FELIPE DANA/AP

A bicylist rides past a Russian attack in Kharkiv, Ukraine, March 2022. Open-source researchers have been able to track military movements through satellite imagery (inset) during the conflict

Over the past few years, newsrooms have started integrating open-source methods into their coverage and building their own OSI teams. That's in part to verify social media posts, and in part to report on places where it is simply too dangerous for most journalists to venture — areas on or behind the frontlines — where open-source imagery allows a glimpse into military movements and potential war crimes. Since Russia's invasion of Ukraine, open-source investigations have surged in prominence and the genre as a whole has attracted scrutiny, not least from state actors themselves.

Rising awareness of what open sources can yield has motivated journalists to do more than simply verify what they find online. Several newsrooms now have dedicated open-source teams, like The Washington Post's visual forensics team and the BBC's Africa Eye, which recently used social media images to reconstruct the scene of a horrific clash at the fence surrounding the Spanish enclave of Melilla's border with Morocco, in which 24 migrants were killed. There's also The New York Times' visual investigations unit, which in April used satellite imagery to debunk Moscow's claims that bodies had been placed on the streets of Bucha after Russian troops had withdrawn from the Ukrainian town.

Open-source newsgathering is becoming integrated into journalistic practice as a standard reporting technique, particularly in investigative newsrooms. The divide between open-source investigations in the form of online research and closed-source investigations may turn out to be a generational one. For young journalists who have been socialized online, the Internet has always been a source of public interest information.

A BRIEF HISTORY OF OSI

Until fairly recently, access to high-quality satellite images was mostly the privilege of governments and commercial actors with deep pockets. Today, detailed satellite imagery costs just hundreds or even tens of dollars. This new accessibility may well be due to an expanding market of mid-range buyers with shallower pockets than traditional procurers of satellite imagery, according to my colleague Nick Waters, an open-source analyst at Bellingcat. The past decade, he says, has seen a rise in commercial resellers of satellite imagery as well as platforms such as Planet, which offer significantly cheaper packages than competitors like Maxar and Airbus. Technological advances, too, allow for smaller components in satellites, which allow such companies to launch them in larger numbers.

Before these changes, the techniques and processes needed to analyze such images existed but were seldom pursued publicly and in the public interest. Corporations could use them to scour the earth's surface for signs of hydrocarbons or minerals; governments could take stock of their opponents' airstrips or military emplacements. They still do. But now, so can everybody else.

Open-source research used to take place at both ends of the resource spectrum. At one end, state actors and corporate due-diligence departments vetting new employees or compiling risk assessments for investors; at the other, social media hobbyists with lots of time and patience scouring images and videos to fact-check claims made by parties in various armed conflicts. Theirs was a smaller community confined to mailing groups, forums, and independent blogs rather than the largely Twitter-dominated open-source volunteer community we know today.

Around a decade or so ago, early news aggregator sites started to fill the space in between. Storyful, founded in 2010, offered a service akin to an open-source newswire, verifying and contextualizing social media posts to a standard that traditional news media could then incorporate in their reporting — later offering its own open-source investigative services. Collectives like Forensic Architecture, also founded in 2010, and Bellingcat, where I work, founded in 2014, turned these techniques towards egregious human rights violations in a manner more like the research department of a watchdog NGO than a traditional newsroom.

DOMINIQUE FAGET/AFP VIA GETTY IMAGES

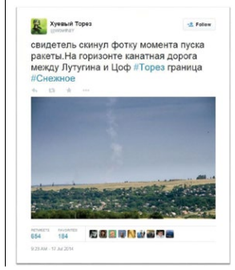
Bellingcat's first big scoop, for example, concerned the shooting down of Malaysian Airlines flight MH17 in July 2014. Founder Eliot Higgins and other volunteers examined social media footage to corroborate claims that a BUK missile launcher operated by pro-Russian militiamen had fired from occupied Ukrainian territory on the day of the attack. This doggedness also took aim at Russian state actors' attempts to obfuscate and derail this line of enquiry, most notably in apparently doctored satellite imagery presented at a press conference in July 2014 by the Russian Ministry of Defense.

Journalists have used open sources in coverage before. In 2013, The New York Times' C.J. Chivers and Eric Schmitt followed up on Higgins' documentation of small arms being used in the Syrian Civil War to produce a longer article on how Yugoslav-manufactured weapons made during the Cold War were making their way to that conflict. The first clues to the existence of the Xinjiang internment camps were discovered by the German academic Adrian Zenz, in the form of construction tenders publicly available on local government websites that corroborated rumors of a new mass incarceration system. In several cases, the size and location of these facilities could then be verified with satellite imagery and were consistent with survivor testimony.

In the tense weeks before Russia's Feb. 24 invasion, open-source imagery — showing the incremental buildup of a significant Russian military force along the borders of Ukraine — was the basis among the commentariat for a battle of interpretations as to Russia's ultimate objectives.

When Russian tanks crossed into Ukraine, open-source analysts saw a surge in followers, although the generational shift in the field could be felt in the increased importance of a wider range of social networks, most prominently TikTok, as a source for footage of Russian military equipment on the move. Most reporters online following the war now know the intricate maps compiled by Nathan Ruser, based on open-source evidence of military movements on the frontline as well as geo- and chronolocated footage posted on social media networks, particularly Telegram. They know the pseudonymous

Bellingcat examined social media footage (inset) to reveal that Malaysia Airlines Flight MH17 was shot down by pro-Russian forces in occupied Ukrainian territory in July 2014, undercutting Russian propaganda



The divide between open-source investigations in the form of online research and closed-source investigations may turn out to be a generational one

DANIEL BEREHULAK/NEW YORK TIMES VIA REDUX

The mayor of the village of Motyzhyn and her family were recovered in a shallow grave near Kyiv. The Wall Street Journal analyzed mortar fragments found at locations identified by locals and discovered mass graves

Oryx Spioenkop, who famously counts Russian tank losses (and their conversion to Ukrainian tank gains), and the ship spotter Yorük Işık, who tracks maritime movement through the Turkish straits. These names now feature prominently in news and investigative reports.

HOW OSI WORKS

On June 27, reports appeared that the Amstor shopping mall in the Ukrainian city of Kremenchuk had been hit by a Russian missile attack. Reports of high casualties followed, as did dramatic images of the building ablaze. Just as quickly came a flurry of deflections and denials from Russian officials and state media channels. The mall wasn't hit, they claimed, but caught fire after a missile strike on a nearby facility repairing Ukrainian military vehicles where ammunition was stored; the mall was hit but because it was actually a clandestine military facility; the mall was hit but it wasn't open that day so there was no question of deliberate targeting of civilians; the mall was hit but the fact that Ukrainian soldiers appeared on the scene alongside emergency services raised questions as to its purpose.

These kinds of responses were familiar to anybody who had witnessed the reaction of Russian state media channels following the shooting down of flight MH17 eight years earlier. The purpose was presumably not to convince anybody of the merits of these false arguments but, like similar "fake news" strategies used by politicians and governments, to muddy the waters, to advance an epistemological nihilism. Open-source evidence showed the truth.

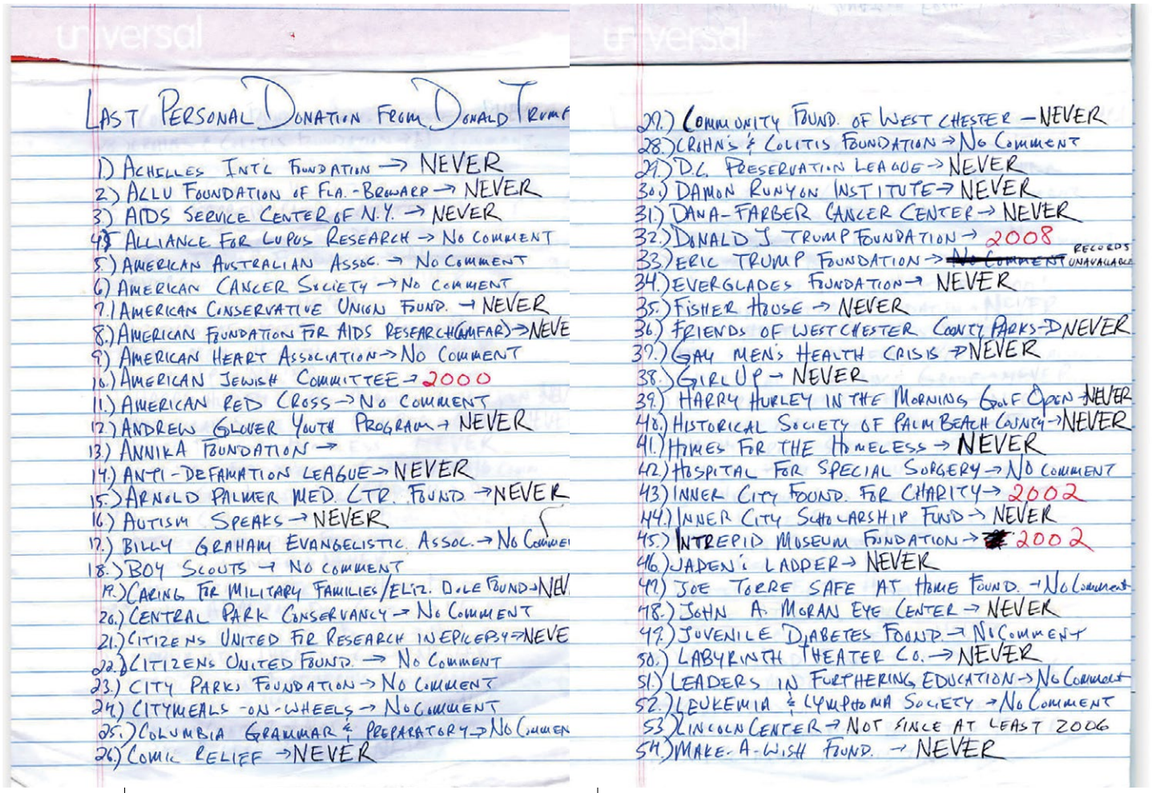
While journalists in Ukraine for The Guardian and CNN were able to visit Kremenchuk and interview eyewitnesses, Bellingcat quickly verified and analyzed all open-source imagery we could find relating to the event. A CCTV video from a nearby factory posted to social media showed the moment of the explosion as locals strolling in a park fled for cover. There were no secondary explosions from neighboring buildings, as would be expected if an ammunition warehouse had been struck. No significant impact site could be seen anywhere near the mall, undermining claims that a fire spread from the factory area.

Russian media had claimed that a lack of activity and reviews on Google and a lack of images from inside the mall proved that the building was closed at the time of the strikes. But the social media pages of various businesses based at the Amstor mall had posted announcements welcoming their customers back on June 25. These later offered messages of condolences to their employees who had been killed or wounded in the attack.

The same pro-Kremlin media outlets opined that the lack of vehicles in the mall's car park in the footage of the aftermath also proved that the mall had been closed. But satellite imagery Bellingcat reviewed dating back to 2016 showed many occasions during opening hours when the parking lot had been sparsely occupied. Moreover, online mapping services and guides to Kremenchuk put the Amstor mall well within walking distance of bus and trolley stops. One Ukrainian even posted a receipt for a purchase made at the mall shortly before the attack, showing the date, time, and address of the mall — a key piece of evidence that widely circulated on Twitter.

None of us working on the Kremenchuk missile strike set foot in Ukraine that day. But we reached the same conclusions as journalists in-country, such as The Guardian's Lorenzo Tondo, who cited our findings in his report from Amstor. What makes an organization like Bellingcat unique is no longer that we produce open-source investigations, but that we use exclusively open-source information in our investigative process.

Kremenchuk was one of several cases where Bellingcat employed open-source research to debunk specific, contradictory Russian claims designed to deflect scrutiny. But the excitement for open source can lead to extravagant expectations for the genre. A "footage fetish" — a phrase coined by Jeremy Morris, professor of global studies at Aarhus University in Denmark — is taking hold in social media. It's more important than ever to remember that a single im-



LAST PERSONAL DONATION FROM DONALD TRUMP

1) ACHILLES INTL FUNDATION → NEVER
2) ALLU FOUNDATION OF FLA.-BRWARD → NEVER
3) AIDS SERVICE CENTER OF N.Y. → NEVER
4) ALLIANCE FOR LUPUS RESEARCH → NO COMMENT
5) AMERICAN AUSTRALIAN ASSOC. → NO COMMENT
6) AMERICAN CANCER SOCIETY → NO COMMENT
7.) AMERICAN CONSERVATIVE UNION FUND. → NEVER
8.) AMERICAN FOUNDATION FOR AIDS RESEARCH(AMFAR) → NEVE
9) AMERICAN HEART ASSOCIATION → NO COMMENT
10.) AMERICAN JEWISH COMMITTEE → 2000
11.) AMERICAN RED CROSS → NO COMMENT
12.) ANDREW GLOVER YOUTH PROGRAM → NEVER
13.) ANNIKA FOUNDATION →
14.) ANTI-DEFAMATION LEAGUE → NEVER
15.) ARNOLD PALMER MED. CTR. FOUND → NEVER
16.) AUTISM SPEAKS → NEVER
17.) BILLY GRAHAM EVANGELISTIC ASSOC. → NO COMME
18.) BOY SCOUTS → NO COMMENT
19.) CARING FOR MILITARY FAMILIES/ELIZ. DOLE FOUND → NE
20.) CENTRAL PARK CONSERVANCY → NO COMMENT
21.) CITIZENS UNITED FOR RESEARCH IN ERICEBY → NEVE
22.) CITIZENS UNITED FOUND. → NO COMMENT
23.) CITY PARKS FOUNDATION → NO COMMENT
24.) CITYMEALS-ON-WHEELS → NO COMMENT
25.) COLUMBIA GRAMMAR & PREPARATORY → NO COMMEN
26.) COMIC RELIEF → NEVER
29.) COMMUNITY FUND. OF WEST CHESTER — NEVER
28.) CRHN'S & COLITIS FOUNDATION → NO COMMENT
29.) D.C. PRESERVATION LEAGUE → NEVER
30.) DAMON RUNYON INSTITUTE → NEVER
31.) DANA-FARBER CANCER CENTER → NEVER
32.) DONALD J. TRUMP FOUNDATION → 2008
33.) ERIC TRUMP FOUNDATION → ~~NO COMMENT~~ RECORDS UNAVAILABLE
34.) EVERGLADES FOUNDATION → NEVER
35.) FISHER HOUSE → NEVER
36.) FRIENDS OF WESTCHESTER COUNTY PARKS-D NEVER
37.) GAY MEN'S HEALTH CRISIS → NEVER
38.) GIRL UP → NEVER
39.) HARRY HURLEY IN THE MORNING GOLF OPEN NEVER
40.) HISTORICAL SOCIETY OF PALM BEACH COUNTY → NEVER
41.) HOMES FOR THE HOMELESS → NEVER
42.) HOSPITAL FOR SPECIAL SURGERY → NO COMMENT
43.) INNER CITY FOUND. FOR CHARITY → 2002
44.) INNER CITY SCHOLARSHIP FUND → NEVER
45.) INTREPID MUSEUM FUNDATION → [redacted] 2002
46.) JADEN'S LADDER → NEVER
47.) JOE TORRE SAFE AT HOME FOUND. → NO COMMENT
48.) JOHN A. MORAN EYE CENTER → NEVER
49.) JUVENILE DIABETES FOUND. → NO COMMENT
50.) LABYRINTH THEATER CO. → NEVER
51.) LEADERS IN FURTHERING EDUCATION → NO COMMENT
52.) LEUKEMIA & LYMPHOMA SOCIETY → NO COMMENT
53.) LINCOLN CENTER → NOT SINCE AT LEAST 2006
54.) MAKE-A-WISH FUND. → NEVER

DAVID FARHENTHOLD/WASHINGTON POST

In 2016, reporter David Fahrenthold scoured news reports, searched publicly available documents, and contacted hundreds of charities asking if Donald Trump had donated to them, and shared his notes on Twitter for help from his followers

age rarely tells the whole story. A case in point is Ukrainians' adherence to their government's request not to post images and videos of the Ukrainian military on the move — leaving an important gap in what open-source research alone can contribute to comparisons between the Russian and Ukrainian forces. The successful integration of open source into journalism requires humility about the limitations of the genre, an acknowledgement of what information cannot be obtained from open sources, and how traditional reporting methods must be used to obtain that information.

Open-source sleuthing will not — and should not — fully replace traditional reporting. In fact, some of the finest investigative journalism on Russia's invasion has come from the union of the two genres. In May, a spraypainted Instagram handle in a house in Bucha gave one Reuters journalist a further clue as to the Russian unit present during the massacres in the occupied Ukrainian town. Later that month, The Wall Street Journal combined local news reports, on-the-ground interviews, and dash cam videos filmed by locals to show how Russian forces had fired on civilians traversing the "road of death" west of Kyiv.

Residents of the town of Motyzhyn told the Wall Street Journal that they had been deliberately fired upon on this perilous four-mile road. Journalists later analyzed mortar fragments — they were a type that has a range of between two to five miles — found at the locations identified by the civilians. A local in the town who had shared a firing location with Ukrainian territorial defense units shared the information with reporters. This location was not only within the range of the aforementioned mortar type but had seen heavy Russian military activity in the timeframe civilians mentioned coming under attack.

This forested area yielded mass graves and the detritus of Russian military soldiers' encampments, including badges from the 37th Guards' Motor Rifle Brigade. A creative confirmation of Russian military activity was provided by the family of Oleg Moskalenko, a local who was detained by Russian soldiers at an impromptu checkpoint along the road that was threatened by Russian fire from the north. During his absence, his relatives traced his iPhone to the grassy area north of the road using the Find My function.

THE ETHICS OF OSI

There is doubtless much more to discover, whether in the dormant social media accounts of dead soldiers or the CCTV cameras with a vantage point on a missile strike. A primary concern today is what to select from the deluge of publicly relevant information emerging from hotspots — a problem at least as important as how to extract meaning from what is selected. Knowing the technical shortcuts to finding useful data — scraping social media channels or filtering posts by geotags — is a key asset, necessary even before acquiring verification, chronolocation, and geolocation skills.

Yet these new methods bring with them new editorial and ethical questions about applying journalistic best practice.

Open-source research offers journalism the promise of a participatory model that could, in theory, help enhance trust in the media, which has been in steady decline for more than a decade. At the heart of open-source research is the hope that audiences can, if they access the same materials, follow the same steps and reach the same conclusions as the journalists did. This is the essence of the "show your work" principle — sharing source documents, publishing full transcripts of interviews — that many news outlets now make a routine part of their reporting.

Journalists' pleas for public input to complete their stories are not new. In 2010, amid growing enthusiasm for the rise of citizen journalism, The Guardian's Paul Lewis took to Twitter to appeal to airline passengers and later for their ticket stubs. He was seeking anybody who had witnessed the death of asylum seeker Jimmy Mubenga, who lost consciousness while being restrained on a British Airways plane bound for Angola. In 2016, David Fahrenthold, then with The Washington Post, pieced together Donald Trump's charitable giving through a mix of old newspaper clippings and New York State tax filings to compare Trump's public statements about his foundation's philanthropy with hard data. When Fahrenthold began contacting hundreds of charities to see if they'd gotten donations from Trump, he took pictures of his notes and shared them on Twitter to see if he was missing anything. The result was a comprehensive look at how Trump used his charitable donations to purchase art and other items for himself.

A recent Reuters Institute study found that many of today's news consumers implicitly trust visual media more than text, a finding that should be very promising for open-source journalism. But open-source intelligence does not always speak for itself. It often needs contextualization and interpretation. Images of rows of burnt-out tanks alone may mean little to readers, and even less when the open-source researchers do not state clearly how they verified the image.

Even when open-source research is not paired with shoe-leather reporting, it still needs thorough vetting. One example is the extensive use of expert comment by BBC's World Service Disinformation Team in debunking Russian state media claims that Ukraine was selling weapons provided by NATO on the black market. A standard reverse image search revealed that photographs that ostensibly showed weapons for sale were in fact several years old and had previously appeared on a gun enthusiast's website in 2014. But reporters also noticed that these purportedly Ukrainian channels had misspelled Kyiv in Ukrainian, a clue that prompted them to go undercover and contact the site administrators posing as a buyer. Their interlocutor also made significant errors in Ukrainian. According to a linguist interviewed by the journalists, these mistakes suggested the messages had in fact been written by a Russian speaker with the aid of translation software. Without this expert comment, such an editorial observation may have seemed highly subjective and speculative, undermining trust in both open- and closed-source components of the reporting.

In today's open-source journalism, transparency of method and transparency of sources are even more tightly braided together. After Bellingcat's December 2020 investigation into the poisoning of Russian opposition politician Alexey Navalny, which implicated members of Russia's Federal Security Services (FSB), we decided to make public a spreadsheet containing the travel data of members of the poison squad. Several members of the public soon noticed correlations with the mysterious deaths or severe illnesses of a number of other opposition activists in Russia — from a local activist in Dagestan to the celebrated Russian poet Dmitry Bykov. Thus, an entire series of investigations was born. Our readers had not just contributed to the story but determined what that story would be.

THE LIMITS OF OSI

Open-source materials on which readers are meant to base their enhanced trust must occasionally be redacted or removed, sometimes by editors and sometimes by the platforms where the materials are discovered. That potentially undermines a key appeal of open-source intelligence — the promise of a new, radically transparent relationship between reporter and reader.

When it comes to footage, this participatory model can be complicated by platforms' attempts to become more responsible content moderators. Posts from warzones that are relevant to journalists are removed because they often breach policies on depictions of violence. So, when this kind of material is deleted, the unconvinced reader may still have only the journalist's word that relevant posts ever existed, potentially undermining transparency.

But best practice can also dictate that journalists sometimes refrain from being fully transparent about source material. In several European jurisdictions, media generally refrain from publishing the faces of private individuals suspected of but not officially charged with a crime.

Bellingcat obscures much of the extremist, incendiary social media posts we encounter in our reporting on far-right online subcultures, in line with best practice laid out in the Data Society's 2018 Oxygen of Amplification report. This decision stems from a desire not only to avoid inadvertently amplifying hate speech, but to instead emphasize its context, discourse, and spread in order to redirect the focus away from that preferred by extremists. As we know from reporting on the far-right in North America, fascist groups are particularly adept at gaming the system, parrying and provoking the news media into rewarding them with notoriety and

Open-source research offers journalism the promise of a participartory model that could, in theory, help enhance trust in the media

The process of producing OSI in newsrooms to journalistic standards takes time, training, and money — things often in short supply

free publicity. The same questions could be asked of the need to gratuitously reproduce the hate speech made by Russian television pundits and nationalist bloggers towards Ukrainians.

This dilemma is even more acute when faced with distressing footage that may depict war crimes. In February, Bellingcat reported on a series of apparently staged videos recorded by pro-Russian media channels in the run-up to the war. In one gruesome example from the Donetsk-Horlivka highway, a cadaver showing signs of a medical autopsy had been placed in a burnt-out vehicle; Russian journalists asserted that the body belonged to a local civilian killed by a Ukrainian improvised explosive device (IED). My colleagues noted a neat cut through the skull cap of one of the corpses in the vehicle, which a forensic pathologist told us was consistent with an autopsy procedure. This indicated that the body was likely placed in the vehicle before it was set alight. We chose not to embed links to the full, extremely graphic content and to obscure sections of imagery we had to publish in order to show the top of the skull in question.

In August, we reported on one of the most disturbing videos of the conflict, posted on Russian social media from the frontline near Pryvillia, depicted a group of Russian paramilitary fighters mutilating and then executing a captured Ukrainian soldier in an act of horrific sexual violence. We chose not to link to the video and obscured disturbing elements of screenshots presented for analytical purposes — in this case, features which allowed us to connect two videos believed to be taken at the same spot as well as those that allowed us to eventually geolocate both to the crime scene. These features were not only visual: In describing the video, we omitted several extremely disturbing details about the act of sexual violence depicted, which were not essential to the purpose of the analysis.

There are a growing number of resources dedicated to the ethics of open-source research in media. A recent report from the Stanley Center, a policy organization dedicated to peace and security, includes a comprehensive workbook designed to introduce researchers to conundrums loosely based on real examples, for example. Some of these, such as a researcher considering whether to use a "sock puppet" account to view a closed social media profile, broadly echo traditional journalistic debates about the ethical limits of what can be done to secure access to crucial sources. Others, such as a manager considering the ethical responsibilities of requesting her employees to review hours of graphic material online, are perhaps more novel. In the context of Ukraine, the latter can have broader implications for readers, too. Frank conversations about the need to share extremely graphic evidence of war crimes need to be held, especially when Russian state actors and conspiracy theorists repeatedly deny such evidence.

The consequences of poorly conducted OSI analysis can be severe. In the case of the disturbing video from Pryvillia, there were very few visual clues to conclusively identify the culprit in the mutilation scene itself, though the face of a man wearing the same clothes as the culprit could be seen in other videos taken in the same area with the same Russian paramilitary unit. Crucially, this man was one of the few of East Asian appearance in footage of these soldiers, likely a member of an ethnic minority from Siberia, Russia's Far East, or areas of the North Caucasus. On this basis, some open-source researchers used facial recognition websites that incorrectly identified a man from Russia's Republic of Kalmykia in the North Caucasus as the suspected culprit. The likely culprit, Bellingcat and partners ascertained, actually came from southern Siberia.

In Ukraine, this facial recognition process often involves Russian search engines, such as FindClone, which then attribute a name and social media page link to the identified face. Researchers should be careful never to rely wholly on facial recognition for identification given the possible ethnic and racial bias, as studies have found on U.S. examples with Black faces. Nevertheless, the incorrect identification circulated widely, a testament to the high stakes of online misinformation. The actual suspect was later sanctioned by the U.S. authorities.

Then there are the risks Ukrainians themselves face. Ordinary Ukrainians are increasingly waging their own war with digital tools and drones. But footage is geolocatable, and they risk becoming targets for prosecution or worse, particularly in occupied territories. These risks place a palpable ethical burden on newsrooms, which are the first to amplify such footage. For example, in Bellingcat's interactive map of incidents of harm to civilians in Ukraine, my colleagues have partially obscured the geolocations of footage when it is believed that the authors could be endangered if their identity was revealed.

Footage of these horrors — not only potential war crimes but the cumulative drip of suffering in the form of destroyed schools, crying refugees, and homes ablaze — can present a psychological risk to volunteer researchers and members of the public who may not benefit from the same institutional support afforded journalists. Yet these same researchers are increasingly an invaluable resource to mainstream journalists. Concerns about secondary traumatic stress — repeated and prolonged exposure to the trauma of others — has prompted my colleagues to either remove particularly disturbing elements of such content when working on it with volunteers or not expose them to it at all.

The horrors unfolding in Ukraine could set an important precedent for the admissibility of online information in international criminal tribunals. An awareness that the fruits of their research can translate into real action against people perpetrating possible war crimes may draw even more enthusiasts towards these open-source methods. This thirst for justice and accountability is the same pull factor that drew enthusiasts towards traditional investigative journalism.

In this sense, open-source practitioners' openness to collaboration also interrupts traditional journalistic exclusivity, promoting a skillset and methodology that can be and is being employed by the general public. However, in an ideal collaboration with news media, its impact is enhanced not only by the reach of the latter but by the application of ethically grounded journalistic practice. In this partnership, as University of Gothenburg researchers Nina Müller and Jenny Wiik wrote in Journalism Practice in 2021, journalists are "no longer gatekeepers" but "gate-openers," coordinating different actors with different skills and competencies.

ALEXEY NAVALNY VIA INSTAGRAM/AP

Russia's black data markets held key information for the investigation into who poisoned opposition leader Alexey Navalny, pictured in the office of his Anti-Corruption Foundation, Dec. 2019

But the process of producing OSI in newsrooms to journalistic standards takes time, training, and money — things often in short supply. What appears to be a simple geolocation can take hours if not days of paid staff time to verify. Some of the most memorable open-source stories are the fruits of long-established habits of trawling online data about highly specific if not arcane subjects of interest. This can be a luxury to reporters under time and financial pressure. Moreover, the fruits of crowdsourced research from the volunteer community should also be verified in-house. All this takes considerable time, and that time means staffing costs. Open source is no silver bullet.

Established open-source researchers can learn a lot from journalistic best practice, but journalism also has a great deal to learn from the open-source research community. OSI practitioners are not as proprietorial about their findings as journalists, and they exhibit the collaborative impulse journalists hope will help save their field. Just as the collaboration among journalists also needs to gain equilibrium, so should the relationship between large legacy newsrooms and open-source volunteers who have substantially contributed to their coverage of Ukraine.

Open-source research is also fragile by nature. The wider the publicity for sensitive open-source investigations, the more circumspect social media users become about sharing information that could be in the public interest. The field's methodological transparency is at once its greatest asset and its greatest hindrance. As open-source research gains prominence, more and more actors will be inspired, and not all of them will use these techniques for the public good.

In autocratic and democratic societies alike, data has become a very valuable commodity for political control or commercial advantage. But governments have been slow to recognize that the surveillance can go both ways. States that collect data about their citizens also collect this data about their own functionaries. The internet is sieve, and in some countries it leaks more than others. Russia's black data markets, which played the key role in investigating the men who followed and poisoned Alexey Navalny, have thrived in part due to the pervasive corruption in Russia.

But the same dynamic can be found in countries of diverse political systems: As Haaretz has reported, Israel's data brokers have also come to the fore to sell personal information. Perhaps the greatest ally of an open-source researcher is banal human error by those hunters who believe that they cannot be hunted — the same human error which allowed my colleagues to discover that U.S. servicemen in Europe upload sensitive details about nuclear weapons to publicly available flashcard applications. The hope has to be that OSI will continue to offer a way to hold the powerful to account.

"Back when I started training media in 2013 and presenting open-source techniques, it was as though I was doing magic tricks," says Eliot Higgins, Bellingcat's founder. "But now, if you're not doing it, you're not doing your job." ■

An Open Vallejo investigation found that members of the Vallejo Police Department **bent the corners of their badges** each time they killed someone while on duty

PUTTING OPEN-SOURCE METHODS INTO PRACTICE

HERE'S HOW THREE NEWSROOMS COMBINED OPEN-SOURCE AND TRADITIONAL REPORTING TECHNIQUES TO LAUNCH AMBITIOUS INVESTIGATIONS

OPEN VALLEJO

BY GEOFFREY KING

It started with a disturbing tip: Police officers in Vallejo, California, were bending the points of their badges to mark each on-duty killing.

There had long been rumors of a gang-like culture within the Vallejo Police Department, which is one of the deadliest law enforcement agencies in the country, data show. And by 2018, the roughly 100-member department had cost Vallejo so much in civil rights settlements that the city was forced from its municipal insurance pool of more than three decades.

The source was credible, the allegation plausible. But Open Vallejo was still a one-person operation, and while I had previously written articles on topics within the scope of my work as a First Amendment lawyer, I had little experience with publishing an original work of investigative reporting.

But I did know that the facts had to speak for themselves.

Open Vallejo's first major investigation, which took nine months to produce, was conducted almost entirely using open-source techniques. I started by examining every photograph of a Vallejo police badge I could find. This included countless hours spent reviewing, collecting, and analyzing materials from the city's website, the department's official social media accounts,

and officers' often-pseudonymous personal Facebook profiles. I soon found that the curved, polished metal lends itself to glints, reflections, and other visual artifacts. Combined with the low resolution of many of the photographs, and the city's refusal to disclose photographs in the possession of the department, I set out to make some examples of my own.

In 2019, Vallejo hired its first Black police chief in the police department's then-119-year history, Shawny Williams. Police officers packed the city council chambers for his historic swearing-in ceremony. The occasion meant that many of those present were in more formal uniforms, and thus wearing a metal badge. While covering the event I photographed as many badges up close as I could.

Not only did one of those photographs become the story's main image, but when I compared the detailed pictures to others I had gathered, they revealed that the first bend is often applied at the 4 o'clock tip of an officer's seven-point star.

By now I had developed a number of sources with knowledge of the badge-bending tradition. To understand the scope of the tradition, I also used public records to build a database of shootings and other fatalities involving Vallejo police, which Open Vallejo released under a Creative Commons license days after the story went live; it remains the most comprehensive account of the department's critical incidents available from any source. Eventually, the photographs, sourcing, and other evidence lined up. As our publication date neared, I received several credible, frightening, anonymous threats.

Open Vallejo launched its website on July 28, 2020, with the badge-bending investigation as our top story. The city manager initially denied the report, then quickly backtracked. The mayor, a former police sergeant, confirmed it. Days later, Williams, the new police chief, announced a third-party investigation.

The story is now impacting cases in both state and federal courts. Criminal defense attorneys have used it to impeach the statements of alleged participants in the tradition. The California Department of Justice, which launched a review of the department in June of 2020 due to the "number and nature" of killings by Vallejo police, is now facing renewed pressure to impose reforms following Williams' recent resignation.

Open Vallejo's critical incident database shows that over the past 20 years, Vallejo police have engaged in a shooting once every four months, on average; 30 people have died. Most recently, a Vallejo police detective shot 22-year-old Sean Monterrosa in the back of the head, killing him. Monterrosa, who possessed only a hammer, which the detective mistook for a gun, died while participating in the uprising over George Floyd's murder.

For a small-but-scrappy newsroom like ours, open-source techniques are vital. Consumer-grade technology has made it possible to collect, organize, and analyze large amounts of information. This allows us to shed new light on longstanding injustices and uncover what is hiding in plain sight.

More than two and a half years after Monterrosa's tragic and unnecessary death, Vallejo police have yet to shoot at another human being. Whether our work has contributed to the peace, or to what degree, is unknowable. But the mere possibility means our work must — and will — continue.

THE WASHINGTON POST

BY ELYSE SAMUELS AND NADINE AJAKA

When Travis Scott's Astroworld performance ended in Houston on Nov. 5, 2021, it was clear there had been a disaster: 10 people in the crowd died and dozens more were injured. The toll made it one of the deadliest concerts in the nation's history.

Reporters from The Washington Post set out to answer how this could have happened by harnessing the power of open-sourced video — after all, many young fans were filming the high-energy performance. The result was a compelling and troubling video investigation that revealed that the dead were packed into one overcrowded quadrant where they were crushed to death.

Using overhead imagery of the crowd, we worked with researchers at Carnegie Mellon University to calculate the crowd density. Parts of the area where many of the dead were concentrated had as little as 1.85 square feet per person. A density of 1.5 square feet per person can cause compressive asphyxiation, leaving so little space that people cannot draw breath, according to the crowd experts. Weeks after our story, the medical examiner released causes of death from the concert: compression asphyxia for all 10.

To arrive at these findings, a team of reporters examined more than 100 videos — some exclusively obtained from witnesses but most found online. The team geolocated the footage and synchronized the clips using video and audio cues. The investigation included 3D-modeling of the stage and venue drawn from festival plans in public filings, satellite imagery, and our own drone flyovers.

The Post's story pinpointed ground conditions before any law enforcement agency publicly did, and it showed that there was no basis to initial public explanations that rampant drug use was likely a cause. Our team showed videos and maps of the stage to crowd control experts who faulted the layout of barriers, saying it did not allow concert organizers to cut off the flow of people surging toward the stage. The investigation found that the concert continued for nearly an hour after three of the victims were unconscious in a pile of other fallen fans only 16 minutes into the show.

We faced the challenge of finding as many visuals as possible to tell us more about what happened to the victims who died. The team worked together over 18 days to survey all social media platforms, review available Houston emergency communications, and interview witnesses and relatives of and lawyers for the victims.

The combination of open-source and traditional reporting, as well as innovative techniques in syncing footage and crowd counting, revealed new information about the tragedy. We used these same techniques to examine the fatal crowd crushes in Indonesia and Korea that killed hundreds in October alone, work that would have been impossible without the existence of video from multiple angles. This type of storytelling is profoundly clarifying about what went wrong and holds officials to account. After publication, a mother whose daughter begged on-scene crews to halt the concert wrote to The Post: "My daughter and I watched it together, and it really helped me more deeply understand what she went through that night."

PREVIOUS SPREAD: GEOFFERY KING/OPEN VALLEJO

JAMAAL ELLIS/HOUSTON CHRONICLE VIA AP

Ten concert goers died and dozens more were injured during the the Astroworld festival in Houston, Nov. 2021. The Washington Post used open-source video to show how crowd density contributed to the tragedy

THE NEW YORK TIMES

BY MALACHY BROWNE

The New York Times has deployed dozens of reporters, photographers, videographers, and others to Ukraine and the countries bordering it to deliver in-depth reporting on the conflict and its repercussions across the region. Times journalists are bearing witness as events unfold, reporting from battlefields, hospitals, improvised bomb shelters, and contested cities to document the war firsthand.

But our reporters cannot be everywhere, and some of the richest sources of information emerging are people sharing videos, photos, and reports of what's happening in their communities on social media. From the start of the conflict, the Visual Investigations team at The Times, which includes Ukrainian researchers, has monitored Twitter lists, local Facebook groups, and Telegram channels to listen to what those witnesses — and officials in Russia and Ukraine — were saying.

In March, our investigators found that some Russian forces inside Ukraine were communicating on open radio channels. By cross referencing the transmissions with information about Russian activity gleaned from social media, we ascertained the time and place where some of the chatter was coming from and determined the kinds of units operating in an area outside of Kyiv. That allowed us to eavesdrop on troops essentially admitting they were told to fire on civilians — a war crime.

When Russian forces withdrew from the town of Bucha at the end of March, the world recoiled at what was left in their wake — dozens of bodies on Yablonska Street, in basements and gardens, many of them apparently executed. Russia's president described the images as "another hoax," claiming that Russian soldiers were not present when the bodies appeared. Our team rebutted those claims by showing through satellite images that the bodies had laid on the street for weeks while Russia controlled the town.

Then began the process of finding out who these victims were, how they were killed, and who was responsible. The Visual Investigations team dispatched two reporters who spent months in Bucha and Kyiv interviewing witnesses and survivors, and collecting previously unpublished videos from witnesses, drone and security camera footage, documents from the police, military commanders, and Ukrainian investigators.

One investigation showed how Russian paratroopers rounded up and executed at least eight Ukrainian men at one office building on Yablonska Street. By scouring Telegram channels and Facebook groups for missing persons reports, contacting relatives, and collecting autopsy reports and death certificates, our reporters — for the first time — identified all eight men.

The team also obtained more than 4,000 recordings of Russian soldiers' phone calls intercepted in the Bucha area by Ukrainian law enforcement agencies. The soldiers gave damning insider accounts of battlefield failures and civilian executions. We independently authenticated the calls by cross-referencing outgoing and incoming Russian phone numbers with cell phone messaging apps and Russian social media accounts.

Russian leaders may deny the atrocities committed in Ukraine and peddle propaganda at home. What's different in this war is the volume of digital evidence available through open sources and on-the-ground reporting — evidence that enables newsrooms to inform the world and achieve accountability. ■

COLLABORATION AND COMMUNITY

Freelance journalists in Italy are banding together to take on — and fund — ambitious investigative projects around the globe

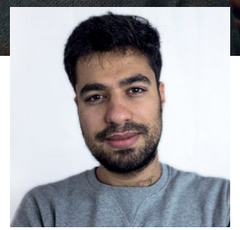
BY MAURIZIO FRANCO AND DANIELE RUZZA

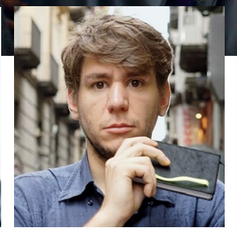
AT THE END OF DECEMBER 2020, freelance journalists Matteo Garavoglia and Youssef Hassan Holgado spent a month-and-a-half traveling across Tunisia to report on the 10th anniversary of the Jasmine Revolution, when large-scale protests led to the ousting of long-time president Zine El Abidine Ben Ali. What happened in Tunisia ignited similar uprisings all over the Middle East, which came to be known as the Arab Spring. A decade later, Garavoglia and Holgado found a country still struggling with the same issues that prompted the uprising: poverty, widespread unemployment, and social inequality. Resentment toward the political establishment is still prevalent among Tunisians, particularly among younger generations.

Garavoglia and Holgado's trip took them to Sidi Bouzid, the city in Tunisia where the first protests of the 2010 revolution were sparked by the death of Mohamed Bouazizi, a street vendor who set himself on fire after suffering police harassment for some time. Their report on what life is like in Sidi Bouzid was published in the Italian daily newspaper Domani and featured firsthand accounts from residents who lived through the tumultuous days of the revolution. Other stories on the economic crisis gripping the northern African country and the corruption of its institutions were published by RadioTelevisione Svizzera Italiana (RSI), El Salto, il manifesto, and FQ Millennium, the monthly magazine of the Italian newspaper Il Fatto Quotidiano.

Garavoglia and Holgado live in Rome, producing videos, podcasts, and articles to sell to news outlets. However, Domani, RSI, El Salto, and il manifesto didn't send them to Tunisia. They organized the trip themselves and paid for their reporting expenses with funds provided by the Centro di Giornalismo Permanente (CGP, Permanent Journalism Center), a collective of professional freelance journalists producing in-depth, long-form journalism. (Disclosure: Both authors of this piece are CGP members.) Garavoglia is a founding member of CGP, which started in 2018; Holgado joined in 2019.

As members of CGP, they are part of a community of freelance professionals who share ideas and work together on stories that would be too expensive and demanding for a single journalist to tackle. "We could have never paid the travel expenses just by selling the articles we were going to write while [in Tunisia]," says Holgado. "Associations such as CGP fill a void in the Italian media landscape. We pursue ambitious stories that legacy outlets often do not anymore, mostly due to budget cuts. Indirectly, we broaden the content that newspapers offer to their readers."





PREVIOUS SPREAD AND LEFT: GUILIANO BATTISTON

MATTEO GARAVOGLIA AND YOUSSEF HASSAN HOLGADO

In Dec. 2020, Matteo Garavoglia (left) and Youssef Hassan Holgado (right) traveled across Tunisia to report on the 10th anniversary of the Jasmine Revolution — and found a country still struggling with the same issues that prompted the uprising

In Italy, a growing number of young Italian graphic designers, photographers, visual storytellers, and freelance journalists are joining forces in informal collectives, cooperatives, and commercial companies to collaborate with legacy news outlets. Their focus: longer-form articles and more in-depth pieces that established newsrooms don't have the staff or budgets to cover.

The last decade saw a steep drop in newspaper sales and income from ads, a trend that has deepened the wage disparities between staff journalists and freelancers. According to Agcom, the Italian antitrust authority for the communication sector, more than four out of 10 journalists are freelancers. In its latest report, published in 2020, Agcom highlighted how nearly 63 percent of all journalists earn less than 35,000 euros per year. Of those, about 45 percent of freelancers and 50 percent of contractors (freelancers who have a contract with a news outlet) earn less than 5,000 euros per year. The profession is also aging. Forty percent of the journalists in Italy are older than 50, while 70 percent are over 40, according to the report. And, nearly three-quarters of journalists under 35 earn less than 20,000 euros per year.

As highlighted by Agcom's report, the vast majority of people working in journalism, and particularly as staff editors in newsrooms, are over 40. This, along with the economic crisis and the impact of Covid-19, has created an almost overwhelming situation for younger, aspiring journalists. Insofar as young people want to pursue a career in journalism, they are compelled to work as freelancers. Lack of funds and logistical challenges are an everyday issue for freelancers, as they cannot rely on the financial backing, and technical know-how that would otherwise be provided by a newsroom.

Italy's freelancer associations have become alternative models for the production of journalism. Here is a look at four organizations trying to support freelance journalists while also meeting urgent coverage needs.

LETTERA22

FOUNDED IN 1993, Lettera22 is the first collective of independent journalists in Italy. The name comes from the portable typewriter produced by Olivetti in 1950. "It's a symbol that contains our idea of journalism: re-

PREVIOUS SPREAD: In its original iteration, Lettera22 had each of its journalists covering a specific area of the world, including Afghanistan, says Guiliano Battiston (left), Lettera22's director

porting from the field, delving firsthand into the facts, wearing out one's shoes, and explaining with clarity the complexity of what's going on," says Paola Caridi, one of Lettera22's founders.

In the early 1990s, Italian freelancers were almost nonexistent. Most journalists either worked in a newsroom or as external partners with the expectation that they would eventually be hired, says Caridi. But when she and five colleagues working for the foreign desk of Avanti!, a historically socialist newspaper, were laid off, they decided to band together instead of leaving the profession. "We made the best out of a bad situation, and turned being made redundant into an opportunity," Caridi says. "The association that we founded allowed us to keep working together, while remaining free from the constraints imposed by a newsroom."

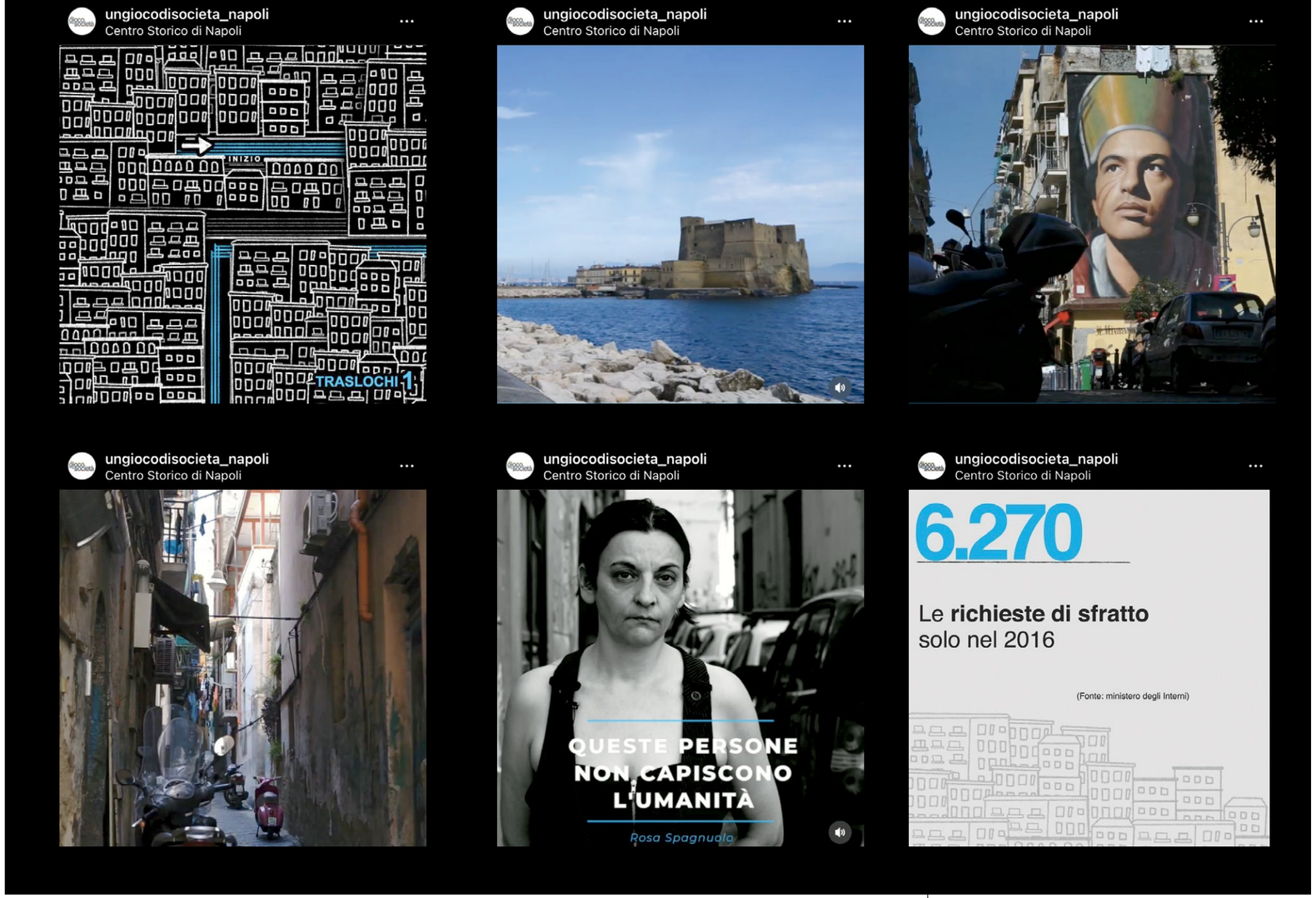
Lettera22 has a membership fee and collects a percentage of the payment members receive for the articles they publish. In exchange, members get to be part of a collective of expert journalists, trading contacts about outlets and sources, and can apply for grants reserved for associations.

The structure is very loose for the 13 members. "There is not an established hierarchy. Each role serves a purpose in our machine," says Giuliano Battiston, Lettera22's current director. In Lettera22's original incarnation, each journalist covered a specific area of the world: Caridi focused on the Middle East, while the others focused on Afghanistan, Bangladesh, and China. "We published stories nobody else had, reporting from the heart of areas of conflict and capitalizing on our contacts with [non-governmental organizations] and [U.N.] agencies," says Caridi. "We were among the first in Italy to cover the war in the Balkans or the coltan mines in Congo."

After establishing itself with local newspapers that lacked international news, Lettera22 moved to wider-reaching national outlets, like L'Espresso, La Stampa, and Il Sole 24 Ore, as well as academic publications and books. "With time, outlets started relying more and more on the articles and news that we provided, and occasional relationships turned into regular ones," says Caridi.

Among their collective efforts there are two books: "A Oriente del Califfo" ("East of the Caliph"), which explores the broader plan of the Islamic State of Iraq and the Levant to convert non-Arab Muslims to their cause; and "Sconfinate. Terre di confine e storie di frontiera" ("Boundless. The borderlands and their stories"), which focuses on the concept of borders, and on the similarities between communities whose shared trait is living close to a country's border. They also co-organized a festival on foreign reporting called MIP, Il mondo in periferia (The world's suburbs), last June in Rome.

Through its website, Lettera22 advertises its members' articles published by legacy newspapers, and it publishes editorials and opinion pieces on the areas of the world its members cover. The website helps Lettera22 reach a wider audience and grow its brand. "We now have earned enough prestige on matters of foreign news and politics," says Battiston, "that we don't need to necessarily rely on the publication of our articles on legacy newspapers."



One project the Permanent Journalism Center produced was "Un gioco di società," an Instagram-based report that looked at the economic and sociological changes taking place across Italian cities

PERMANENT JOURNALISM CENTER

IN 2018, about 20 former students at the Fondazione Basso's journalism school in Rome were at a bar having a conversation so many in the industry have been having: Is there a solution for the precarious career situations in which many young journalists find themselves?

"The answer was the Permanent Journalism Center (CGP), found at the bottom of a bottle of beer," jokes Matteo Garavoglia, who used CGP's funding to report from Tunisia.

All of CGP's members have interned at various Italian news outlets, increasing their disillusion with an industry that seems inaccessible to younger people. CGP started out with just eight founding members and has grown to 16, with most coming from the same journalism school its founders attended.

PERMANENT JOURNALISM CENTER

CGP's members meet on a bi-weekly basis to discuss the association's activities. They pitch ideas and decide as a team which ones to further develop. The members who show an interest in the project then form a team, deploying themselves to report on the story.

CGP's membership fee is 10 euros per year, but the organization's main sources of funding are monthly online workshops on journalism-related topics, such as how to write an investigative article, how to write about a specific area of the world, or how to produce a podcast. The workshops are taught by experts in the field and feature theory lectures and practical lessons. Enrollment fees average around a hundred euros, and workshop attendees range from freelance journalists seeking to broaden their skills to people outside the sector curious to know more about a specific topic.

Among CPG's published projects is "Un gioco di società" (A board game), a report on Instagram that analyzes the sociological, economic, and urban transformation of Italian cities that won the 2019 Roberto Morrione Prize for investigative journalism. The project focused on Naples, Rome, and Milan, highlighting how the development of Italy's most populous cities is shaped to benefit hedge funds, international real estate firms, and digital short-stay rental platforms, often with the public sector's complicity. The report borrows aspects of table-top games and integrates them into Instagram. Starting from the main account, the user is free to pick one of the three cities analyzed. From there, the user is redirected to the city's Instagram account, beginning a journey that explains how each city has changed in recent years.

CGP, headquartered in Rome, opened an office in a co-working space in March 2020, shortly before Italy's first coronavirus lockdown, so members had a place to collaborate.

"We did not have a newsroom, so we created one for

freelancers," says Elena Basso, another CGP founding member. "By working together, we were able to develop our professional skills and break the chains of the loneliness that yoked us."

THE INVESTIGATIVE REPORTING PROJECT ITALY

DISILLUSIONMENT WITH existing newsroom opportunities also prompted Giulio Rubino and Cecilia Anesi, two aspiring journalists who met in London in 2009, to found IRPI, The Investigating Reporting Project Italy, in 2012. IRPI is a collective of journalists focused solely on investigative journalism, funded through grants and donations from European foundations. "A systematic lack of funding was a longstanding issue for us," says Rubino. "With time, we developed close relationships with foundations that grant us funds without tying any of it to a specific project. Within IRPI, we have people who both work solely on grant applications alongside the journalists who are then going to use those grants to develop journalistic reports."

Investigative projects are planned collectively, with Anesi working as a supervisor. IRPI operates like any newspaper newsroom, with co-editors-in-chief Rubino and Lorenzo Bagnoli, six editors and reporters, and two contractors. The collective has its own online news outlet, IRPI Media, launched in 2020. IRPI is also part of two international investigative journalism consortiums — the Organized Crime and Corruption Reporting Project and the Global Investigative Journalism Network.

"Our ambition right from the beginning [was] to create an independent voice," says Rubino. "We have now moved on from strictly selling our reports and investigations to legacy publications. We now have our own website. We would rather readers experience our work on our website rather than visit someone else's."

IRPI was the Italian partner in a lengthy investigation called OpenLux, coordinated by Le Monde, in which six news outlets uncovered the underground world of European finance, scrutinizing some three million documents and around 124,000 businesses. The project, published in February 2021, revealed how politicians, businessmen, and criminal organizations evade taxes by hiding their money in Luxembourg, where about 90 percent of companies registered there are controlled by entities outside the country.

FADA

IN NIGER, a fada is a place where unemployed men meet to socialize, discuss politics and social issues, form new relationships, and forge a sense of identity. Giacomo Zandonini, one of the few Italian journalists covering western Africa, thought it would be the perfect name for a journalism collective reporting from various parts of Africa not covered by Italian news outlets. Along with five other journalists scattered all over the world, Zandonini launched FADA in December 2020.

FADA has a horizontal structure, with each member having the same influence when it comes to pitching stories. The common thread connecting all FADA stories is social engagement; frequent areas of coverage include civil society, activism, migration, climate change, and social rights, with articles published in outlets like The National, the Guardian, and Al Jazeera.

FADA is mostly funded through grants and events designed to help freelance journalists — whether they are members of the collective or not — reporting from abroad. The organization helps to pay for insurance coverage and protective equipment when needed on assignment. When FADA journalists work in risky areas, the association's network stays up to date on reporters' whereabouts and intervenes to help when necessary.

During an event held in February 2021, FADA discussed how Italian news outlets are increasingly relying on freelancers because they cannot afford to pay foreign correspondents. But the economics don't work for freelancers trying to make a living reporting from abroad. The "goal of our association is to promote a new way of reporting on foreign-related topics," says Zandonini. "In the Italian media landscape, foreign reporting is left to underpaid freelancers. This leads to unnecessary rivalries and competition, which affects the quality of the journalism produced. Ideally, our association represents a different model for foreign reporting to introduce higher quality foreign reporting."

GIACOMO ZANDONINI

Their idea of foreign reporting can be better understood by looking at two recent works of theirs: a long-form article on how Benin is becoming a major outpost of jihadist terrorist groups in Africa; and a documentary on the challenges that human rights advocates are facing in Iraq.

Andrea Iannuzzi, La Repubblica's senior managing editor, maintains that news associations "will take up more and more space within the journalism sector" to fill the content gap left by journalism's financial crisis. La Repubblica is not alone in relying on collaboratives for coverage. L'Espresso, one of Italy's most influential weekly publications, has also published stories by organizations made up of freelance journalists. "Bigger, collective products equals more in-depth reporting," says Beatrice Dondi, deputy editor of L'Espresso. Freelance collaboratives "greatly increase the quality of journalism content that a publication can present to its audience." ■

A man is revived after being discovered in the desert in Niger. FADA, a collective launched by Giacomo Zandonini (left) in 2020, has reported on how Europe's immigration policies are affecting Niger, one of the poorest countries in Africa

FIGHTING BACK AGAINST SLAPP

How journalists are organizing to defeat strategic lawsuits against public participation, which powerful individuals use to silence independent reporting

BY JARED SCHROEDER

ILLUSTRATION BY DOUG CHAYKA

RIMOŽ CIRMAN STARTED RECEIVING orange, business-card-sized slips of paper in his Celje, Slovenia, mailbox in June 2020. They haven't stopped coming.

Each card is a notice that he has a piece of certified mail waiting for him at the post office near his house. At first, every 10-minute walk to the post office yielded an envelope informing him of a new defamation lawsuit against him. "In my post office, they were watching me strangely at first," Cirman says. "Why does that guy keep getting court orders? I said to them, 'I didn't kill anybody. I'm just a journalist.'"

More recently, the cards alert him to updates on his cases. Post office officials have set aside a space on a shelf for his legal documents.

Cirman, editor of Necenzurirano, a Slovenian news organization, has been the subject of 15 defamation lawsuits, all stemming from his reporting about Rok Snežić, an adviser to former Prime Minister Janez Janša. His colleagues Vesna Vukovic and Tomaž Modic also accrued 15 lawsuits each. Snežić "basically picked every article we ever wrote about him and filed a lawsuit — for each of us," Cirman says. "Why? Each lawsuit needs a response from a lawyer and that costs money."

The lawsuits Cirman and his colleagues face are often classified as SLAPPs — strategic lawsuits against public participation. The lawsuits allow people with power to intimidate and silence journalists and others through financially draining litigation and fear and uncertainty about their futures. The London-based Business & Human Rights Resource Centre tracked 355 SLAPPs worldwide between 2015 and 2021.

SLAPPs are part of a growing list of headwinds journalists face around the world. In Russia, for example, independent journalism has been all but shut down following the passage of the so-called "fake news" law that prohibits reporting on the war in Ukraine. Several other countries have introduced similar laws that can be manipulated to criminalize reporting that is unfavorable to governments in the wake of the Covid-19 pandemic. Female journalists in Iran are being jailed at unprecedented rates — two are facing the death penalty — for covering the protests following the death of Mahsa Amini in September. Violence against journalists continues to hamper their work on a global scale, and people like Donald Trump and his followers are turning chunks of the electorate against facts and legitimate journalism.

Primož Cirman, editor of the Slovenian outlet Necenzurirano, has been the subject of several defamation lawsuits tied to his reporting

SLAPPs are a particularly effective tool for those in power to silence cash-strapped news organizations and reporters.

Nieman Reports spoke with journalists on four continents about their experiences, with each providing lessons about using the resources available, forming international coalitions, finding support in their audiences, and fighting the harassment that often comes with SLAPP lawsuits.

Ask Your Audience for Help

Steven Gan couldn't believe what he'd just heard.

Sitting in a mostly empty Kuala Lumpur, Malaysia, courtroom during the Covid-19 pandemic in February 2021, he shifted in his seat and asked Malaysiakini co-founder Premesh Chandran if he'd correctly heard the fine the judge had just announced against their news organization.

He had.

The Federal Court had just fined the independent news outlet roughly $124,000 for five reader comments posted on its website, even though the comments were quickly removed. The comments that led to the fine were in response to a June 2020 report about the courts lifting Covid-19 restrictions. When Malaysiakini editors were notified by police about the comments, the comments were deleted within 12 minutes. Gan provided a statement to police, and the news organization banned the five commenters. Still, the government pursued contempt-of-court proceedings against Malaysiakini — a legal action that can have the same chilling effect on press freedom as more traditional SLAPP suits.

Government prosecutors sought a $50,000 fine. The judges, however, set the fine at well more than double that number. To make matters worse, Gan and his news organization had about a week to pay or Malaysiakini would cease to exist.

Gan, Chandran, some staffers, and supporters stopped at an outdoor food stand on their way back from the court to the office. They were ready for a fine, perhaps even $50,000, as the government sought. More than $100,000 to be paid in such a short time, however, was concerning. "I was expecting a hefty fine," Gan says, "but I was stunned by that."

They had to try to save their news outlet. Gan set the staff's plan in motion before lunch. They posted a report about the court's decision and a crowdfunding request. As they sat outside and ate, Gan checked his phone every few minutes. "I was constantly receiving updates from our head of finance, who was furiously checking our bank account to check how much," Gan says. "He

ZURNAL24

told me he was happy to see the amount went up every time he clicked refresh."

They reached $50,000 before they returned to the office. They had more than $100,000 before the end of the day. Finally, they messaged subscribers to stop contributing. They'd surpassed the amount they needed to pay the fine in a matter of hours. "It ended up as a victory for Malaysiakini," says Gan. "Despite the fact that we lost the court case, it was a victory because we were able to raise the money, and it shows Malaysiakini has sizable support out there."

The audience saved the news organization. Gan emphasizes that the reader-news outlet relationship didn't suddenly appear after the court's decision in February 2021. Malaysiakini has a long history of engaging with its audience.

Several years earlier, when a landlord evicted the outlet from its offices, giving Malaysiakini short notice to find another location, the staff moved into a shopping mall. Reporters and editors used a restaurant's free Wi-Fi — and invited readers to join them. "We told our readers we're going to be working there," Gan recalls. "We're going to be outside a Burger King."

Readers came. They had coffee and tea with reporters, creating a bond. When it came time to find a permanent home for Malaysiakini, the organization sold bricks, allowing supporters to put their names into the structure of the building. They sold out.

Malaysiakini editor-in-chief Steven Gan leaves the Federal Court in Putrajaya, Malaysia, after the outlet was convicted of contempt and fined in Feb. 2021

LIM HUEY TENG/REUTERS

The wall connects the newsroom and a cafeteria that is in the Malaysiakini building and is open to the public. Readers can stop by and have coffee or tea with journalists.

"Every time I feel pressured or despondent, I will go down and look at the big wall," Gan says. "I'll read the names. One by one. I go down and read the names and get inspired again and go back up and continue my work."

While the relationship between Malaysiakini and its readers helped save the news outlet, Gan emphasizes the long-term goal must be reforming Malaysia's press-freedom-limiting laws and judiciary.

Gan lists three laws, among at least a dozen, that limit press freedom in Malaysia. He highlights the Official Secrets Act, which prohibits certain types of information gathering, the Printing Presses and Publications Act, which requires printers to attain a license from the government, and the Communication and Multimedia Act. The CMA, which was the law under which Malaysiakini was charged, makes media outlets criminally liable for content that is published by users, such as reader comments, on their websites. Publishers who violate the law can face fines as well as up to five years in prison.

He also emphasizes Malaysian courts need judges who respect the value of the press. "We have to campaign for law reforms," Gan says. "It will take time. In the meantime, we're going to face these problems."

Get Legal Advice

The Dallas Express was one of the largest and oldest Black-run newspapers in the South until it closed in 1970. When the Express reappeared in 2021, Dallas media took notice. Its new owner, Monty Bennett, a conservative business executive and Trump donor, raised eyebrows.

The new version of the Express, which labels itself "the People's Paper," was created to "fill a void in our Metroplex communities for fact-based, non-opinion news," according to the site's mission statement. But, before Bennett launched the new site, both The New York Times and D Magazine — a monthly publication covering Dallas-Fort Worth — had written about Bennett's connection to pay-for-play news sites that published articles about the importance of federal stimulus to help companies struggling during the pandemic. (Bennett was a major recipient of stimulus cash, though he wound up returning the money after a public criticism.)

Steven Monacelli, a freelance journalist, reported about the Express's new owner for the Dallas Weekly, a news outlet that focuses on Dallas's Black communities. Citing D Magazine and The New York Times, Monacelli referred to Bennett's Express as "pink slime" and a "right wing propaganda site" in a February 2021 story. Monacelli didn't think much about the story and went to work on other projects. "Given what I had written," he says, "and I was citing other sources, which were highly reputable sources, I considered it to be somewhat of a safe thing to write."

Defamation law in the U.S. was on Monacelli's side. The First Amendment, according to the First Amendment Center, creates a high bar for those who want to succeed in defamation claims. The First Amendment, however, doesn't stop people from filing lawsuits. Monacelli's legal journey started with a letter in August 2021, demanding, under threat of Texas defamation law, the Dallas Weekly "retract and/or correct" the reporting about the Express and "affirmatively state the truth."

The Dallas Weekly adjusted the story slightly because D Magazine, one of the story's sources, had revised its report, but the Weekly's overall characterization of Bennett and the Express remained generally the same.

"They decided to sue me and the Dallas Weekly because the Dallas Weekly doesn't back down," Monacelli says. "Everything we've written is true or protected opinion." Suddenly, Monacelli, a freelancer who does not have resources to pay for legal representation, needed help fending off a lawsuit that, according to U.S. legal precedent, had essentially no chance of success. "It was laughable, but it was also concerning," he says. "I didn't start sweating in the moment because I thought back to what I'd done and the article that I wrote and the steps that I took to do the journalism properly."

REACH OUT TO INSTITUTIONS THAT WORK TO PROTECT JOURNALISTS. DON'T ROLL OVER IF YOU ARE CONFIDENT THAT WHAT YOU'VE REPORTED IS THE TRUTH

He received notice, via certified mail, of the lawsuit in October 2021 and posted a request on Twitter, "Anyone got a good good recommendation for pro-bono legal assistance for journalists?"

Monacelli connected with the First Amendment Clinic, which is based in the law school at Southern Methodist University in Dallas, which agreed to represent him and the Dallas Weekly. (Disclosure: I teach journalism at SMU but had no involvement in the case.) "If I hadn't been able to get pro bono support from SMU," Monacelli says, "I would have had to start raising money, or I would have had to go take out a loan or go beg some people."

That's the point of SLAPP lawsuits. As a freelancer, Monacelli's time is money, and the lawsuits, however dubious, took time away from his work. Bennett "wins because he made me have to do that," he said. "If I don't work, I don't get paid."

Monacelli and his new legal team used the Texas Citizens Participation Act, an anti-SLAPP law, which provides a mechanism for meritless defamation lawsuits to be dismissed before they can cause substantial financial, emotional, and reputational harm. Thirty-two states have such laws, but no similar federal law exists. When a person or organization claims it is subject to a SLAPP, courts typically examine the facts of the case and determine whether it should be dismissed or includes enough merit to continue. Anti-SLAPP laws are intended to intervene before journalists or news organizations spend too much time or resources fighting the lawsuit.

A state appeals court agreed in August 2022 that Bennett's claims constituted a SLAPP, dismissing the case against him and the Dallas Weekly, sending it back to a lower court to decide whether Bennett's attorney should be sanctioned. Bennett appealed the decision to the Texas Supreme Court in September.

Monacelli emphasizes that journalists must know the resources they have available to them, including sources of free legal representation. "If you're a journalist, don't give up," he says. "Reach out to institutions that say they work to protect journalists. Don't roll over if you are confident that what you've reported is the truth."

Some of those institutions include SMU, which has one of several First Amendment clinics around the United States that provide free legal representation to journalists. The Reporters Committee for Freedom of the Press has a legal advice hotline, and the Society for Professional Journalists maintains a legal defense fund. London-based Media Defence supports journalists around the world who are facing SLAPPs, to name a few.

Monacelli said knowing journalists' rights is also important: "Know what the law is and know what your rights and protections are because if it exists, you may be able to lean on it. Just because you're small, it doesn't mean that you can't prevail."

Get Civil Society Organizations Involved

A money-laundering scheme, criminal networks, secret uranium and plutonium sales, and bribery — the accusations against Paola Ugaz, an investigative reporter based in Lima, Peru, could make a captivating television drama. The plotline, however, is part of a real-life story. She is facing a collection of lawsuits, all of which, according to Ugaz, were concocted to create fear and limit her reporting about Sodalitium Christianae Vitae, a Catholic organization based in Peru.

"Everything is untrue," she says. "The investigation against me for money laundering, this is the most dangerous one because in this process I can go to jail, they can prevent me from going outside my country, and they don't have any limit to period of time, so I can be in this case one, two, three, or 10 years being investigated."

The lawsuits started after Ugaz, a correspondent for ABC, a large newspaper in Spain, and editor of Nativa TV, and journalist Pedro Salinas, who writes for La República and works with La Mula, announced plans to write a second book about Sodalitium Christianae Vitae. The pair published in 2015 "Half Monks, Half Soldiers," which included 30 testimonials of victims of physical, psychological, and sexual abuse at the hands of the group. Ugaz and Salinas started new projects investigating the group's finances in 2018.

The pair initially faced defamation lawsuits from José Antonio Eguren, the archbishop of Piura and a member of Sodalitium. Ugaz was sued for posting seven tweets that repeated her reporting about Eguren, his connection with Sodalitium, and the group's history of abuse as Eguren prepared to meet the Pope in Peru. Salinas was sued for claims he made about him in an article calling him a "Peruvian Juan Barros" earlier that year. Barros, a Chilean bishop, resigned in 2018 after he was accused of covering up sexual abuse by priests in his country. Both lawsuits were filed in Piura, northern Peru, in October 2018. Ugaz says the lawsuits did not have a valid claim and were filed in Piura, rather than Lima, because that's where Eguren holds the most power.

Salinas was convicted of defamation, given a suspended one-year sentence, and fined about $20,000. Ugaz awaited a ruling when the Catholic Church pressured Eguren to drop the lawsuits. That's when Ugaz's story took a turn. Church officials ceased resisting her work, but a network of right-wing, pro-Catholic news organizations and personalities replaced them.

These organizations created and fed off what Ugaz labeled an "ecosystem" of false information about her. Fifty to 60 complaints were filed, some of which became the basis of other lawsuits against her. La Abeja director Luciano Revoredo, whom Ugaz referred to as Peru's version of Alex Jones, sued Ugaz for defamation in 2020 after she contended La Abeja — a conservative Catholic publication — ran coverage of her that was misogynistic and falsely claimed she was plotting against the Catholic Church. The lawsuit was dismissed in January.

FEAR NEVER HAS TO BE YOUR EDITOR. THE ONLY ANSWER IS MORE JOURNALISM

La Abeja has published more than 60 stories about Ugaz since 2018, placing her picture alongside a snake, a prison, and criminal mug shots. When Eguren's lawsuits were dropped, the site questioned the church's motives.

Ugaz said finding a network of support has been crucial. She has received letters from the Pope and met with him at the Vatican in November. Ugaz says she hoped meeting with him would have a powerful effect on the cases that are pending against her.

She and Salinas used connections with human rights advocate Francisco Soberón Zuliana Lainez, who leads the National Association of Journalists of Peru and is on the executive committee for the International Federation of Journalists; Jo-Marie Burt, who works with the Washington Office on Latin America, a human rights advocacy group; and Kate Harrison, who was ambassador to Peru for the United Kingdom, to create a network of support and to get her story out to an international audience.

Ugaz says the network, and the exposure it helped bring to her story, led to help from the Clooney Foundation for Justice, Forbidden Stories, the Committee to Protect Journalists, and Media Defence. The groups have provided funding to support her legal costs and helped create international pressure on Peruvian officials to dismiss the lawsuits.

Ugaz says the attacks have been different because she is a woman: "They talk about my body, my intelligence, my family. They put me in a lot of cartoons. They try to be demeaning. [Peru is] a very misogynistic country."

Ugaz is uncertain when her cases will be decided. The damage, in many ways, is already done. "That's the problem," she says. "They don't have any limit. You get put in a limbo. It's like continually harming you. They are really happy with this."

Seek International Attentislaon

Cirman's collection of orange slips of paper continues to grow — but they can bring good news, too.

Six of the cases against him have been thrown out. While Slovenian defamation law is generally unfriendly to journalists and categorizes defamation as a criminal offense, something emphasized in Reporters Without Borders' 2022 Press Freedom Index, Cirman says he's confident all the lawsuits will be dismissed — eventually.

Of course, Snežić doesn't have to win the cases to accomplish his goals: "He succeeded because no other Slovenian media, which at first were following the story because it was a huge story, now basically no one wants to touch it with a stick because they're afraid of the lawsuits."

The lawsuits have also undermined Cirman's reputation as a journalist, something he's built during 22-year career, making it more difficult to do other stories. "Other colleagues also see you as a problem," he says. "When it takes one, two, three years, they start to say, 'I'm sure he got something wrong.' You become a one-story journalist. ... You want to move on and explore other things, but you can't because it keeps coming back to you."

MARIANA BAZO/REUTERS

Peruvian journalists Paola Ugaz (above) and Pedro Salinas, who exposed a web of abuse in an elite Catholic society, faced defamation lawsuits from an archbishop for their work

The lawsuits have been less successful in destroying Necenzurirano, which translates to "Uncensored" in English. Still, the lawsuits have caused financial stress.

Cirman incurred about $8,000 in legal fees, a substantial amount of money in Slovenia, since the lawsuits started. He cautions, if the cases go to court, it will be crucial that they are combined into one defamation lawsuit, rather than dozens of individual cases. "Otherwise, we will go bankrupt," he says.

He's been helped by two grants, totaling about $8,000, from the European Centre for Press and Media Freedom as well as legal support from SVET24, another Slovenian news outlet, which ran some of the reports associated with the defamation cases. Cirman says support from more than a dozen international journalism organizations has been a crucial weapon against the attacks: "That saved us. Attention is all there is in these cases. We are glad that we are putting the SLAPP issue on the map. We were in contact with the European Commission on Human Rights. We attracted attention and we basically were one of the cases that helped spread the belief that urgent action is necessary."

The European Union announced recommendations regarding SLAPPs in April, including a mechanism for judges to quickly dismiss baseless lawsuits like those Cirman and his colleagues face as well as cost-covering tools. At the same time, E.U. lawmakers are considering legislation to protect against SLAPPs throughout the bloc.

The potential measure would encourage judges to dismiss unfounded lawsuits against journalists and outlines other tools, such as compensation for journalists from those who file SLAPPs and penalties for the use of abusive lawsuits. The E.U. also recommended member states to increase training for prosecutors and judges to help fight SLAPPs. The E.U. also wants member nations to conduct awareness campaigns to help journalists recognize when they are facing SLAPPs and understand what resources are available to help.

Cirman thinks an E.U.-wide protection is the only solution. Without it, those seeking to punish journalists and limit the flow of information will file in countries without anti-SLAPP laws. That could be a long process.

In the meantime, Cirman and other journalists facing SLAPPs can take heart in Paola Ugaz's approach: "Fear never has to be your editor. The only answer is more journalism. The best lesson for me and for the others is to continue publishing." ■

SUED FOR DOING JOURNALISM

How reporters are countering public officials who use lawsuits to suppress public records requests

BY JONATHAN PETERS

ILLUSTRATION BY DOUG CHAYKA

IN 2021, Louisiana Attorney General Jeff Landry sued Andrea Gallo, a reporter for The Advocate and The Times-Picayune, for requesting access to public records related to sexual harassment complaints against the head of the state AG's criminal division. Asserting privacy concerns, Landry asked a judge to seal the court proceedings and to issue a declaratory judgment effectively denying Gallo's request and requiring her to cover the government's legal fees.

The lawsuit came after the AG's office said it would release the records, then said it would not release the records, and finally declined an invitation from the newspapers to redact the records to address legitimate privacy concerns. By then, the subject of the complaints, Pat Magee, had been formally disciplined for engaging "in inappropriate verbal conversations" in the workplace and making unprofessional comments about the appearance of coworkers. He later resigned.

In response to the AG's lawsuit, Advocate editor Peter Kovacs told The Washington Post that he was worried it would have a chilling effect on open government. "If a citizen filed a public records request and then was sued and had to pay the legal fees of the agency that requested it, you would have a lot less citizens feeling comfortable filing public records requests," he said. "It becomes an intimidation measure that promotes government secrecy."

Ultimately, the judge ruled against Landry and ordered the AG's office to release the records and to pay a portion of Gallo's legal fees. The case bewildered a lot of commentators, who on the whole hadn't seen a government official sue a journalist for requesting records. But these actions date back decades, and they've been on the rise in recent years, at a time when it's already too hard to obtain public records. The process is unnavigable or vastly frustrating for many people, in large part because penalties for noncompliance are seldom or sporadically enforced, and long delays and baseless exemption claims are routine.

Taking a wider view, government actions against public records requesters are of a piece with efforts worldwide to interfere with accountability reporting: "fake news" laws that criminalize journalism unfavorable to the government, the weaponization of libel laws to score political points or exact revenge on critics, the spread of pink slime partisan sites that mimic news outlets, and so on. Independent journalism is under duress on multiple fronts, one of them taking the form of lawsuits like Landry's. Which, again, was far from the first of its kind.

In 2017, for example, Michigan State University sued ESPN for requesting police reports about a sexual assault investigation, and the University of Kentucky sued its student newspaper for requesting records about a faculty member accused of sexually assaulting students. In 2016, a Michigan county sued a newspaper for requesting personnel files of sheriff candidates, and in 2014 the city of Billings, Montana, sued a newspaper for requesting landfill records.

For her part, Gallo said she was fortunate to work at a news organization that could afford to retain a lawyer to represent her. These actions can be expensive to defend, and they can be perilous because a requester might have to pay her own legal fees even if she prevails. Many public records laws allow requesters who sue for access and win to seek fees from the agencies they took to court, but actions against requesters are usually declaratory in form and therefore don't include fee awards to the prevailing party. This is a threat to traditional news organizations with strained resources, and it's a special threat to requesters generally lacking resources, like student publications and freelancers.

Actions against requesters also undermine the free flow of information necessary for the press and public, respectively, to monitor and participate in the political process. The Supreme Court has recognized "a profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open" and that "public discussion is a political duty." Lawsuits against requesters frequently arise out of information-gathering activities related to important public issues. Suing requesters who are trying to learn more about their government discourages engagement with those issues and the discharge of key political duties.

That's one reason Patrick File and Leah Wigren, media law scholars at the University of Nevada, Reno, compared these actions to strategic lawsuits against public participation (SLAPPs) in a 2019 journal article.

MELINDA DESLATTE/AP

Louisiana Attorney General Jeff Landry (above) sued reporter Andrea Gallo for requesting access to public records related to sexual harassment complaints against the head of the state AG's criminal division

SLAPPs are civil complaints filed or threatened against a person who speaks out on public issues. They're usually disguised as libel or privacy claims, and they're not necessarily meant to win on their merits. Rather, they're meant to harass and deter the target and others from speaking out.

Actions against requesters can have the same minatory effect, and to be clear, they're not limited to cases involving journalists and news organizations. The Louisiana Department of Education once sued a retired teachers' union official for requesting school enrollment data; a New Jersey township sued a local gadfly for requesting surveillance footage of government buildings; and a school supervisory union sued a parent for requesting documents revealing why he was banned from school property.

Government officials generally claim that these actions are filed in good faith and that it's a smart idea for courts to step in right away if an agency's disclosure obligations are unclear. But the actions frustrate the purpose and design of public records laws, which typically give the requester, alone, the choice of filing a complaint and assuming the burdens of litigation. The laws don't authorize a government agency to preempt that choice and put those burdens on a requester, robbing her of the right to decide how to address an agency's denial (e.g., she might walk away or initiate an administrative appeal, or she might sue or seek the assistance of a public records ombudsman or mediator).

More broadly, although judges normally do dismiss them, actions against record requesters are a worrisome exemplar of the resources that the government expends to try to avoid press and public scrutiny. That's dangerous for democracy because information access is critical to inclusive knowledge societies, and government transparency improves civic participation, public trust, and financial management, all while reducing corruption. For these reasons, it's essential for requesters to fight back if sued by the government. They should seek the complaint's immediate dismissal as well as legal fees (if available), and news organizations should report and editorialize to educate their audience about the public interests and implications.

As Bruce Brown, who directs the Reporters Committee for Freedom of the Press, said about the Landry lawsuit: "No journalist should be sued simply for requesting that government officials release records, particularly those that shed light on an issue that is of ... intense public interest and importance. Disclosure of public records is an essential part of keeping communities informed." ■

NIEMAN NOTES

1978

Bruce Locklin died in Cranbury, New Jersey, on Oct. 24, 2022, after a battle with Alzheimer's disease. He was 84. In 1973, Locklin became one of the nation's first full-time investigative news editors at The Record in New Jersey as newsrooms looked to expand their investigative reporting teams in the wake of the Watergate scandal. Locklin uncovered corruption and criminal behavior in politics, business, and beyond.

1983

Callie Crossley, host of "Under the Radar with Callie Crossley" on 89.7 GBH, was selected as one of four recipients of the 2022 Governor's Awards in the Humanities, presented annually in recognition of excellence in the humanities in Massachusetts. Crossley also hosts the "Basic Black" program, which focuses on issues that impact communities of color, and shares weekly radio essays on GBH's "Morning Edition."

1984

Derrick Z. Jackson, an author and UCS Fellow in climate and energy at the Center for Science and Democracy, has received several recent awards. The National Society of Newspaper Columnists selected his writing for first place in the sports category, second place in the crisis commentary category, and third place for social justice commentary. The American Society of Journalists and Authors also chose his "Hank Aaron Still Stands Alone" essay in The American Prospect for their fitness and sports award. The National Association of Black Journalists chose his essay "The People of the People's Trail" in A.T. Journeys, about being an accidental Black nature lover, for a Salute to Excellence Award. His commentary on the nation's failed Covid-19 response for UCS and Grist won second place in the National Headliner Award for best blog.

1990

Goenawan Mohamad, founder and editor of the Indonesian magazine Tempo and a poet, writer, and playwright, has received the Japan Foundation Award, which honors individuals and organizations for significant contributions to the enhancement of mutual understanding between Japan and other countries.

Dick J. Reavis published a new book, "Texas Reporter, Texas Radical: The Writings of Journalist Dick J. Reavis" (Texas A&M University Press) in October. The book features a range of his past writing, including investigations on Mexican guerillas, Texan biker gangs, and the politics of Texas radicals during the civil rights movement.

1995

George Abraham, founder and publisher of New Canadian Media (NCM), accepted the Canadian Journalism Foundation's CJF-Meta Journalism Project Digital News Innovation Award on behalf of his news organization in June. The award recognizes innovations in digital media that have a demonstrated impact in advancing the quality of digital journalism.

2004

Masha Gessen, author and staff writer for The New Yorker, has won the 2022 John Chancellor Award for Excellence in Journalism. Announcing the honor, Columbia Journalism School noted: "Readers have turned to Gessen to better understand the steady erosion of civil liberties under Vladimir Putin's regime, the degradation of democratic norms in the Trump era and its aftermath, the state of L.G.B.T.Q. rights in both countries, the plight of refugees at the U.S. border and beyond, and, most recently, Russia's latest invasion of Ukraine."

2006

Mary C. Curtis, a CQ Roll Call columnist and host of the "Equal Time with Mary C. Curtis" podcast, recieved a National Headliner Award for best blog. Her topics include race, politics, and culture.

2007

Cameron McWhirter is writing a book, alongside Zusha Elinson, titled "American Gun." The forthcoming book, to be published by Farrar, Straus & Giroux, traces the history of how the AR-15 has becoming ubiquitous in the United States, through wars, political battles, and aggressive marketing and production of the gun for civilian purchase.

2009

Graciela Mochkofsky, the new dean of the Craig Newmark Graduate School of Journalism, has been elected to The GroundTruth Project's board of directors.

2013

Blair Kamin, a former Chicago Tribune architecture critic, has written a new book, "Who Is the City For: Architecture, Equity, and the Public Realm in Chicago," with photos by Sun-Times critic Lee Bey and published by the University of Chicago Press in November. The book sheds light on inequities in the urban built environment and attempts to rectify them. It paints a revealing portrait of Chicago, from buildings by renowned architects like Jeanne Gang to structures associated with storied figures from the city's Black history.

2011

Tony Bartelme, a senior projects reporter at The Post and Courier in Charleston, South Carolina, and photographer Lauren Petracca, have won an outstanding explanatory reporting award from the Society of Environmental Journalists for "The Greenland Connection." The series aims to help readers understand how climate change in Greenland is affecting people in Charleston.

2017

Jeneé Osterheldt has been promoted to senior assistant managing editor for culture, talent, and development at The Boston Globe. She has worked as a culture columnist at the Globe since 2019. She was recently selected as a finalist for ONA's 2022 online commentary award.

Heidi Vogt has taken on a new role as Politico's national security editor. She previously led Politico's tech and cybersecurity team. Before that, she worked as a foreign correspondent in Africa and Central Asia for The Associated Press and the Wall Street Journal, and she reported on trends in business and regulation for the Journal from Washington, D.C.

2019

Brent Renaud was posthumously awarded the Career Achievement Award by the Hot Springs Documentary Film Festival in Arkansas on Oct. 7. The award is being renamed in his honor. Arkansas PBS also joined the Brent Renaud Foundation in hosting "Exploring Brent's Legacy of Storytelling," a conversation with Brent's brother Craig Renaud and his Nieman friend and classmate **Juan Arredondo**. Brent and Craig were additionally honored at the Arkansas Press Association Freedom Gala, receiving the Distinguished Service Award for recognition of documentary filmmaking in Arkansas and around the world.

2021

John Archibald, an author and columnist for the Alabama Media Group, has written "Pink Clouds," a piece that grew out of the playwriting courses he took at Harvard during his Nieman year. Described as part absurdist comedy and part prison tragedy, it deals with themes of life and death and was recently staged at the Human Rights New Works Festival in Birmingham, Alabama.

Emily Corwin has published an investigation with ProPublica that exposes how a tax credit that was meant to help marginalized workers get permanent jobs instead gives hundreds of millions of dollars in subsidies to temp agencies. The report is the result of the fieldwork she did as an Abrams Nieman Fellow for Local Investigative Journalism.

S. Mitra Kalita is the winner of the Online News Association's 2022 Impact Award, which recognizes a trailblazing individual whose work in digital journalism and dedication to innovation exhibits a substantial impact on the industry.

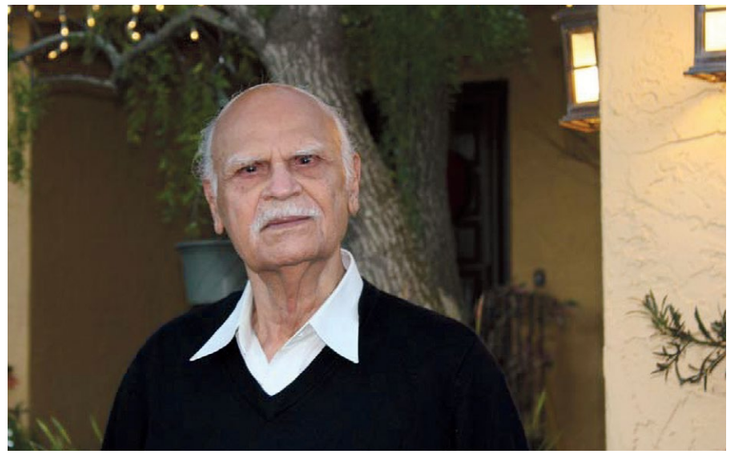
Scott Dance has joined The Washington Post as a climate and weather reporter. He will cover extreme weather news and the intersections between weather, climate, society, and the environment. Dance joins The Post from The Baltimore Sun, where his recent "Climate Change: Ready or Not" series examined responses to storms, flooding, and heat, as well the ways communities are preparing for extreme weather.

2022

Natalia Viana has won a Vladimir Herzog Award for human rights reporting for the podcast "Ate Que Se Prove O Contrário" ("Until Proven Otherwise"). Her book "Dano Colateral" ("Collateral Damage") also received an honorable mention. ■

Pakistani journalist Zawwar Hasan, NF '67, dies at age 96

Hasan was considered a mentor to many trailblazers throughout his long career



Pakistani journalist Zawwar Hasan, a Nieman Fellow in the class of 1967, died in San Francisco on Oct. 1, 2022, after a brief illness. He was 96.

During his long career in journalism, Hasan worked as a sports reporter, editorial writer, travel magazine editor, and a public affairs manager.

He was born in Pratapgarh, India, in 1926 and earned his LLB from Allahabad University before moving to Pakistan. In 1949, he started working as a sports journalist with the Associated Press of Pakistan (APP) in Karachi and later became APP's chief correspondent in Lahore.

In 1960, he joined the daily Dawn as chief reporter. From there, he went on to work as a senior editorial writer at The Morning News in Karachi and also worked for The Sun.

In 1957, he attended the University of Missouri School of Journalism's Project for Foreign Newspapermen. His training fellowship included time at The Denver Post, in Denver, Colorado; The Lawrence Daily Journal-World, in Lawrence, Kansas; and The Mexico Ledger, in Mexico, Missouri.

Following his 95th birthday in 2021, Hasan's niece Beena Sarwar, a journalist and a 2006 Nieman Fellow, wrote about his life and career in Nieman Reports. She credits him with encouraging her and other women in their careers, writing that though her uncle "left the profession in the mid-1970s, long before I joined it, he has remained a journalist at heart and always encouraged me. In fact, he is far ahead of his time in his support for female colleagues. While still in college he coached and guided his sisters; both went on to become trailblazers in their fields."

Sarwar noted that her uncle took courses in international affairs, developmental economics, and comparative religions during his year as a Nieman Fellow at Harvard. He also played squash and dined at the Faculty Club with classmates and Harvard professors. She recalls him telling her that Henry Kissinger, who was then teaching in the government department and headed the Harvard International Seminar, "would sit with us and ask us if we thought he was doing things correctly."

A sports enthusiast, Hasan covered three Olympics, including Melbourne in 1956 and Rome in 1960 — both for APP. Years later, he reported on the 2000 Sydney games on assignment for Dawn.

Hasan launched the travel magazine Focus on Pakistan for the Pakistan Tourism Development Corporation. He also worked for PIA's public relations department.

In the mid-1990s, he moved to California to be close to his children. He is survived by a large extended family in Pakistan, India, and beyond. ■

SOUNDING

Kristofer Ríos' upbringing pushed him to address media coverage of communities like his

Addressing Power Equity Issues in the News

Why journalists need to be aware of the way we cover vulnerable or underrepresented communities

BY KRISTOFER RÍOS

My parents grew up in the 1960s and 1970s in East Harlem, New York City, when it was especially precarious for people living in that neighborhood. A national recession and a local fiscal crisis pushed the city to the brink of collapse. At that time, the city government largely ignored the predominantly Puerto Rican community.

Some of the starkest visuals of how neglected East Harlem was then are images of uncollected trash piling up in the streets. The city's sanitation department infrequently collected trash, and it often rotted on the sidewalks. The issue came to a head in the summer of 1969 when a Puerto Rican activist group called the Young Lords organized the community and took matters into their own hands. They collected the garbage and burned it on the streets. It prompted a response from city officials.

For me, this story stands out among the many my parents have shared about their childhood. They proudly remember this as a moment when their neighborhood refused its predetermined narrative that their community deserved to silently struggle with poverty.

In the late 1970s, nearly one in five New Yorkers lived below the poverty line. And as the city slid towards bankruptcy, violent crime also spiked, more than doubling between 1965 and 1975. Newspaper and television news reporting from that time often overemphasized this reality in neighborhoods like East Harlem.

This is also when broadcast media shifted to an "eyewitness news" model of reporting, its lens focused on raw images of urban poverty. Neighborhoods like East Harlem featured prominently in late-night news specials for the entertainment of suburban viewers. Heroin addicts, sex workers, and gang members were interviewed with little context for the structural issues that were pushing poverty and crime rates higher.

But when I hear my family talk about their community, I often hear a story of perseverance. Despite the trappings of poverty, my parents were able to get an education and give back to their community. My mom went to work as a public school teacher in the neighborhood and my father's first job was investigating corruption within New York City law enforcement agencies. But these kinds of experiences and contributions were often overlooked.

The narrow perspectives of my community as one blighted by poverty and crime persisted for decades and supported dangerous stereotypes. When I came of age in the same neighborhood during the mid-1990s, the media's reporting on drugs and crime was used to justify hardline law enforcement policies. Mayor Rudy Giuliani was in office and ushered in racist policing practices that targeted neighborhoods like East Harlem and teenagers like me. Anyone from a Black or brown family at that time was almost certainly impacted. Having so little control over how my community was represented and feeling the threat of these policing practices every day made me feel powerless. It took decades for lawmakers to recognize the damage these policies had done to people who looked like me.

When I decided to become a full-time professional journalist in 2010, I brought the weight of these lived experiences to my work. I made it my mission to bring more nuance to my reporting because I understood firsthand how painful it could be when your community isn't fully represented in the news.

As I built my career, I was conscious of how I represented certain communities in writing and in my visuals. I never wanted my work to make anyone feel the way I felt when my community was misrepresented. Sometimes it's as simple as asking sources about the ways they've felt harmed by the news media to make sure I don't repeat the same mistakes in my work.

But I recognize that I haven't always gotten it right. I've underestimated the power of narrative stereotypes and how much they're embedded into the shorthand of daily, breaking news. I especially see this in my reporting on immigration. While I'm proud of most of my work, some of my pieces have flattened a very complex issue. I often wonder if my coverage at the U.S.-Mexico border helped move the conversation forward or added to the rhetoric.

Today, more than ever before, there's a bigger range of voices represented in the news. But inclusion alone is not enough. As more voices are brought into the conversation, journalists need to be aware of the way we cover certain communities.

This isn't a novel idea. Throughout the 1960s and 1970s, almost every major city in the U.S. experienced rebellions in Black and brown communities. A government review of the uprisings found that underrepresentation and misrepresentation of these communities in the news media added to the frustration that spilled out into the streets. The way we cover communities matters. ■

AFTERIMAGE

Amid Trauma, Knowing Who Wants to Share Their Story

Lisa Krantz, NF '20, on photographing the aftermath of mass shootings

One week after the May 2022 mass shooting at Robb Elementary School in Uvalde, Texas, I attended a vigil for the victims. I felt it was important to arrive early to ask permission from people attending the event who I might photograph. Three families of victims gave consent, including relatives, seen here, of Alexandria "Lexi" Aniyah Rubio.

Because I had talked to them before the event, I felt more comfortable being close to them and documenting their grief. As dusk fell, photos of victims were projected on a wall while families huddled together, holding candles that struggled to stay lit in the hot summer wind. Moments later, people lined up to release balloons, and friends and family of victims spoke about their loved ones to the crowd gathered in the courtyard.

As a photojournalist in Texas for the past 18 years, I've photographed the aftermath of five mass shootings, including the one at First Baptist Church of Sutherland Springs, where 26 were killed, including several children, in a tiny, wooden church near San Antonio.

The number of mass shootings in America averages more than one per day. As these tragedies mount, and we cover more families like Lexi's who are mourning in their wake, it's imperative that we center their grief in our work without adding to it. We must work with compassion and empathy, and use trauma-informed reporting, while providing the public with what they need to know.

The mother of 10-year-old victim Annabell Rodriguez was also at the vigil. When I asked for her permission, she said yes but not when she was "breaking down." She told me every time she started to cry, the cameras went up. I gave her my word, and I kept it. The balance of knowing who wants to share their story and who doesn't in the midst of traumatic events is difficult, but I am certain we must make every effort to not further traumatize those most affected. ■

Relatives of Alexandria "Lexi" Aniyah Rubio, 10, attend a vigil to honor victims of the shooting at Robb Elementary School in Uvalde, Texas in May 2022