Columbia Journalism Review.
WINTER 2018

The Fear Issue

Threats

New dangers on the front lines of journalism

Jon Allsop • Christiane Amanpour • Steve Brodner • Maria Bustillos • Michelle Dean
Siddhartha Deb • Alexandra Ellerbeck • Bob Moser • Walter Mosley • Alexandria Neason
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Columbia Journalism Review is published by the Columbia University Graduate School of Journalism.

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Vol. LVII, No. 1

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WHAT THREATENS YOU?

Leah Finnegan
Features editor, The Outline

There's a definite threat to media organizations' ability to report on sensitive topics like sexual assault. There's just such a high burden of proof required by society at this point that these stories are forced to linger in obscurity, especially with the threat of someone suing your organization into nonexistence.

"high burden of proof"

Thr

New dangers on the front lines of journalism

WHAT THREATENS YOU?

Bastian Obermayer

Pulitzer Prize-winning investigative journalist who received the Panama Papers from an anonymous source

In October 2017, my colleague Daphne Caruana Galizia, who also worked on the Panama Papers, got blown up by a car bomb—in the light of the day, in the middle of the European Union, in a tiny country called Malta. German police asked me the next day if I'd need protection. I did not know what to say. Maybe? You don't get used to that.

"You don't get used to that.

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WHAT THREATENS YOU?

Susie Cagle

Independent journalist and illustrator

I think the greatest threat to my work specifically is a fickle and frenzied attitude towards new forms of multimedia in journalism from editors, managers, and publishers—not audiences. This results in half-hearted, half-assed investments in things that don't pan out. Meanwhile, we've laid off a whole bunch of people to get there.

Lack of outlets for local news. I've devoted my life to telling stories about Orange County, and it's a shame that I can easier sell a story to a national publication than to one based in Southern California. No one wants to fund local—and that's a threat to democracy itself.

WHAT THREATENS YOU?

Gustavo Arellano

Former editor of OC Weekly *and author of the paper's ¡Ask a Mexican! column*

I could say all kinds of things: Trump, or the Russians, or threats of litigation, or loss of access. But I'm going to say Twitter. It's both essential to work and a god-awful impediment to getting any done. It's never felt harder or more important to tune out the background noise and ask, what's the big question I'm trying to answer as a reporter today?

WHAT THREATENS YOU?

Mary Louise Kelly

Co-host of NPR's All Things Considered

"Twitter."

"If you're a person of color and a woman, you're doubly screwed."

They don't let women rise. If you're a person of color and a woman, you're doubly screwed. To get your story really out there and have it spread is really hard. The system won't let you because it's controlled by white males. This is why I think women get discouraged and derailed. Because it's really hard. It's fighting a system that's impossible. My job as a woman and a person of color is just so much harder.

WHAT THREATENS YOU?

Suki Kim

Investigative journalist and best-selling author of Without You, There Is No Us: Undercover Among the Sons of North Korea's Elite

ON THE COVER

Illustration by Melinda Beck

"his petty attitude"

As a journalist who is currently blocked by Donald Trump on Twitter, I can tell you that his petty attitude toward the press is a hurdle we have to work around every single day. I can't see official communication from the president of the United States. That's not normal. The fact that the media is supposed to own the "fake news" debate is also a threat to journalism in itself. Journalists don't create fake news; they fight it with facts and diligent sourcing. One of the biggest scams of 2017 was how this administration has painted the media as responsible for committing falsehoods, when the media will be remembered as the savior of truth.

WHAT THREATENS YOU?

Liz Plank

Executive producer of Divided States of Women *at Vox Media*

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A note from the editor

Journalism is under threat. The president of the United States is undercutting us, autocrats around the world are cracking down on us, police and the courts are moving against us.

When CJR decided months ago to devote an entire issue to the threats faced by journalism, I assumed our challenge would be to find ways to bring a fresh eye to issues that we all, sadly, have come to know too well.

My fears were misplaced. Not only are the dangers faced by reporters growing and morphing daily—making our efforts to catalog them that much more critical and vibrant—but the nature of the threats we face is, quite frankly, more wide-ranging and fundamental than I ever would have imagined.

Donald Trump's press-hating tweets and the trickle-down threat posed by his language are just slivers of the problem. What about the guttural fear faced by reporters as they do their jobs in a world dominated by trolls? Or the psychic and physical toll of burnout, particularly for reporters of color working at a time when racist language permeates our news feeds? Both are brilliantly described in essays by Bob Moser (pg. 12) and Alexandria Neason (pg. 26) in these pages.

Other threats we've brought on ourselves. Sexual harassment and inequality in our industry are finally receiving the attention they have long been due, exposing the dangers faced by women reporters simply doing their jobs. Read Anne Helen Petersen's "The cost of doing journalism as a woman" on page 68 for a sobering account of how much still needs to change, and Christiane Amanpour's call for action on page 75.

We are working under a leader of the free world who calls us liars, as our ad revenue continues to leech away to Facebook and others, in office environments that can be hostile to our own coworkers.

We have partnered in this issue with the Committee to Protect Journalists, home to the world's experts on press threats. CJR is proud to be part of the US Press Freedom Tracker, a coalition of groups organized by CPJ to document press abuses at home. Thumbnails of cases pulled from the tracker are peppered throughout this issue, as well as reported pieces about the disturbing spread of anti-press sentiment around the globe, all made worse by our commander in chief.

CPJ's Joel Simon, in a piece co-written with Alexandra Ellerbeck (pg. 18), notes that many of our worst media-bashing fears of the Trump White House have not yet come to fruition; most of his direct threats have been empty ones. But Simon and Ellerbeck also caution against complacency, noting that the drumbeat of a press crackdown from Attorney General Jeff Sessions, in particular, is growing louder.

What this issue makes clear is that journalists around the world are doing astonishing work in a climate that is perhaps tougher than ever. We are working under a leader of the free world who calls us liars, as our ad revenue continues to leach away to Facebook and others, in office environments that can be hostile to our own coworkers.

I've said before that we are living through one of the most thrilling—and frightening—moments to be a journalist in our lifetimes. The story is enormous. Our readers care deeply what we have to say. The stakes couldn't be higher.

—Kyle Pope, Editor and Publisher

Donald Trump isn't the only existential threat facing journalism

AUTHOR
Bob Moser

ILLUSTRATOR
Melinda Beck

For reporters, it's surely as close to a Golden Rule as journalism affords: Fear nobody and nothing in your quest to unearth hard truths and afflict the powerful.

Donald Trump's once-unimaginable matriculation into the White House has given journalists a historic opportunity to demonstrate this fearlessness. A fair number of reporters, editors, and opinionators have risen nobly to the occasion—partly with their investigative work, partly by learning to call politicians liars without qualification when they lie, and partly by playing their traditional role as the Paul Reveres of modern democracy, sounding the alarm when foes of freedom come into view.

We are certainly raising a racket. The casual dishonesty of the administration's press relations has become an unlikely First Amendment *cause célèbre*. Even the most cautious and careful luminaries of mainstream journalism were moved to issue loud and sometimes apocalyptic warnings when the president unleashed his most comprehensive denunciation of the press thus far during an August speech in Phoenix where he defended his "both sides" remarks on Charlottesville, characterized journalists as "dishonest," "sick," and "bad," and blamed them for fomenting racial divisions and "trying to take away our history and our heritage." *Fox News Sunday* host Chris Wallace called it "the most direct, sustained assault on a free press in our history." "This was incitement, pure and simple," agreed ABC Senior White House Correspondent Cecilia Vega. "Whether POTUS means it or not, I don't know," said *Meet the Press* moderator Chuck Todd, "but this could motivate a crazy." Trump's rhetoric is "poison," said CNN's Brian Stelter. "His attacks seep into the country's bloodstream."

The blowback to Trump's speech was furious enough that far-right outlets parodied the "snowflakes" of the Fourth Estate with considerable relish. (Breitbart collected the most outraged responses under the snarky headline "Establishment Journalists Fear for Their Lives After Donald Trump Criticism.") While it is true we are not sliding toward the suspension of press freedoms anytime soon, Trump's relentless—and depressingly successful—attempts to vilify the media must be condemned for the unique danger they represent to a free and unafraid press. There's a reason the word "existential" is now permanently clamped on to any mention of the crisis American journalism is facing. And there's nothing overblown about wondering whether an independent, truth-telling press can endure in a country where the public has turned against it, learned to distrust it, and elected a leader who'd seemingly like to eviscerate it.

But our detractors and defenders share a blind spot: They fail to recognize that Trump is not the wellspring of journalists' crippling angst. His election didn't set the death of journalism in motion, and the end of his presidency, whenever and however it comes, won't revive it. "Perspective is needed for those wailing that a tyrant will doom what's left of journalism in America," writes Ross Barkan in *The Guardian*. "The truth is far more banal and depressing." And the truth is this: "Financial woes pose a far greater threat to the news industry than anything Trump says or does. Journalism today is dying because no one has really figured out how to financially support it in a winner-take-all capitalist system."

It's hard to argue this point. There are many good reasons why "newspaper reporter" and "broadcaster" top so many lists of the worst jobs in America; they are all rooted in the broken economics of the profession. Toward the end of 2017, I talked with several of my favorite truth-tellers in the trenches of national journalism—award-winning reporters and writers who specialize in doing the kind of work that doesn't come with superstar salaries or cable-news contracts—about what scares them most about practicing journalism in the age of Trump. The one answer I never got was, "Donald Trump."

Trump's election didn't set the death of journalism in motion, and the end of his presidency won't revive it.

The more these journalists talked, the clearer it became that the malaise goes much deeper than the usual laments: the low pay, the ridiculous hours, the incessant demands for clickbait, the constant threat of doxing and trolling, the fact that your outlet could pivot to video tomorrow without warning. The fear grows out of a confluence of factors: economic, cultural, political, and yes, existential. And it cuts straight to the core of why people dedicate their lives to journalism in the first place.

"I've been reporting on the far right since the 1980s," says Adele Stan, a former *Mother Jones* reporter who writes a column for *The American Prospect*. "I am *not* easy to scare. Or even to faze." But the Trump campaign rallies she covered in 2016 rattled her. "You're in an arena, in a cage, like you're some kind of zoo animal, and people are yelling *Lugenpresse*! at you. It's not like you can actually report anything. You're just there to be abused."

While they sometimes pretend to ignore it, many journalists have found themselves profoundly disheartened by the steady stream of public and presidential hostility. After the election, Stan landed a plum assignment: Reporting on a fracas in Whitefish, Montana, where local activists who had tried to run neo-Nazi leader Richard Spencer's mother out of town found themselves inundated with threats from extremists. This was Stan's kind of story, but for the first time she could recall, she had qualms. "You start thinking things like, 'Am I doing this work for the right reasons? Am I putting people I love in danger because of this? Am I doing it because I've made it part of my identity, or because it's actually important?'"

One reason Trump's attacks sting is that journalists don't just feel their livelihoods are on the line, they also believe there's something larger at stake. "Journalism, at its essence, and at its best, is not merely a profession or a career," cultural critic Lee Siegel wrote in February 2017. "Rather, it is the way

people who practice it fulfill their destiny in their work." When Trump propagandizes about the evils of the free press, he is "targeting people's identities," in Siegel's words. "He is imperiling the way they have worked out a manner in which to live."

If the definition of living under authoritarianism is being in a state of perpetual uncertainty, engaged in a blind daily struggle to survive, Stan—who's now working a communications job while writing her columns—says journalists are "a lot closer to experiencing that already" than most Americans. "Had Donald Trump not been elected, there'd still be plenty of fear in the journalism business because of the contortions it's going through," she says. "Now you have this neo-authoritarian demonizing journalists at the same time we're already walking a tightrope just to stay employed."

Nobody needs a reminder of the grim statistics: the gutting of the nation's newsgathering force, the fall in once-decent compensation to well below the national median, the growing ranks of "independent journalists" who can't pay their bills. Long before the idea of a Trump presidency became real, there was truth to Barbara Ehrenreich's lament that "in America, only the rich can afford to write about poverty."

But walking a perpetual financial tightrope certainly isn't the sole reason so many American journalists live in a state of fear, or why at least 80 percent experience trauma on the job, or why just 23 percent of journalists even *like* their jobs. "Sometimes, the whole thing really feels like a game of musical chairs," says Gabriel Arana, a former senior editor at HuffPost and Mic who now freelances for a variety of outlets. "All you care about is not being the one left standing. So you'll do any kind of clickbait they want you to, even if it's killing you inside. To even think about meaningful work at most websites feels like a luxury."

Eric Garcia, a *Roll Call* reporter who's had three jobs in the three years since graduating from UNC Chapel Hill, knows that ever-present sense of dread. When he goes back to Chapel Hill and talks to students, he finds himself rattling off cautionary notes. "I say, 'You're going to have to love the news part of the business enough to put up with the business part of the business.'" And the "business part," he warns them, often dictates the journalism part. "Every day you have to validate your existence. You have to churn out content fast," Garcia says. "But you also have to be ambitious. You feel like every day you need to be breaking stuff, because otherwise you're on the chopping block."

When he was interning for a national magazine in Washington, DC, an older colleague once gave Garcia a friendly word of advice. These days, she said, journalism is a "war of attrition." Only those

"You have this neo-authoritarian demonizing journalists at the same time we're walking a tightrope just to stay employed."

with inherited wealth, or the strong stomach and nerves to live with constant uncertainty and self-abasement, could survive. It sounded cynical to him at the time, but it's "100 percent true."

Journalism has always been an anxiety-fueled profession, of course, running on a combination of caffeine, booze, and deadlines. But now there seems to be a new source of nightmares: If you're not losing sleep over keeping your job, or figuring out how to make a client pay up, you're fretting about mistakes. The warp speed of the digital news cycle makes errors impossible to avoid. Systems that used to prevent embarrassing or career-ending screw-ups—research, fact-checking, and copyediting departments—have been gutted, and writers are often expected to be their own checks and balances.

"My first job in journalism was as a fact checker," says Nora Caplan-Bricker, a former staffer at *The New Republic* and *National Journal* who now reports freelance on gender issues. "But since I started writing my own stories, I can count on one hand the number of times my facts were checked. It takes me days to do it myself, for a feature story. That's somebody else's job; I don't get paid to do it. But how can you not?"

Trump's war on journalism has ratcheted up the anxiety responsible reporters like Caplan-Bricker feel when they publish a story. "The pressure has never been higher—to not make any mistakes, to prove that this is a real profession and not partisan hackery. The 48 hours around my stories going up are horrible," says Caplan-Bricker. "And social media makes it a lot worse. A minuscule error might bring down this horrific avalanche on you."

Even for male journalists, who are far less likely to experience the worst kind of avalanche than women, the prospect can be daunting enough to change your mind about what kind of writer you want to be. "It used to be my goal to be among the most high-profile journalists," says investigative reporter Barry Yeoman, who's freelanced successfully full-time for more than 15 years from his home in Durham, North Carolina. "That goal gets tempered when I see what the social media snake pit does to some of the highest-profile journalists. I am a very diligent reporter, and yet I have seen equally diligent journalists get eaten for lunch, for writing decisions they've made that—right or wrong—were made in good faith. I do feel like all of us are just one misstep away from the snake pit."

Looming darkly over this snake pit is Donald Trump, who simultaneously inspires existential fears and challenges the fighting spirit of reporters and editors. Journalism has always attracted the kinds of people who are stubbornly resistant to authority, and who tend to believe fiercely in the righteousness of what they do. "If you're drawn to the work for the right reasons, it's like EMS people who are drawn to save lives," says Stan. "You can't stop people who are made that way from running to the danger."

You also can't stop them from wondering, increasingly, whether it's all truly worth the *sturm und drang*. "The ultimate fear, above all the rest, is that nothing you write will make a difference," Stan says.

That fear of irrelevance has been stoked by Trump's fake news mantra. "Maybe it was always naïve to believe that journalism and telling the truth was going to save the world," says Arana. "But now you have to wonder if the facts, or reality, can *ever* matter. We are competing with propaganda, and propaganda is winning."

To some degree, the high pitch of Trump-era politics has allowed journalists to set these larger anxieties aside. "Trump has given people a sense of moral mission," Arana says. "And he's right when he says he's great for ratings. He's created a lot of jobs. His lies require armies to debunk *and* defend. But what happens when he's gone?"

For all the justifiable jitters that journalists have about the havoc President Trump might wreak on press freedoms—and on the respect for facts and truth—the reality is that a hard situation for journalists will only become harder when he is gone. The "Trump bump" in traffic and audience will likely melt away, taking jobs with it. The media may ultimately bring down a corrupt president, but few journalists will be able to feed their families on it.

It may be that journalism emerges from the Trump era with a reputation that's revived; polls show that reporters are, at least, considered far more honest than Trump, small comfort though that is. While a bit of journalism's sheen might be restored by the time Trump is through, the malaise will linger. Trump's derision hasn't just seeped into the public consciousness; it's worked its way into journalists' bloodstreams, too. Take bad economics, mix in the devaluing of journalism as a profession—both from within and without—and the downgrading of truth in American culture, and you have a recipe for despair. There's a growing impetus for our best journalists, now and in the future, to write off the profession entirely and opt for a life that's relatively sane.

The day after Trump leaves office, reporters will no doubt wake up with a spring in their collective step, feeling lighter. But their working lives won't be easier; if anything, they'll be more challenging. The industry's churn cycle is nowhere near finished; the same old worries will pile on top of other worries, the same fears on top of fears. Only the cloud of Trump will be gone. We'll no longer have the president of the United States shaking his fist at us, goading us on to commit journalism, whatever the cost. What we will have is an industry full of trauma survivors, with further shocks in store. CJR

NATIONAL POLICY

The president's phantom threats

Trump so far has failed to follow through on his promised press assault. Could it still come?

AUTHOR Joel Simon & Alexandra Ellerbeck
ILLUSTRATOR Nate Kitch

During his tumultuous campaign, Donald Trump declared war on the press, pledging to "open up our libel laws" and impose fines on critical journalists if elected. Within a month of taking office, he vowed to go after leakers, comparing them to Nazis, and urged then-FBI director James Comey to jail reporters who published classified information. In response, money began pouring into legal defense funds set up to protect the press from the looming legal onslaught and defend the First Amendment. First Look Media, the news organization started by eBay founder Pierre Omidyar, put up $2 million and promised more; Jeff Bezos, owner of Amazon and *The Washington Post,* donated another $1 million to the Reporters Committee for Freedom of the Press. The Democracy Fund (also backed by Omidyar) threw in an additional $800,000 for legal support.

In his first year in office, Trump has attacked the press relentlessly, describing critical media outlets as the enemy of the American people, fake, and failing. He singled out individual journalists by name. But the legal assault has not come. The US Press Freedom Tracker, a project of 30 organizations (including CJR) that documents press freedom violations in the United States, has logged 34 arrests and 44 physical attacks on journalists in the last year as of mid-January—but only one leak prosecution.

So is Trump all bark and no bite? Should the legal defense funds be put to other uses? Not so fast, cautions Steven Aftergood, the director of the Federation of American Scientists' Project on Government Secrecy. "We're still in year one of the Trump administration and it does take time to build a case, identify

a suspect, and make a decision to prosecute," Aftergood pointed out.

"I think we should all be concerned and worried," added Lynn Oberlander, the general counsel for Gizmodo Media Group and board chair of the Media Law Resources Center.

The clearest evidence that leak prosecutions might be coming is the public statements from Attorney General Jeff Sessions. "We have 27 investigations open today," Sessions said in a House Oversight Committee hearing last fall. "We intend to get to the bottom of these leaks."

Sessions noted that in the last few years of the Obama administration—which was criticized for its aggressive posture toward leakers—the Justice Department averaged just three investigations per year. Sessions promised to do better, which has pleased Trump. "After many years of LEAKS going on in Washington, it is great to see the A.G. taking action! For National Security, the tougher the better!" the president tweeted over the summer.

Naturally, all governments want to control leaks and reporters want to receive them, but it wasn't until the Nixon era that the government indicted journalistic sources under the World War I–era Espionage Act. Around the same time, subpoenas of reporters picked up in earnest and began to be considered a true danger to press freedom.

A tenuous equilibrium came in the form of a 1972 Supreme Court case that the press actually lost. In a 5-4 decision in *Branzburg v. Hayes*, the court held that three reporters, including *New York Times* reporter Earl Caldwell (whose case involved his reporting on the Black Panthers), could be ordered to testify in court. In a concurring opinion, Justice Lewis Powell suggested that the First Amendment required some reasonable limits on the ability of prosecutors to subpoena journalists. James Goodale, the former *Times* general counsel (and CPJ senior advisor and former board member), latched on to Powell's stance and used it to develop a legal standard, upheld in lower court rulings, that limited the circumstances in which prosecutors could issue subpoenas to cases in which their testimony was central to a determination of guilt and innocence and the information could not be obtained elsewhere.

The standard held until the Bush administration, when the DC Circuit Court upheld a subpoena against *New York Times* reporter Judith Miller. Later, under Obama, the 4th Circuit Court of Appeals also upheld a subpoena against *New York Times* reporter James Risen, dismissing the argument that Powell's concurrence represented a qualified reporter's privilege.

At the same time that the new legal environment opened the door to subpoenaing reporters, the intelligence community, increasingly concerned by large-scale leaks and data dumps, began pushing for more aggressive prosecutions. The creation of the National Security Division in the Justice Department under the Bush administration added dedicated resources to this effort. "The main factor in the dramatic increase in leak prosecutions was technology," noted *Times* investigative reporter Scott Shane. "In almost every leak case, an electronic trail led from the source to the reporter that the FBI could file."

This new environment opened the door for the Obama administration to launch an unprecedented legal effort targeting leakers that in several cases ensnared reporters, including Risen. All told, the Obama

Justice Department prosecuted eight government employees or contractors accused of leaking to the media under the 1917 Espionage Act. "The war on leaks and other efforts to control information are the most aggressive I've seen since the Nixon administration," wrote former *Washington Post* Executive Editor Leonard Downie Jr. in a 2013 report published by CPJ.

Following a public furor over the administration's aggressive tactics, a leading group of journalists and lawyers that included Downie; Karen Kaiser, general counsel for the Associated Press; and Bruce Brown from the Reporters Committee, met with former Attorney General Eric Holder to strengthen Justice Department guidelines based on the formula first articulated following the Branzburg decision. This meant the Justice Department would only issue subpoenas when the information was crucial and could not be obtained by other means. The Attorney General had to approve requests, although the FBI could still obtain journalists' records using National Security Letters, which were not covered under the guidelines.

In the wake of the public backlash and after the revised guidelines were put in place, subpoenas slowed, as did the leak investigations.

But in his Senate confirmation, and in subsequent statements, Sessions has indicated he does not look favorably on the guidelines, which are voluntary and have been in place in some form since the 1970s. In a press conference in August, he said the Justice Department was reviewing them. "We respect the important role that the press plays, and we'll give them respect, but it is not unlimited," he said. Without the guidelines in place, journalists may face a flurry of subpoenas if the Justice Department moves ahead with leak prosecutions. And there is evidence that the Justice Department is doing just that.

"The Supreme Court has not recognized reporters' privilege, Congress has not passed a media shield bill. In the absence of those provisions, these self-imposed guidelines have been a meaningful constraint," points out David Pozen, a professor at Columbia Law School.

In July, Republicans on the Senate Committee on Homeland Security gave Sessions a "study," which included a list of 125 news articles (with bylines) that had allegedly harmed national security. In December, FBI Director Christopher Wray said he had created a dedicated unit to go after leaks.

One case that the Justice Department has pursued, involving a 26-year-old NSA contractor named Reality Winner, sets a chilling example and shows that prosecutors are willing to go to extremes to punish alleged leakers. Winner is accused of leaking a classified NSA report about Russian interference in the 2016 election to The Intercept. Winner was denied bail twice and may spend a year in prison before her trial even starts, despite her parents' offer to put up their house and everything they own to guarantee bail. Because the court has said her lawyers can only look at news reports containing classified information in secure facilities, they cannot even Google basic news stories from their office or discuss them with their client.

Some experts have suggested that as technology makes it easier for the Justice Department to identify leakers by obtaining information through service providers, the government will have less of a need to subpoena journalists. But this assumes that the government wants to avoid issuing subpoenas to the press, while Sessions has indicated a specific desire to go after the media and drag journalists into the legal proceedings.

Sessions personally approved a subpoena last February for John Sepulvado, a former reporter for Oregon Public Broadcasting, which required Sepulvado to testify about an interview he had with Ryan Bundy, one of the leaders of the group that forcibly occupied the Malheur National Wildlife Refuge in 2016. (The Obama administration had asked Sepulvado to voluntarily testify, but did not issue a subpoena when he declined.) The guidelines also require prosecutors to make all reasonable attempts to obtain the information elsewhere, something that RCFP attorney Selina MacLaren says they failed to do.

"The Court found that the prosecutors had another way to get the information: by asking the defendant himself. This raises questions about how the guidelines were applied," she says. The subpoena was ultimately quashed.

One looming test case involves WikiLeaks. Trump has said he loves WikiLeaks but there is no evidence that the Justice Departments shares his view. Widespread but unconfirmed reports suggest that a sealed indictment has been issued for Julian Assange, which is what is keeping him holed up in the Ecuadorean Embassy in London. If Assange were to be tried for violations of the Espionage Act, it would not only have a chilling impact on the media, but could ensnare the many journalists who had used Assange as a source.

For all of these reasons, Bruce Brown of RCFP is continuing to build up the legal defense fund and planning for the worst. While larger media organizations have general counsels and the resources to mount an adequate defense, smaller ones could find themselves unprepared. Regarding leak investigations, "we know from experience that those often go through newsrooms," Brown points out. "There's nothing more existential to journalists than facing a subpoena. We have to be extremely vigilant." CJR

ANDREY RUDAKOV/BLOOMBERG VIA GETTY IMAGES

INTERNATIONAL

When Trump goes global

The world's authoritarians are watching the attacks on the press in the US—transforming the role of journalism and of reality itself

AUTHOR Ravi Somaiya

The hope of the Arab Spring has been realized: Now that anyone can publish anything from anywhere, it is impossible for even the most determined despot to jail every journalist and critic. But even as the most ruthless dictators are realizing the world has changed, they are quickly learning a new method for dismissing dissent and turning the guerrilla media techniques back on the guerrillas. Their instructor: Donald J. Trump, president of the United States.

He was trained by his mentor, the McCarthy hearings lawyer Roy Cohn, to relentlessly discredit his enemies, by NBC in the reality television art of manipulating the truth into a lie and reselling it as the truth, and by the *New York Post* and Twitter in coining

It is unlikely he is aware of it, but the rhetorical style Trump has perfected to undermine the media is rooted in Russian propaganda techniques.

a viral phrase. In 2016 he emerged as the perfect pioneer for not just discrediting inconvenient voices, but leaving them paralyzed with rage and confusion.

Authoritarians are paying attention: Just days before Trump's inauguration, after Trump responded to a question from CNN's Jim Acosta about Russian interference in the American election with "Your organization is terrible… You are fake news," Turkey's president Recep Tayyip Erdoğan praised the president-elect for putting the reporter "in his place."

By February, the governments of Cambodia and Venezuela had threatened crackdowns on the media. "President Donald Trump thinks that the news reported by these organizations did not reflect the truth, which is the responsibility of the professional reporters," a spokesman for Cambodia's Ministry of Information posted on Facebook that month. "This means that freedom of expression must respect the law and the authority of the state."

In the same month, Syria's brutal dictator Bashar al-Assad dismissed reports, backed with significant evidence, that he had killed 13,000 at a military prison as fake news.

In May, an ally of Rodrigo Duterte, the president of the Philippines, labeled reports of a wave of death squad killings in the state's war on drugs as "alternative facts," a phrase originally coined by Trump advisor Kellyanne Conway to justify press secretary Sean Spicer's plainly false claim that Trump's inauguration crowd was the largest ever.

Last November, a Libyan media outlet used a tweet by Trump seeking to discredit CNN to call into question critical reporting the network had done on Libya's slave trade. Reports of a genocide targeting the Rohingya, a group of Muslims persecuted by Myanmar, were met thus by a state security official in December: "There is no such thing as Rohingya. It is fake news."

It is unlikely he is aware of it, but the rhetorical style Trump has perfected for undermining the media—and any other would-be arbiter of the truth—is rooted in Russian propaganda techniques and the mores of the darkest corners of the Web.

An authoritarian seeks to reduce the life of a nation to one aspect: the political. There are no honest opponents, only heretics. Which makes the news media, with its blend of baffling principle and infuriating imperfection, an irresistible target.

In 2006, Vladislav Surkov, the Kremlin public relations mastermind who many credit with quietly inventing Putinism, made a speech in which he coined the term "sovereign democracy." That oxymoron means, in practice, giving the veneer of democracy to an authoritarian government.

It's a phrase that perfectly encapsulates Surkov's strategy, outlined in 2011 by Peter Pomerantsev in the *London Review of Books*, of "power based on keeping any opposition there may be constantly confused, a ceaseless shape-shifting that is unstoppable because it's indefinable." It is, he added, a "fusion of despotism and postmodernism, in which no truth is certain."

These techniques were ruthlessly applied inside Russia. But the February 2013 issue of the Russian publication *Military-Industrial Kurier* contained an essay by the Russian general Valery Gerasimov which notably suggested spreading it abroad.

He theorized that the descent of the social media–driven Arab Spring into widespread regional conflict had changed warfare forever. "Wars are no longer declared and, having begun, proceed according to an unfamiliar template," he wrote. "In a matter of months and even days," he added, a thriving state can "be transformed into an arena of fierce armed conflict, become a victim of foreign intervention, and sink into a web of chaos, humanitarian catastrophe, and civil war." Non-military measures would likely outnumber military measures by four to one in future wars, he predicted.

Those non-military methods have included seeding news stories and social media posts that fuel partisan discord, and attempting to interfere in at least one election. If the subterfuge remains undiscovered, the techniques work well. But if they are revealed, they can be said to work even better—by casting doubt on the veracity of everything. (Julian Assange and the online white supremacist movement have proclaimed themselves victims of grand conspiracies for a similar purpose.)

Enter Donald Trump, who has spread Putinism in ways that Vladimir Putin himself could only have dreamed. As the elected leader of the free world, Trump has given "sovereign democracy" an opulent layer of legitimacy.

To his supporters, they nominated a truth-teller to storm the highest citadel, and, now on the inside, he has reported back confirmation of their worst fears of Western liberalism—that it is a fraud and a sham.

THREAT TRACKER

Assaulted by Antifa

On August 27, freelance reporter Dave Minsky was on assignment in Berkeley, California, covering a planned white nationalist demonstration and counterprotest. When the white nationalist demonstration was aborted, peaceful anti-fascist protesters celebrated in Martin Luther King Jr. Civic Center Park. As Minsky—who has written for Reuters, Vice, the *Miami New Times* and the *Santa Barbara News-Press*—livestreamed the demonstration in the park, one masked protester approached him and tried to grab his phone. As Minsky backed up, he tripped and other masked protesters began beating him while he lay on the ground.

"Two, three people started trying to grab my phones out of my hands, grab the [camera] off my neck," he says. "They were hitting me in the face and kicking me in the face and the torso, in the ribs and more people joined in—you know, I think at this point there were four, five, maybe six people."

He says he tried to flee the area, but a small group of protesters pursued him, shouting that he was a Nazi. One woman hit him in the ribs with a metal monopod. The protesters also took his reporter's notebook, one of his two iPhones, and his DSLR camera lens.

Two Oakland police officers eventually escorted Minsky away from the melee and took him to an ambulance. Minsky says he refused medical attention because he does not have health insurance. He later experienced trouble breathing and sharp pains in his chest, possible signs of a broken rib.

—Peter Sterne

Thus, a natural check on the fantasies of dictators has been removed: How can an American diplomat in Myanmar call for the truth, when his leader in Washington is busy dismissing the importance of facts in the name of American patriotism?

Putin himself often responds to criticism from the West with whataboutism—we may be accused of X, but what about your doing Y—another deceptively simple technique that begins to chip away at the sense of moral wrongs and moral rights, building the idea that everyone is equally venal. Or as Trump once asked Bill O'Reilly, "You think our country is so innocent?"

The rhetorical maneuver serves the same purpose as a network devoted to partisan news declaring itself "fair and balanced." Or a journalistic endeavor devoted to ideologically driven dishonesty calling itself "Project Veritas." Or a radio show devoted to conspiracy theories called "InfoWars."

Of course, like much Trump does, this is rooted in an emotional, if not actual, truth. There are now simply too few journalists, writing too much and too fast, for too many outlets, for too little money. Unpacking the new propaganda at high speed means making mistakes—particularly the insidious ones of mis-framing or perpetuating a lazy narrative to catch the attention of an increasingly fragmented audience. Fake real news has created the potential for real fake news.

A recent Poynter Institute survey found that 44 percent of Americans believe the media invents stories about Donald Trump. This gives a man whose aim is never to be held accountable a nearly unprecedented position of power. His techniques are working.

It also might explain why he felt confident in floating the idea that, despite video, a previous admission, and witnesses, it was not his voice boasting about sexually harassing and assaulting women on a clip from *Access Hollywood*. At the end of 2017, his claim still seemed a little laughable. But Adobe, the company behind Photoshop, has demonstrated a technology that can take a voice sample and turn it into a voice keyboard—type what you want anyone to say, and it will sound like they are saying it.

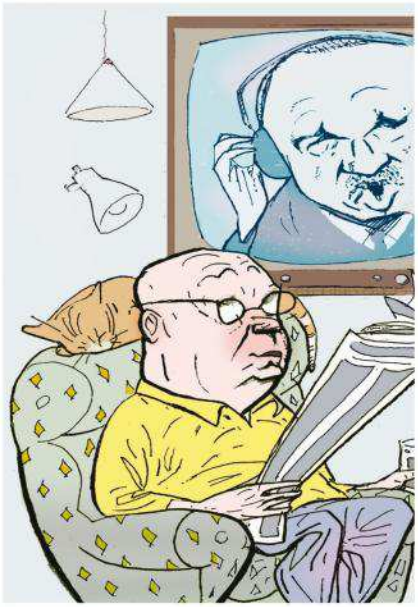
The real info wars have only just begun. CJR

ILLUSTRATION BY NIV BAVARSKY

HOW WE GOT HERE

How Fake News and Bots Took Over Our Lives

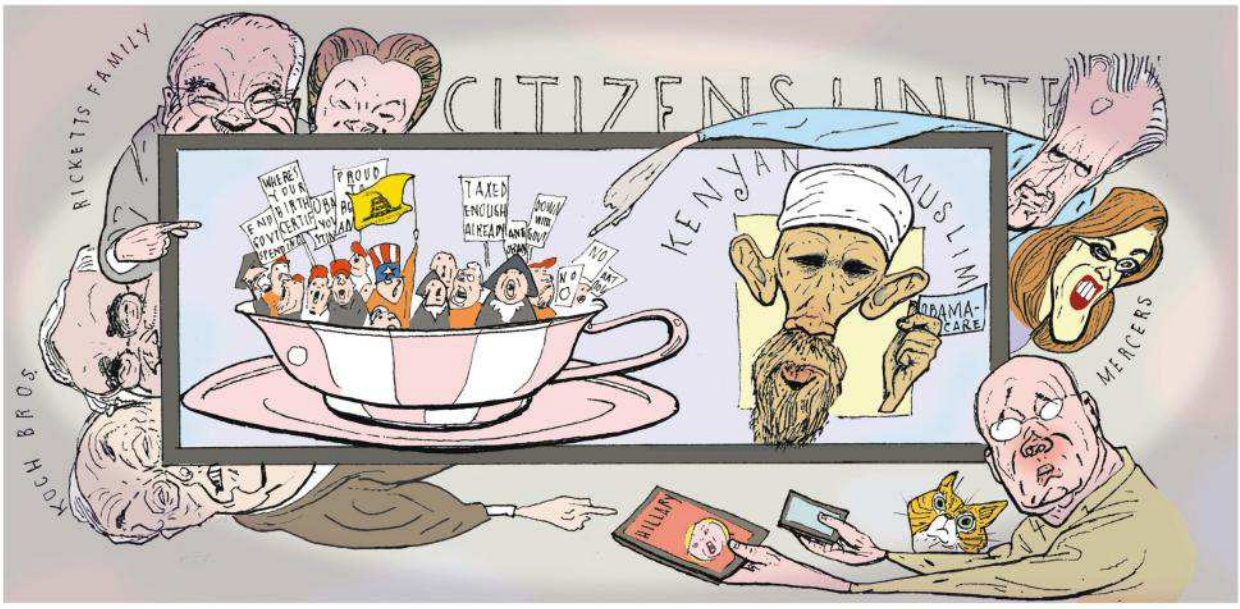
by STEVE BRODNER



1850-1987 NOT LONG AGO THE NATIONAL CONVERSATION WAS BASED ON COMMONLY SHARED FACTS, ARRIVED AT THROUGH PROFESSIONAL JOURNALISM, VIA NEWSPAPERS, TV, ETC, HELD TO ACCOUNT BY MULTI-SOURCED AND FACT-CHECKED INFORMATION.

1987 UNDER PRESIDENT RONALD REAGAN'S FCC, THE FAIRNESS DOCTRINE WAS DROPPED, REMOVING REQUIRED BALANCE FROM BROADCAST REPORTING.

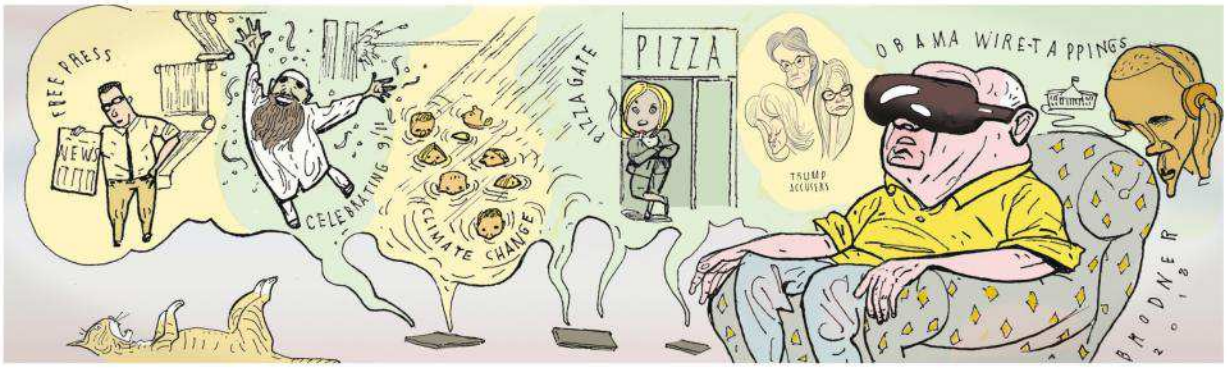
MID 80'S CABLE TV EXPANDS. TALK RADIO TAKES OVER AM RADIO, TOUCHING EMOTIONAL BUTTONS, RATHER THAN PROFESSIONALLY REPORTING NEWS.



2010 THE CITIZENS UNITED SUPREME COURT DECISION ALLOWS UNLIMITED CORPORATE SPENDING ON POLITICAL ADS. INTENTIONAL MISREPRESENTATION RULES THE AIRWAVES. THE CONSERVATIVE KOCH BROTHERS HELP BUILD THE TEA PARTY AND PUSH FALSE THEORIES ABOUT PRESIDENT OBAMA'S BIRTH CERTIFICATE.

2015 SOCIAL MEDIA MAKES MUDDLING INFORMATION MUCH MORE PROFOUND. IT SOON BECOMES DIFFICULT TO ESTABLISH THE DIFFERENCE BETWEEN STORIES GENERATED BY SOCIAL MEDIA BOTS AND YOUTUBE CELEBRITIES AND ONES FROM TRAINED JOURNALISTS.

2016 BY ELECTION DAY, THE DAMAGE HAD BEEN DONE. MEDIA, INSTEAD OF PROVIDING NEWS, MANIPULATED REALITY, CHANGING THE PERCEPTIONS OF MILLIONS OF VOTERS.



2017 A PROPAGANDA-MEDIA-COMPLEX BECAME SO DENSE AND CONFUSING THAT MANY ESCAPE INTO EVER-DISTRACTING UNIVERSES OF ELECTRONIC FANTASY, AN ENDLESS SPACE, FREE OF ANY JOURNALISM.

PERSONAL TOLL

The burnout year

It's been an exhausting news cycle, for readers as well as those of us in the business

AUTHOR Alexandria Neason
ILLUSTRATOR Sonia Pulido

A year ago, shortly after newly minted President Trump signed an executive order barring people from some Muslim countries from entering the United States, I was at home when my editor emailed a group of reporters I worked with at the time. Thousands of protesters had flooded New York's John F. Kennedy Airport, where people attempting to enter the country had been detained, and one of us needed to hop on a train and get there. I felt stuck in a very familiar way; a few years earlier, as I was working from a coffeeshop in New Orleans while on assignment, a grand jury in Staten Island declined to indict the police officer responsible for Eric Garner's death. My body was hot with anxiety then, as I wrestled with my responsibility to the assignment and my own personal rage.

A good friend of mine—a writer, a woman of color, a Muslim immigrant—got in touch to say her mother was due to land in New York that evening. She was terrified for her mother's safety, and I was, too, so we spent much of the day exchanging anxious text messages, glued to Twitter and the news. I decided to take a pass on the JFK assignment and, feeling like a bad journalist, headed over to my friend's apartment. We sat in the living room on the floor as the sky darkened, stress-eating Cheetos until our fingers turned orange, and waited.

The feeling I'm left with at the end of a frenetic 12 months reminds me of the 2013 radio documentary by veteran war correspondent Kelly McEvers. In the documentary, *Diary of a*

Burnout has long occupied a kind of mythical, worst-case scenario, future destination in my mind.

Bad Year, she chronicles a violent, dangerous year for journalists working abroad. McEvers—who found herself uncharacteristically emotionally volatile, crying uncontrollably—repeatedly ran headfirst into the firestorm, recorder in hand, against her better judgment.

The symptoms of trauma and exhaustion she described feel familiar, and her central question—*why am I doing this?*—is one I repeated to myself that night last year, and many nights since.

Burnout has long occupied a kind of mythical, worst-case scenario, future destination in my mind. It was a condition that would be met only by those unlucky few with bad bosses, bad assignments, bad luck. It was a threat that seemed credible only if I took obviously dangerous assignments. Education reporting? Covering the media? How could I be burnt out on those beats, and so soon?

My narrow understanding of work-induced burnout among journalists mirrored the way the industry has, until recently, treated the issue. Anthony Feinstein, a professor of psychiatry at the University of Toronto, says male-dominated newsrooms for years regarded threats to reporters' mental and emotional health as "a sign of weakness or personal failure."

"There was a little of this sense that if you couldn't cut it, you weren't suited. That's changed to a large degree," says Feinstein, who has authored a dozen studies looking at how threats to personal safety traumatize reporters working in difficult circumstances. Feinstein's most recent research focuses on local journalists working in places like Mexico and Kenya who, unlike their Western counterparts, can't parachute home to safety after they get the story.

When I entered the profession in 2014, the old "suck it up and do your job" attitude still reigned, and it was a lesson familiar to a black girl with a career Army officer for a father. For some of us, sucking it up and doing your job was as much part of a stoic professional climate as it was a proven survival tactic, at work and in the world.

So when I arrived in my first newsroom amidst a news cycle oversaturated with an endless loop of unarmed shootings of black men, boys, women, and girls, I found myself relying on those old norms and suffering in silence, leaving my fatigue—and the guilt I felt for feeling it at all—unaddressed. I had no ability to translate for my coworkers, all of them white, what it was like to watch videos of black people being shot by the police go viral, and to flinch when a police car inexplicably slowed to a creep alongside me, the officers staring, or how that put me in a fog that made doing my job difficult the next day. And as the country's focus shifted, as it is known to do, away from black death and toward Trump, that lethargy began to snowball even more quickly, as a

volatile administration transformed the news cycle yet again. That lethargy has now gone mainstream.

I suspect I'm not alone in feeling trapped in the news cycle. Most days, even a brief step away from a laptop or television can put a casual reader of the news far behind; as a media reporter, it severely inhibits my ability to do my job, even as it damages my health. With every ban, every policy threat, every protest I covered, every executive order, every press conference (the entire newsroom plugged in, our eye rolls almost in sync), every alarmist headline, every controversial tweet and the inevitable backlash—I became increasingly exhausted and void of any energy to actually do my job. I'd spent it all just trying to keep up.

I began to see my body change. Phantom pain in my abdomen that I developed several years ago (after many tests, doctors told me it may be stress-related) returned and surfaced on a near-daily basis. I experienced my first anxiety attacks from inside bathroom stalls. My mom took to reminding me to eat, because skipping meals had become a habit. I stopped exercising. I gained weight. I went to urgent care more times than a healthy person reasonably should, paranoid that something was wrong with me. Perhaps my overreactions weren't so ridiculous; the vertigo of being unable to read yourself, unwilling to trust your mind's understanding of the state of your body, is a displacement difficult to reckon with.

I asked my friend Amber Jamieson, a breaking news reporter at BuzzFeed, to help me understand when my behavior began to shift. I first met Amber in 2013, and I still speak to her daily. One of the first things she noticed was how difficult it became to get me to go outside when I didn't have to.

"I got worried about how often you spent weekends the last year

ILLUSTRATION BY NIV BAVARSKY

THREAT TRACKER

Detained at the border

Shortly before crossing the US–Canadian border on September 4, *In These Times* senior editor Terry J. Allen took photos of buildings and vehicle congestion near the Highgate Springs Station border crossing that connects Quebec and Vermont. When she arrived at the border checkpoint, a half hour or so after taking the photos, US Customs and Border Protection stopped her and asked whether she had photographed the border crossing. Allen said she had and that she was a journalist who had photographed border checkpoints in the past. The CBP agent ordered her to delete the photos from her camera.

"Look, you don't have the right to demand this, but, here, I'll delete the SD card in my camera," she said.

When the CBP officer ordered her to hand over her phone, she refused. Her passport was confiscated, and she was briefly detained. After an interview with a CBP supervisor, who told her photography was strictly prohibited, her passport was returned, and she was allowed to enter the United States.

Despite what the CBP supervisor told Allen, the federal regulations that generally prohibit taking photographs on federal property explicitly allow the photography "for news purposes."

—Kirk Duval

inside your house," she told me in late December. "And sometimes when we are hanging out, you basically spend the whole time on the phone and I'm like, 'What's happening here?' Later I realize it's because you're feeling super anxious." She spent some time scrolling through our 2017 text log, where we'd recorded reactions to the news in caps lock, our daily injuries and defeats, and more than a few memes. "I definitely get the feeling reading back on these that you were very, very anxious around [the] election," she told me. "There's been a lot of 'Do I even want to be a journalist?' chats between the two of us in the last year."

The day after the election, I began a conversation with Amber describing how I'd just spent 20 minutes holding my colleague, a woman of color, in her office as she wept. The newsroom at the *Village Voice*, where I worked at the time, usually a flurry of motion and sardonic humor, was despondent and eerily quiet. "Today has been so weird and bad. I have done literally no work," I wrote.

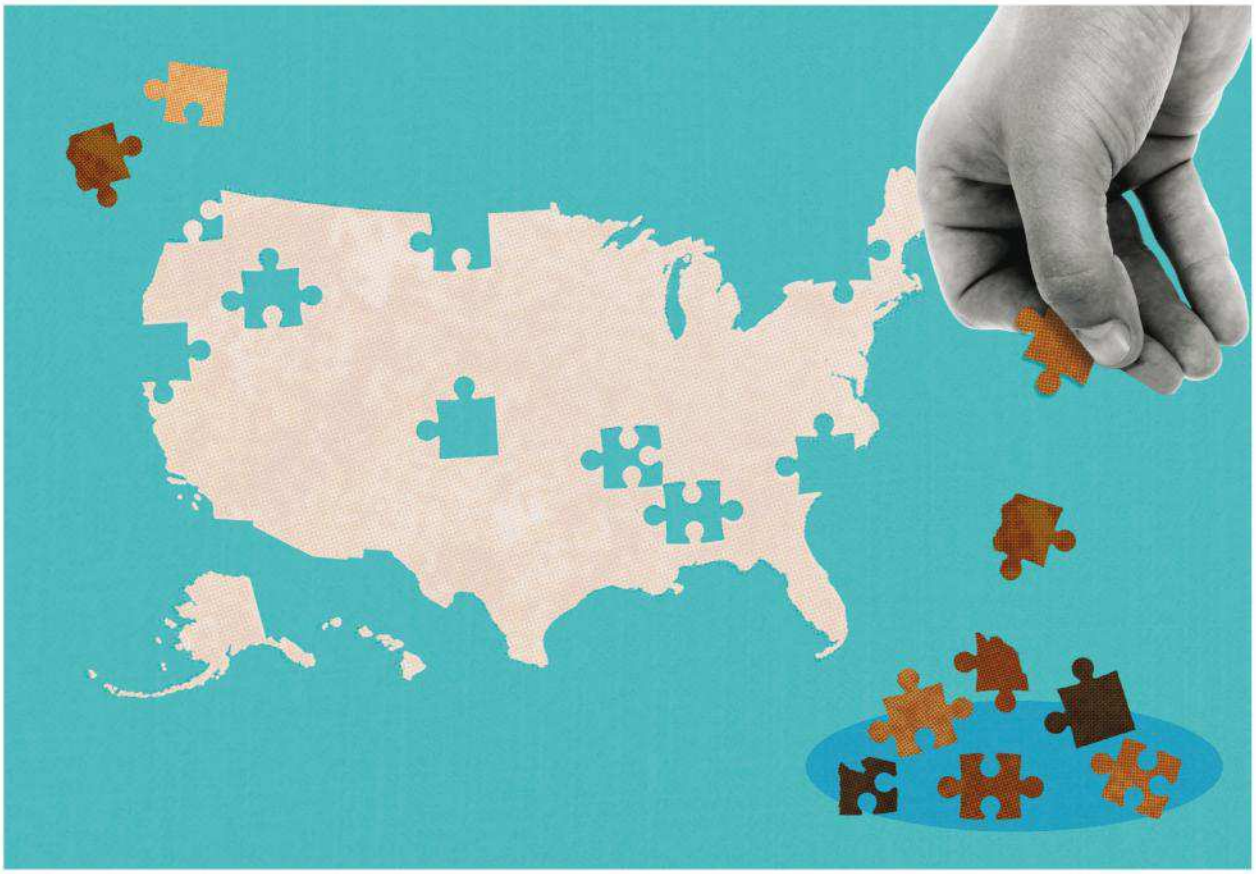
I asked my mom whether she'd noticed any changes in me over the past year, and she said the biggest had been the dramatic politicization of our everyday conversations. Being a black woman in America has always been political, but now every other part of my identity was political—including my job, made so by a president as obsessed with us as we are with him. Those conversations, she said, were sometimes defeatist and full of fear. In the spring, I became aggressively involved in what would become contentious union contract negotiations at the *Voice*, just as fears and fights about the repeal of the Affordable Care Act and tax reform were stewing.

"I think one of the reasons you participated in *Voice* union stuff had to do with where you were at that time—we were so afraid. It was [you] grabbing hold of those areas you could grab hold of, and trying to keep the inevitable from happening," my mom said. In those same months, I watched a friendship of mine deteriorate, in part because of my inability to be present during my friend's time of need while communicating my own pain to her. I handled a necessary, but rough romantic breakup terribly for the same reason. Last year was a year of takebacks, and that spirit of loss began to seep into my relationships in a way that often felt unbearable. And as stories of sexual harassment in the media continue to dominate our collective attention, I fear that my involvement with reporting on these issues is responsible for the sluggish shell I sometimes feel myself withdrawing into.

At the beginning of a new year and a new news cycle, maybe the willingness to be publicly not okay will help us manage until we are.

Feinstein offers some practical advice for me and everyone else fighting burnout: Make time for your friends, exercise, take a step back if you notice your relationships outside of work beginning to break down, and reach out to colleagues if you notice them beginning to withdraw.

When I think about all the dysfunction that has defined the political climate over the past few years, the space I've found the most comfort in has been in the thick of what feels like a collective, cathartic acknowledgement of our exhaustion. After weekends I spent holed up, I'd return to a group chat or a Slack channel or a happy hour and learn that everyone else had felt like crap, too, that it wasn't just me, that there were many things wrong and not all of them were self-inflicted. This has been a refuge. These havens are often dripping in sarcasm and self-deprecation and, sometimes, alarm and anger—on Twitter, in bars, in the newsroom breakroom. But at the beginning of a new year and a new news cycle, maybe the willingness to be publicly not okay will help us manage until we are. CJR



RACE AND RACISM

The non-starter

Race remains a no-go topic for much of the media—which novelist ***Walter Mosley*** *says will have serious consequences for the press*

ILLUSTRATOR Tiffany Baker

On April 11, 1961, the trial of Adolf Eichmann began in Israel. He was accused of participating in the annihilation of millions of Jews (and others) because of an extreme genetic bias professed and executed by him and his Nazi overmasters. He was guilty. Everyone in the world knew this. He admitted his actions but excused them because he was a soldier following orders. Most of the world saw this man as an aberrant monster accountable for atrocities no normal human being was capable of. Reporters from around the world went to Jerusalem to see this monster squirm.

One of them was the great German philosopher Hannah Arendt, sent to cover the trial by *The New Yorker*.

While most other reporters pandered to the belief that only a fiend could commit such crimes, Arendt saw the defendant as a mid-level, mild-mannered bureaucrat who was an example of what she called the "banality of evil." With this claim, Arendt indicted the entire civilized world as potential mass murderers.

Basically, she was saying that the guilt, as well as the responsibility, rested with us. Whether or not this reporting was true does not matter. What matters is she challenged what everyone else wanted to hear. She went against the grain so that we could, among ourselves, make a gesture toward understanding, if not actually reaching, the truth.

This gesture is what we need to remake our understanding of the world. The media is just a way to deliver a long list of information that exists somewhere in the limbo between truth and fiction. Sometimes we find more truth in fiction because the writer is attempting to expose human nature, human history, or our relation to fate. Sometimes what is purported to be true is not because the interested parties (advertisers, governments, racists, and/or sexists) have needs that are at odds with events as they have unfolded. The media is a tool, like a hammer or a hand grenade; it has its purpose but cannot be relied on without reservation.

Why can't the media accurately cover race in America? Are you kidding me?

To begin with, there's this thing about race being defined by color; people calling themselves white (in optics the blending of all colors). As long as the largest self-identified group in America identifies by this color, we can never have a public conversation that approximates truth. It doesn't matter if this person is man or woman, liberal or conservative, Northern or Southern, Catholic or Buddhist. If the largest audience thinks their race is white, the media has to go along with it or else face the worst fate possible—the changing of the channel.

And so one reason that the media will not, cannot, and may never honestly address race is that their constituency, like Melville's Bartleby, would rather not…hear about it.

Not surprisingly, the next issue that obviates the possibility of the media accurately representing race is the concept of class. It should be of no great shock that the media's representation of, and the general public's understanding of, economic class in America is a mashed-up ball of lies.

Just ask anyone, especially those who believe they're white, what class they are in. Most will say that they are middle-class—in the middle and striving to climb. Barack Obama told us he was trying to help and bolster the middle class. He wasn't addressing the few but the vast majority of Americans.

When someone tells me they're middle-class, I give them my personal definition of class division in America. I say that a middle-class person has a portfolio that contains, at the very least, $250,000. So when that individual loses her or his job, life can go on for a year or more with no changes necessary. That jobless individual pays the same mortgage, keeps the kids in the same schools, and even contributes to the same charities. She or he will be job hunting among the peoples of their class, people who identify with each other.

Now…when a working-class individual loses their job, they go to the bank account but do not see the same numbers. When a working-class citizen loses her job, there better be a new one in the next two to four weeks or things will change. The mortgage will go unpaid, that's for sure. And public schools have books, too. That French restaurant she and her spouse frequented will now be a fast-food emporium.

One reason the media will not, cannot, address race is that their constituency, like Melville's Bartleby, would rather not hear about it.

I say these things to people and, if they're white, they usually get angry. "I am middle-class!" they'll say. "I make $92,000 a year!"

People of color, as we are called, know better. We come from jeopardy. We are trained to know that the bottom can and will fall out. When I asked my father how he fared during the Great Depression, he said, "Walter, we were so poor we didn't even know there was a Depression until after it was over."

Between false impressions of what we are, what we have, and what we deserve, the media cannot, without deep self-criticism, address the audience of America. They will continue to call us middle-class, black, and white. They will continue to treat some with more respect than others, and they will sleep like woolly white lambs confident that tomorrow will be an endless field of grass.

How can we make rational choices when almost everything we're told is generated by those institutions that profit from our ignorance? And how can we fight back when the ballast of this false reporting is the continuation of conflict between races and genders, religions, classes, and lifestyles? What resistance do I have against fast-food poisoning when there might be a terrorist attack any moment? I am beset by pain induced by bad diet, unending labor, uninsured illnesses, and a ragged heart. How can I treat that pain when legal painkillers cost more than illegal ones?

How do I survive when I'm told that my demise is based on the white man, the colored man, the woman who wants but does not deserve my job? How can I go armed when just saying the word "gun" might get me killed? How can I go unarmed when I know that my enemies are legion?

We need to start by understanding the terms of our discontent.

First let's tackle the word *media*. This is the main means and mode of the transfer of information, words, ideas, and images that may or may not have a basis in truth. Movies are media, Fox News is media, the latest country and hip-hop recordings are media.

A man standing on a soapbox venting his ideas is *not* media, but if a video camera records that man, we have the uncooked ingredients of a medium. If an editor takes this raw footage and turns it into a diatribe against this or that and some producer decides that the resulting piece will attract viewers then, and only then, does the man on his soapbox become a potential media event. What appears on the screen, in the magazine, or over the internet may have nothing to do with the man's intentions but it is still the media, it is still information.

So we see that media alone is simply a tool to capture and keep the attention of a broad audience that is unlikely to be able to decide, empirically, if what they have witnessed has any relation to truth or even its original intentions.

The second term that seems solid, but is indeed slippery, is *news*. We

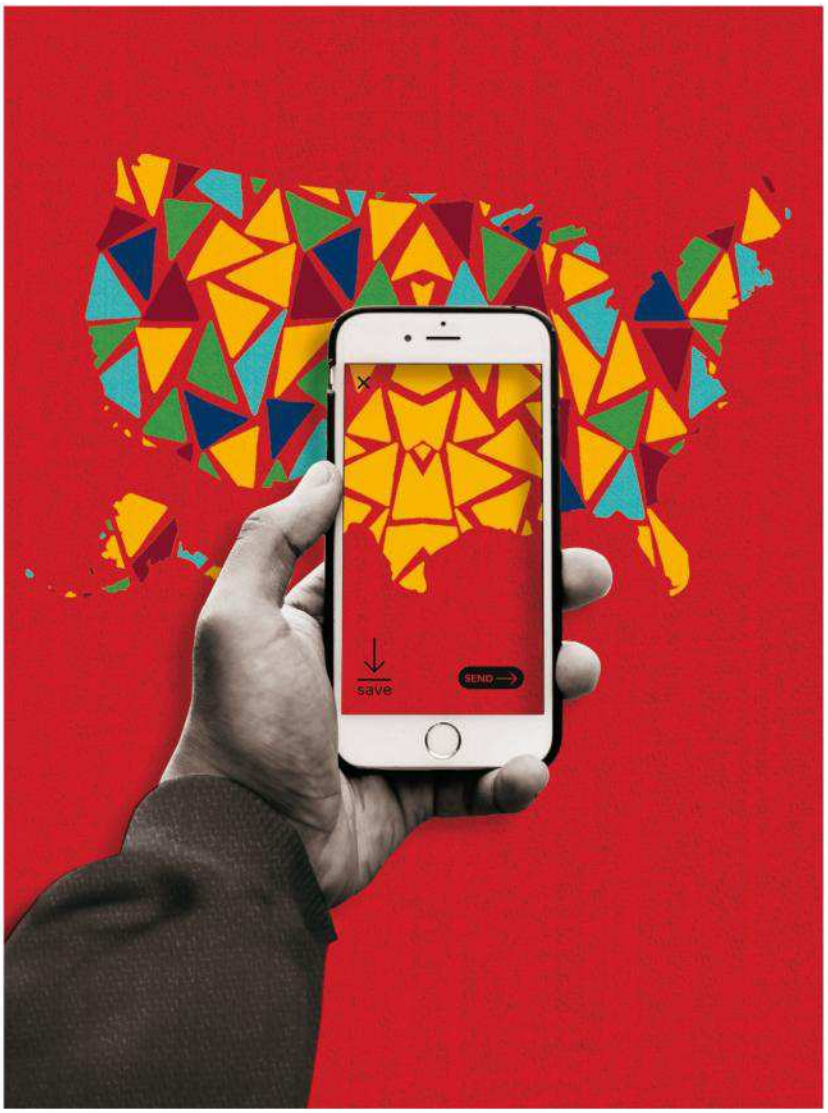


ILLUSTRATION BY TIFFANY BAKER

buy papers, turn on the TV, log into Facebook, and listen to the radio on the way to a job we'd probably like to blow off. We're bombarded with news from questionable sources day and night, 24/7, brought to you by…whomever.

The problem with the news is the root of the word itself: new. We wake up in the morning and wonder what's new today. Traffic jams and Trump tweeting about no longer wanting short people in the Navy. They talk to us about Syria and Justin Bieber, the cost of gas and why Muslims are our enemies. As a rule these *news* stories are little more than headlines; any depth to them is lost on the cutting-room floor.

There's nothing new. Christians and Muslims have been warring for nearly a thousand years. Laws have been flouted, misapplied, and forced down the throats of working women and men since before there was any record of wrongdoing. There's nothing new. In the United States, so-called black men have been shot down every single day by scared so-called white men for well over four centuries. War, love, crime, derring-do, births, deaths, and innovation are part and parcel of humanity. These things aren't new; they are not news. This is the same old shit. Suffering, poverty, hatred, and theft may wear different hats but the heads beneath those bonnets are the same.

Every once in a while, there's a new disease or a cure for a new disease, but even then these viruses and bacteria have eons-long histories and therefore are the same old bugs with new hats, too.

Promulgating the idea of something new is the attempt by the media to engage, enrage, frighten, or relieve fright in the hearts of the people. If it's new we have to know it, now. Our short attention span is captivated by the man on the soapbox who seems to be saying that he wants us all dead. And to glean this important rant, to know it we have to wade through the commercial first. News is the bait, cornflakes are the hook, and that's pretty much it.

The third, and possibly most important, term we have to try and unravel is the concept of *truth*. Like all creatures, great and small, we believe in our senses and perceptions, instincts and memories. With experience we learn to question what we're told and what we perceive but most of us would rather believe in simple truths, especially when they make us feel better about ourselves and our chances in this chancy world.

The media and newscasters say they are bringing us objective

THREAT TRACKER

Assaulted at a Trump rally

When *OC Weekly* photographers Julie Leopo and Brian Feinzimer, and intern Frank Tristan, covered a pro-Trump rally in Huntington Beach, California, they encountered a tense situation.

"Just as I was about to click the shutter on my camera, I looked up and locked eyes with a white woman carrying a flag," Leopo wrote in an *OC Weekly* article about the incident. "Out of all the people in the crowd, she glared at me. Her stare was cold, angry, and taunting. She smirked and walked toward me….The pro-Trump woman began to hit my camera and arm with her American flag. I yelled 'STOP!' and held out my arm."

After the woman started to hit Leopo, another pro-Trump protester violently shoved Feinzimer and then punched Tristan when he stepped in to protect his colleagues. *OC Weekly* editor Gustavo Arellano said his reporters flagged down a police officer after the attack and asked to file a police report, but were ignored.

"My photographers and intern were just trying to do their jobs," he said in a statement. "For that, they got harassed by Trump supporters, then shoved and punched when they tried to defend each other."

—Kirk Duval

ILLUSTRATION BY NIV BAVARSKY

There's a story behind every story and not enough time for even the simplest event to be fleshed out completely.

reportage—the truth. A black man was shot down today, a missile was launched last night, we are citizens of the greatest country in the world. They show us proofs that seem unassailable: pictures, testimonies, charts and diagrams, and so many numbers that we have to relent.

I remember one Fourth of July, I was watching a local newscast. The friendly news anchor seemed to be looking me in the eye, but I knew, from personal experience, that he was actually looking at a monitor, reading the report that the producers needed him to tell me. He was reading/saying many things, but one struck me. He said that the price of gas was going up because of a military upheaval in Iraq. There was some kind of battle going on that affected global oil prices. I remember the moment so clearly because he sounded not only sincere but also matter-of-fact. "There's a war. Prices go up during a war. We have to live with that," he seemed to be saying.

I believe that he believed he was telling me the truth. I understood he didn't have the leisure to consider the words he was parroting. Maybe, probably he didn't even have the time to wonder why gas prices had gone up last July and also the July before that—and the one before that, too. He had to worry about makeup and moving to the space across the way to give the weather report in front of a blank green screen.

He was telling the truth as far he was concerned and I, and thousands of others, wanted to believe that truth because that meant we could believe in the news report, the oil companies, the US Army, and the patriotism exhibited by our fellow Americans bravely spending an extra 18¢ per gallon on one of the busiest holidays of the year—exhibiting our courage and patriotism.

The truth is a slippery eel.

The *objective* aspect of the media uses what it calls news to make its mark on us. It shows us wars and fires, dead bodies and first responders, cute dogs and children with cancer; the raw materials of humanity and the world we seem to be at war with. Rather than straightforward facts, the words and images we receive through the *news* are better seen as riddles, brainteasers, mysteries. There's a story behind every story and there's not enough time for even the simplest event to be fleshed out completely in the four-minute slot on TV or even the four-page article in the back pages of *The New York Times*.

We, individual human beings, will never know it all; that's too much to expect. It is good enough to question what we are told as a matter of course; to say to ourselves, "I wonder what the rest of the story is. I wonder why the media wants me to see these assertions presented as fact. I wonder if my enemy knows something that neither I nor this monitor-reading hack is aware of."

At this point, we are prepared to begin to tackle the truth, *the truths*, and both their mortal necessity and impossibility.

A rich, so-called white man might wonder why a poor, so-called black woman doesn't send her kids somewhere where they are removed from crime and moral decay. The man doesn't understand the woman's political and economic limitations. This unspoken, maybe even unarticulated, criticism shows us that one man's meat is another woman's poison. Often we are faced with a set of values that only apply in certain situations. And so these partial truths might be at odds when we are so far removed from each other in experience that a world of possibilities is occluded from our sight.

And there we have the raw materials for the construction of a bridge

The business, institution, practice of, and blindness to reporting on race in the United States is, in the words of The Trump, "Fake News."

between ignorance and something a little less uninformed. We see that the media itself is just a list of words and images brought to us by people who don't want our understanding as much as they do our money. We have the news that is not new and often constructed as bait to make the sales more likely. And then we have the *mirage of truth* that calls to us like sirens on the rocks.

Rather than passive receptors accepting media images and news stories, we have to become thinkers who want the truth while knowing it will forever be illusive. A dead white woman slaughtered by the cops she called, a shackled black man who ran and was killed by a shot in the back, and an olive-skinned Arab, raised in Scandinavia, who strapped a bomb to his chest—now unrecognizable in the aftermath of hatred. We have to understand all of these deaths, the responses to these deaths, and (like Hannah Arendt) we must become philosophers seeking the deeper meaning rather than the comfortable opinions used by one side or the other to control our actions.

The business, institution, practice of, and blindness to reporting on race in the United States is, in the words of The Trump, "Fake News." It is a sad moment in the history of free speech and the Fourth Estate when such crude words from a watered-down real estate mogul should ring as true as the Liberty Bell.

How far have we fallen when the only shreds of truth we are fed come from unsolicited smartphones across social media platforms that are closer to playground tall tales than any attempt at understanding our world. Yet the undoing of the press does not originate in the Oval Office.

The press, like much of America, has slowly given in to addiction; in this case the news media is strung out on money and its attendant institutions.

We saw it with O. J. Simpson from the moment he traveled down the freeway trying to escape the Eye of Scandal up until the judgment that divided a nation over the jury's decision that race had blinded justice—as it had been doing for more than four centuries.

We see it with the new administration when daily, imbecilic tweets capture the imagination of a nation; a nation poisoned by fast food, unemployed by machines and international capitalism, undereducated via tax reform, and incited to blame one another based upon pigmentation, gender, national origin, and religion.

What we see is not news, never news. It's what the Romans called Bread and Circuses. Throw a bunch of drugged-up, hapless slaves into an arena, arm them with tridents, nets, and clubs, and then give your citizens a crust of bread and a stone seat to watch the turmoil unfold.

None of these scenarios is news. They are moments of entertainment masquerading as information; they're Trumped up issues designed to bring out bloodthirstiness on all sides; they are the lulls between the commercials that make us hungry, horny, happy, and in a hurry to spend money we'll have to borrow from the bank.

How do we cure a system so totally putrefied, rotten to the core and wallowing like a six-hundred-pound pig in shit?

I remember quite clearly the day my suspicions began. I had been asked by a friend campaigning for a candidate for the Senate to donate $2,000. It was a specific request from a good friend and I agreed. A month later that friend called me and asked if I could make it to the lunch on Friday.

"What lunch?" I asked.

"The 25 people I got to donate will have lunch with the candidate on Friday," he replied.

And we did. We asked questions, made our opinions known. We had access well beyond the casting of a ballot. I wondered what kind of influence I might have for $100,000, 10 times that. It dawned on me for the first time that money made a difference on the holy ground of my most sacred right.

That's a problem; a big problem. A real problem. My vote should be sacrosanct; not greater or lesser than any other citizen in the political arena.

ILLUSTRATION BY NIV BAVARSKY

THREAT TRACKER

Detained at Standing Rock

Starting in December 2016, independent journalist Jenni Monet reported full-time on the "Water Protector" movement fighting the planned Dakota Access Pipeline at the Standing Rock reservation in North Dakota. Monet—a member of the Laguna Pueblo nation who has written for The Center for Investigative Reporting, *Indian Country Today*, and *Yes! Magazine*—was detained by police for trespassing on February 1, after covering a water protector demonstration. Monet said she told the officers she was a journalist and showed them her press pass, but they still arrested her.

Writing in *Indian Country Today*, Monet reported that she was denied a phone call to her attorney for 25 hours after her arrest and was detained for more than 30 hours before finally being released. She also wrote she and other non-white detainees were subjected to strip searches that their white counterparts were not.

Monet was one of a number of journalists arrested while reporting at Standing Rock in 2017. Others include freelance reporter Jenifer Stum, filmmaker Jahnny Lee, photojournalists Tonita Cervantes and Tracie Williams, and Mic reporter Jack Smith IV. While charges against Smith were dropped in December, the other five—Monet, Stum, Lee, Cervantes, and Williams—still face criminal charges of trespassing and engaging in a riot. They will go to trial in 2018.

—Peter Sterne and Stephanie Sugars

But if I can buy political influence then what can big corporations demand when they don't like the news reported or when the news isn't spicy enough to sell their products? The problem is that our political systems, our media, country, and our freedoms are under the control of the wealthy and that, in turn, the wealthy have no choice but to use what power they have to turn a profit regardless of the effect on the denizens that populate this world.

The power of wealth doesn't care about color. It doesn't discern between black and white, brown and red and yellow. The corporate world is not really in the business of red states or blue ones. They cannot concern themselves with gender, age, talent, gang affiliation, or war. They use these tools to make money and retain control. In the end if a black woman makes money they use her against her sisters. If two million souls languishing in overpopulated prisons raise the stock-market share—then languish they shall. And if the media decides to take a stand, it better make sure that there's more money to be made elsewhere.

We the people own the airwaves. It should be our first action to demand that every commercial station have a commercial-free news section and that the reporters, anchors, investigators, researchers, writers, and producers represent as wide a swath as possible of the different peoples of this country.

This last ask is a hard one. We need people who are committed to the attempt to represent truth and the point of view that has brought them to this position. Today we should be telling the powers that be that we are tired of the economic system they're using to placate, subdue, and replace our rights. We may not get the whole truth but we can get a helluva lot closer. CJR

Thirty-four arrests in the US

At the beginning of last year, the US Press Freedom Tracker began recording all instances of journalists taken into custody.

Seventy-six percent of the journalists arrested in the US in 2017 were apprehended during just three events: protests in **St. Louis, Missouri**, following the acquittal of former police officer Jason Stockley; in **Washington, DC**, during Donald Trump's inauguration; and at the **Standing Rock Indian Reservation** in North Dakota, in response to the Dakota Access Pipeline.

One dangerous year

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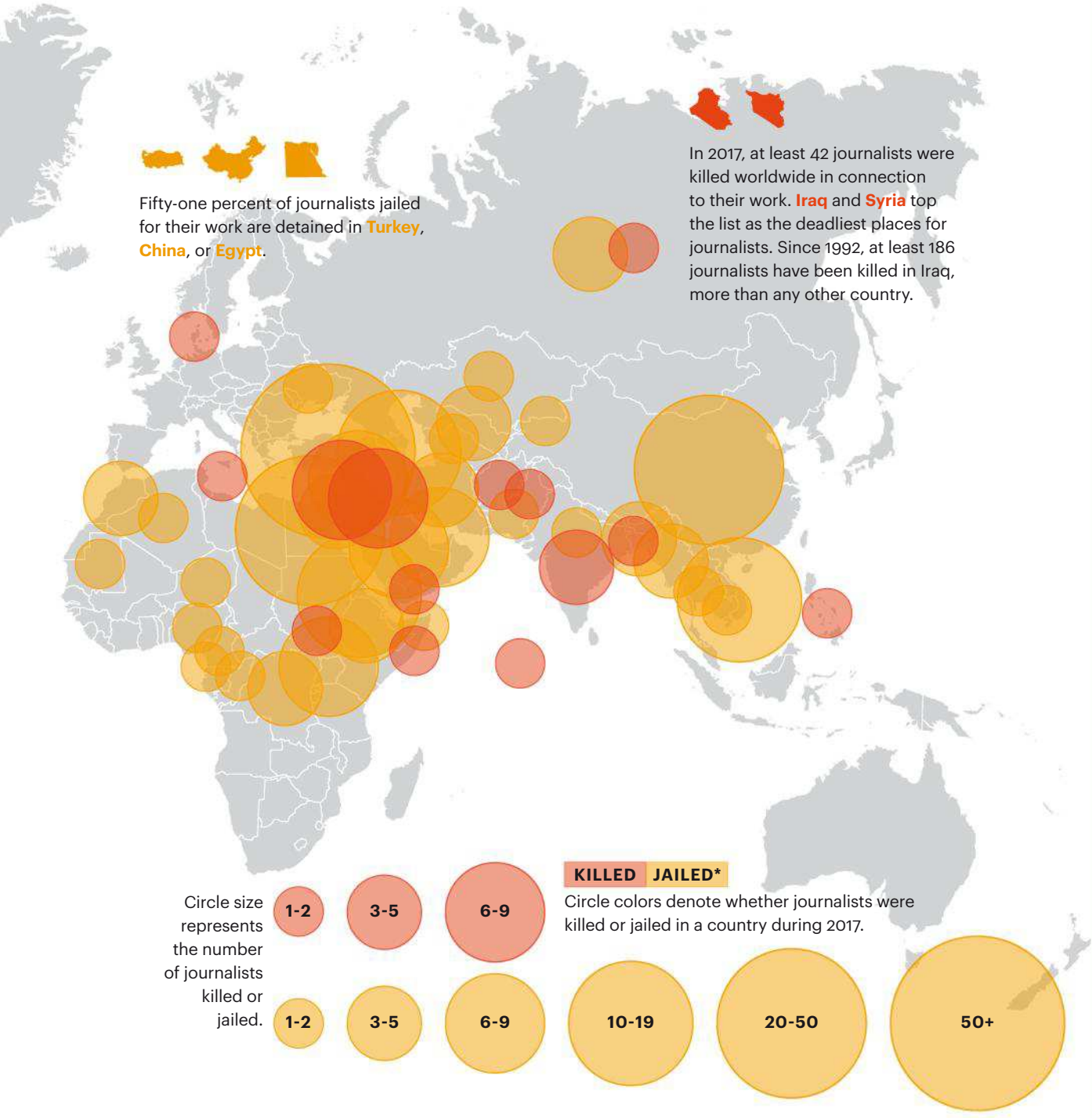
Alexandra Ellerbeck
Denise Southwood

INFOGRAPHICS
Christie Chisholm

*SOURCE: The US Press Freedom Tracker, a project launched in 2017 that records press freedom violations in the United States. *Arrest data in the US includes short-term arrests and releases throughout the year.*

Jailings on the rise

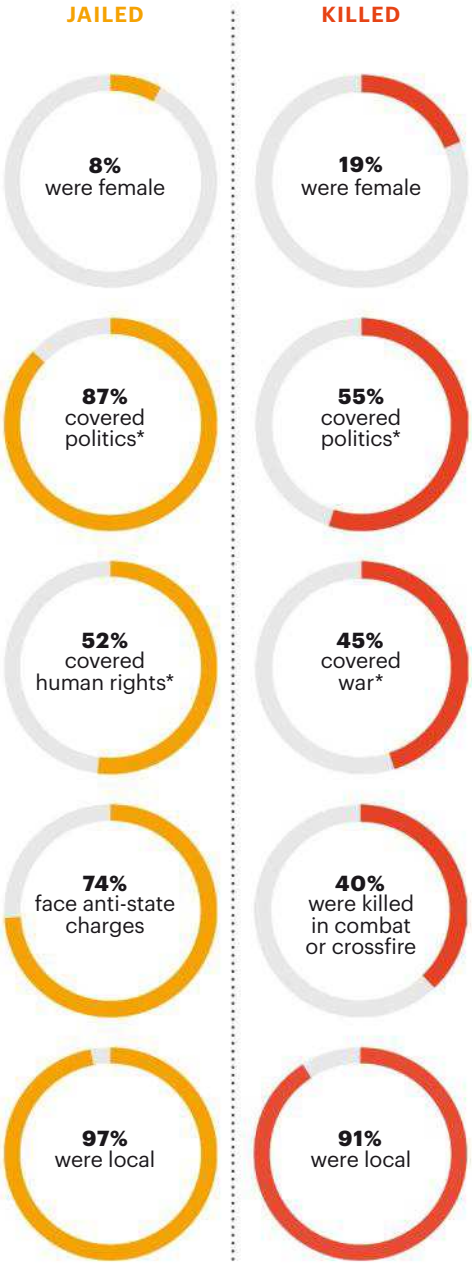
In 2017, the number of journalists imprisoned worldwide hit a record for the second year in a row, with 262 behind bars.



*SOURCE: Committee to Protect Journalists. *2017 data as of December 1, does not include journalists imprisoned and released throughout the year. There are 20 additional cases of journalists who were killed in 2017, but CPJ is still investigating whether their deaths related to their work.*

In the crosshairs

Journalists who cover politics, war, and human rights face the highest risks in the industry. The vast majority who were jailed in the past year worked locally.



*SOURCE: Committee to Protect Journalists. 2017 data as of December 1. Data does not include journalists imprisoned and released throughout the year. *Most journalists cover more than one beat.*

To read all profiles of journalists killed or jailed for their work in 2017, visit CPJ.org.

Targeting the news

A selection of journalists who were killed or in prison for their work in 2017.

MIROSLAVA BREACH VELDUCEA

Correspondent, *La Jornada*
Covered crime, politics
Killed in Chihuahua, Mexico | *March 23, 2017*

An unknown assailant shot Breach Velducea eight times as she was leaving her home in a car with one of her children. The child was not injured.

MAHMOUD ABOU ZEID (SHAWKAN)

Freelance photographer
Charged with anti-state | Not sentenced
Imprisoned in Egypt | *Aug. 14, 2013*

Abou Zeid, known as Shawkan, was detained while covering clashes between Egyptian security forces and supporters of ousted President Mohamed Morsi.

JAVIER VALDEZ CÁRDENAS

Investigative reporter and editor, *RíoDoce*
Covered corruption, crime, politics
Killed in Culiacán, Sinaloa, Mexico | *May 15, 2017*

Shortly after Cárdenas left his office, unknown assailants dragged him out of his car and fatally shot him at least 12 times.

RAMÓN NSÉ ESONO EBALÉ

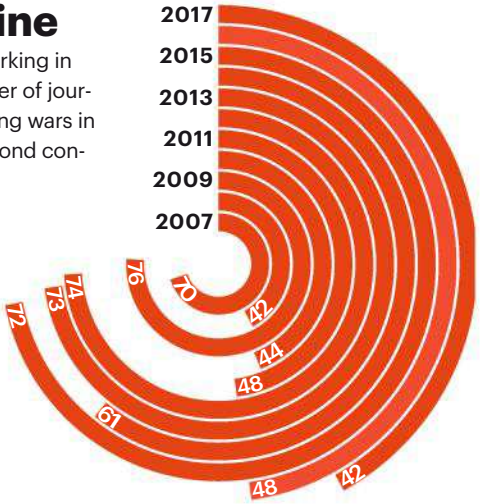
Freelance reporter
Not charged | Not sentenced
Imprisoned in Equatorial Guinea | *Sept. 16, 2017*

Ebalé was arrested with two of his friends after leaving a restaurant in Malabo. He was accused of money laundering and counterfeiting. The friends, who are both Spanish nationals, were released.

PHOTOS COURTESY LA JORNADA, FREEDOM FOR SHAWKAN CAMPAIGN, CPJ/BARBARA NITKE, ELOÍSA VAELLO MARCO

On the decline

With fewer journalists working in conflict zones, the number of journalists killed while covering wars in 2017 dropped for the second consecutive year.



ABDULLAH KILIÇ
Columnist/Commentator, *Meydan*
Charged with anti-state | Not sentenced
Imprisoned in Turkey | *July 25, 2016*

Kiliç was detained as part of a purge of suspected followers of exiled preacher Fethullah Gülen. He was accused of maintaining a terrorist organization.

SHIFA ZIKRI IBRAHIM (SHIFA GARDI)
Broadcast reporter, Rudaw TV
Covered war
Killed in Mosul, Iraq | *Feb. 25, 2017*

Gardi was killed by a roadside bomb while her team was investigating a mass grave, alleged to be where ISIS militants had buried hundreds of civilians.

NGUYEN NGOC NHU QUYNH (ME NAM)
Reporter, *Dan Lam Bao*
Charged with anti-state | Sentenced to 10+ years
Imprisoned in Vietnam | *Oct. 10, 2016*

Guynh was arrested while trying to visit an imprisoned political activist. She was accused of being a member of Viêt Tân, an outlawed political party.

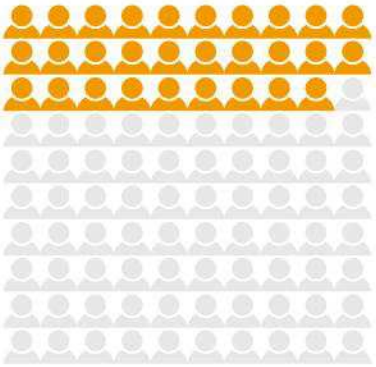
DAPHNE CARUANA GALIZIA
Investigative journalist and blogger
Covered corruption, crime, human rights, politics
Killed in Malta | *Oct. 16, 2017*

Galizia's car exploded while she was driving near her home in Bidnija. She had told police prior to her death that she had received death threats in relation to her work on the Panama Papers.

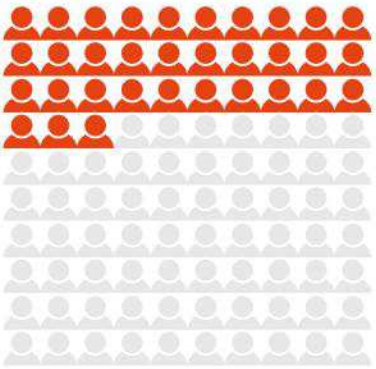
PHOTOS COURTESY JACK FORBES, CPJ/FAMILY HANDOUT, MATTHEW CARUANA GALIZIA

Freelancers under fire

Independent journalists account for 75 cases, or **29 percent** of all members of the press who were imprisoned in 2017.

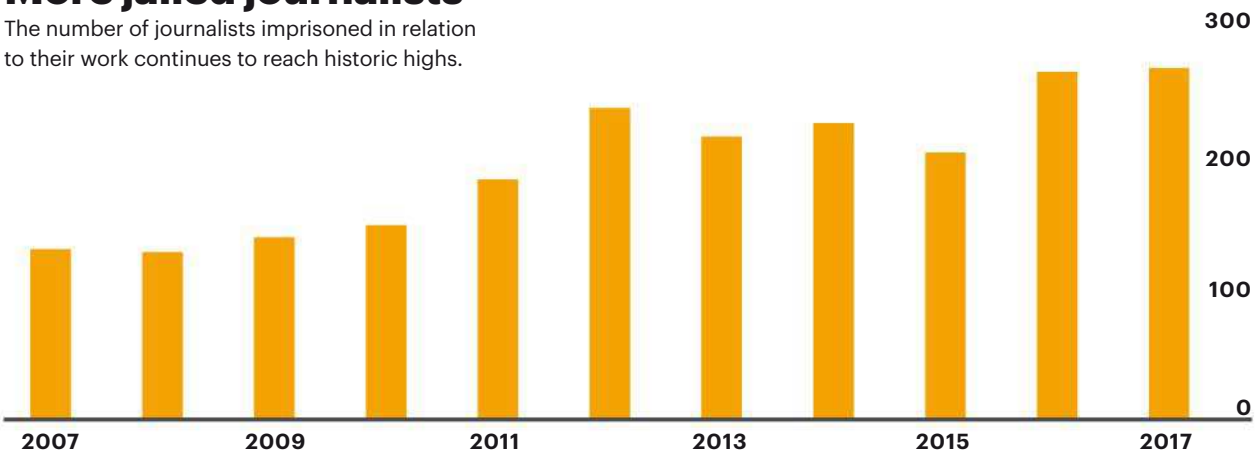


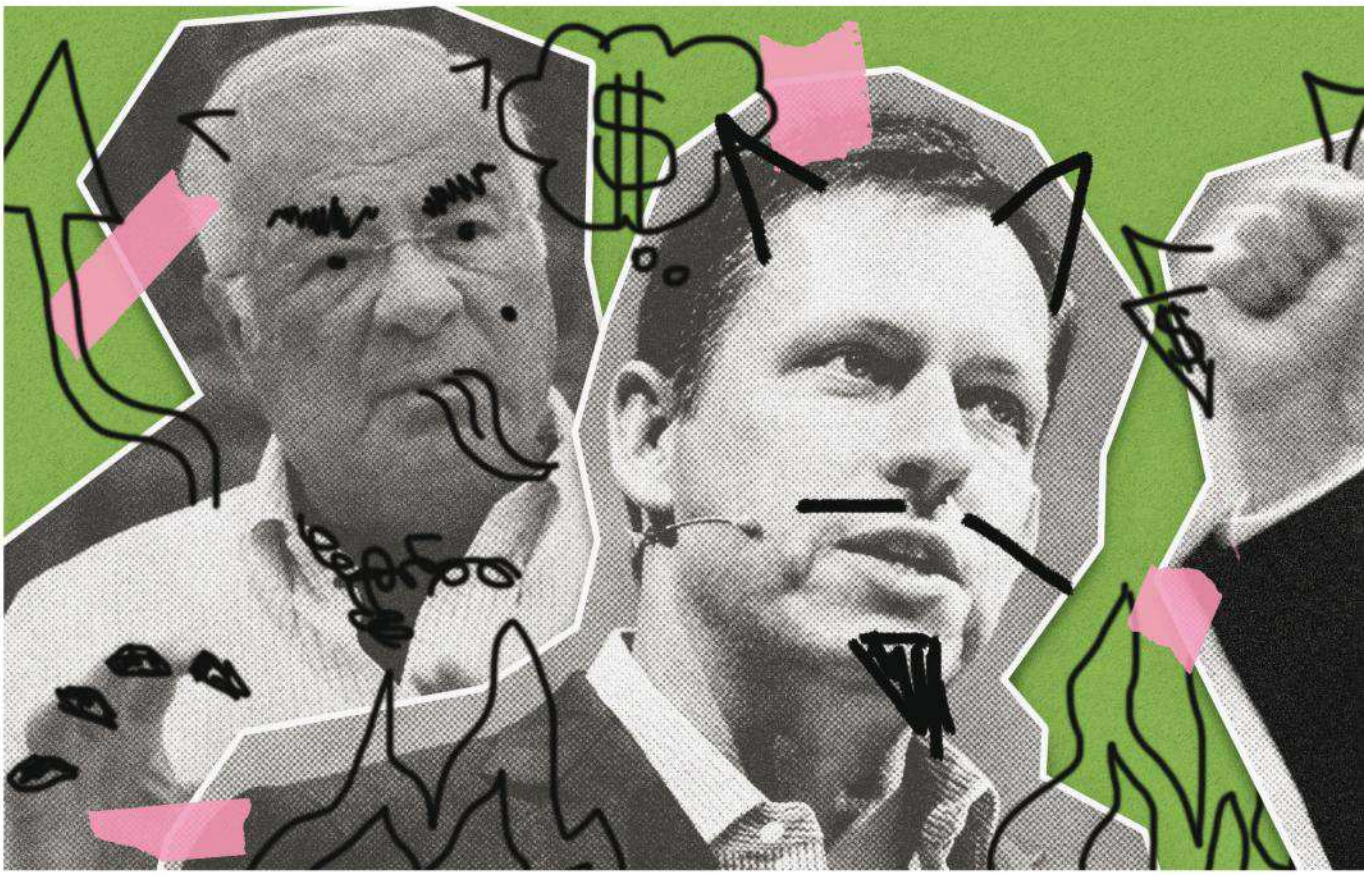
Thirty-three percent of the journalists killed in 2017 were independent journalists.



More jailed journalists

The number of journalists imprisoned in relation to their work continues to reach historic highs.





The American media landscape, like the rest of the country, is being reshaped by the whims of the ultra-rich

Billionaires gone wild

AUTHOR
Alex Pareene

ILLUSTRATOR
Christie Chisholm

POWER DRUNK
Joe Ricketts, Peter Thiel, and Koch brothers David and Charles have used their millions to mold parts of the media industry to their liking.

In November, Joe Ricketts, the billionaire founder of online brokerage firm TD Ameritrade, patriarch of the family that owns the Chicago Cubs, million-dollar Trump donor, and father of the governor of Nebraska, shuttered DNAinfo, the local news startup he founded, and Gothamist, the network of city blogs he'd purchased just a few months earlier, in a fit of pique, after editorial employees organized a union. Shuttering the company meant nothing to him—DNAinfo reportedly lost money and the Gothamist network was not profitable enough to make an appreciable difference to a man with a net worth estimated at over $2 billion—but to me it meant that there was no longer a reporter assigned to cover my neighborhood in Brooklyn and its Halloween Dog Parades, community board meetings about unsafe intersections, and new tiki-bar openings.

My loss, I'm aware, is small potatoes compared to that of the reporter herself, and her dozens of suddenly jobless colleagues. But I know a little bit about how it feels when a billionaire with inexplicable power over you takes your job away out of what seems like personal spite: I was the last editor of Gawker, before it went bankrupt and ceased publication, the result of years of legal warfare secretly funded by billionaire Facebook investor Peter Thiel.

It is one thing—an infuriating thing, granted—to lose your job because of "the market." When your factory shuts down because labor is cheaper overseas or when your magazine folds because luxury watch companies shifted their marketing budgets to Instagram influencers, you may rage and despair, but you also probably saw it coming, in industry-wide economic trends that were impossible to ignore. But when your livelihood is

disrupted because of the whims of one powerful person—when the invisible hand is replaced by one very visible and shockingly capricious one—it is a much more bewildering experience. And it is one more journalists can expect to experience in the near future, as the economic power of the 0.01 percent increases and the revenue models underpinning traditional news-gathering shops break down.

It's rote at this point to observe that many of the ways the media landscape has been transformed in the 21st century have oddly caused it to more closely resemble the media landscape of the 18th and 19th centuries, from the flourishing of a more openly partisan press to the erosion of the norms of "professionalism" that were built up in the era of post-war prosperity and supposed national consensus. Another throwback: The press baron. Not since the 19th century have so many individuals had so much power over the press.

It's important to remember that Ricketts only had that power because no one else wanted to spend the money to do what he was doing (before he got mad and decided to stop). He thought he might eventually make money doing hyper-local reporting across the country, but he hadn't yet, and no one else is trying on his scale. That is not meant to suggest he should be considered a heroic failure, it's mainly to say that an industry that relies on the Joe Rickettses of the world to sustain itself is in deep trouble.

The press baron model works out so long as people want to be press barons. Generally, billionaires buy or start media outlets either for money or influence. There are ostensibly benevolent examples, of course. After personally purchasing *The Washington Post*, Amazon founder Jeff Bezos has received a great deal of credit for investing in serious investigative journalism and giving the paper the resources to achieve major "digital growth," as the press releases say. I worked (oh so briefly) for eBay founder Pierre Omidyar's First Look Media, home to lots of great journalists given the resources necessary to do important work. I know Omidyar believes strongly and sincerely in the importance of independent journalism to a free society.

But with Google and Facebook sucking up the majority of the ad money, going into publishing eventually only makes sense if you have particular things you want published. I have no doubt that Bezos and Omidyar believe in the missions of their organizations, but they are both quite upfront about not wanting to run them as charities. They both want to "save" journalism *as a business*. The trouble will come when the billionaires who think that way discover that, even if they once had one very good idea that made them very rich, they probably don't have the one good idea that will "crack the code" of making it profitable to run a large and expensive news-gathering organization. Those who initially decide to fund journalism out of a sense of selfless civic virtue will get bored or get tired of losing money, leaving only those funding it for some other, probably political purpose. (*The Guardian* is currently engaged in a fascinating experiment to see how long a rich man's money and the economic laws of compound interest can be used to sustain a money-losing, public-interest-serving journalism shop.)

Not since the 19th century have so many individuals had so much power over the press.

The ones who are doing a pure influence play—and have enough money stockpiled to afford not to care if it works as a business—have the advantage over everyone else. The fact that Gawker had the readership and revenue to sustain itself didn't, in the end, make a whit of difference to the people who made the decision to kill it off, just as the Gothamist network's modest profitability made no difference to Ricketts—and just as, in another sense, the financial viability of Breitbart News means little to billionaire backer Rebekah Mercer, nor that of The Federalist to whichever wealthy interests are secretly bankrolling that conservative publication. In this world it makes more sense, from the billionaire's perspective, to fund Breitbart than own DNAinfo. Both will probably lose money, but one of them might help get a president elected.

In retrospect, it seems inevitable that American journalism's professional norms around fairness and ethics emerged at a time when newspapers and magazines were good investments for normal financial reasons. Safe investments attract safe corporate investors. Corporations like clear standards of conduct and don't like offending huge numbers of potential

It is one thing to lose your job because of "the market." It is much more bewildering when your livelihood is disrupted by the whims of one person.

customers, which is how Yellow Journalism gave way to "All the News That's Fit to Print" and the mainstream media as we knew it. The market played a big role in determining content. A big city paper could lean a little to the left or the right, but it couldn't go full-John Birch or all-in Yippie without losing the thing that gave it power: monopolistic access to the eyeballs of the city's literate adults.

New economic rules determine new forms. We're already seeing market forces that have nothing to do with audience preference—let alone "public interest"—drive changes in how news is gathered and reported. After building what resembled newsrooms of yore, Mashable, Mic, and Vocativ eliminated dozens of editorial jobs in the now familiar "pivot to video," in spite of the fact that readers, being readers, prefer text: Most literate adults can read a paragraph much faster than it takes for a preroll advertisement to load and then hear that paragraph get read aloud over stock photography. But major brands have expressed their spending preferences for video inventory and thus media companies seek to satisfy their demand. No one really believes it'll work, where "work" means preserve thousands of jobs gathering news as opposed to crafting branded content videos tailored to the latest Facebook algorithm changes.

This is the dark timeline: Journalism-agnostic media investors learn news can't "scale" and then jump ship just as soon as they've finished killing off both the corporate and independent legacy press businesses, leaving the fate of the industry to ungodly rich people with very idiosyncratic personal agendas.

What's happening to the press is reflective of the broader transformation of our society. Rule by supposedly benevolent technocratic elites is giving way—in large part due to the fecklessness of those technocrats—to straight plutocracy. And really, that only makes sense in an era in which everyone feels like their lives are, in important and fundamental ways, in thrall to the whims of a few mega-rich people. Our cities promise to remake themselves to please Bezos. A few GOP donors threaten to close their checkbooks, and the entire federal tax code is sloppily rewritten. Chris Hughes sneezes, and *The New Republic* catches a cold.

We shouldn't romanticize the days when the nation's agenda was determined in a handful of Midtown Manhattan conference rooms. (Though if you got into the industry after 2001 you're allowed to romanticize the expense accounts, catered dinners, and office bar carts.) But the mere fact that corporations were beholden to even small groups of people—stock holders, boards of directors, Wall Street analysts—made them more accountable than our new generation of owners.

The force of public opinion can compel a corporation to change course. MSNBC recently hired left-wing comedian Sam Seder back on as a contributor after firing him in response to a ginned-up alt-right campaign to purposely misinterpret an old joke he made about Roman Polanski. The realization of how easy it is for an outraged and organized group to sway a massive corporation was the foundational insight of Gamergate, the right-wing online backlash freakout that created the mold for the modern bad-faith right-wing pressure campaign.

But a stubborn billionaire—and billionaires are frequently quite stubborn—can't be

Source jailed without bail

On June 5, The Intercept published an article about Russian attempts to hack American voting software companies. The article was based on a classified NSA report that an anonymous source had leaked to the news organization.

Two days earlier, the FBI raided the house of Reality Winner, a 26-year-old NSA contractor, who had been arrested and accused of sending the classified report to a news organization. The Department of Justice announced Winner's arrest on June 5—the same day The Intercept published its article—and said she had voluntarily confessed to FBI agents that she had leaked the classified NSA report to The Intercept. Winner later said the armed FBI agents who raided her house never read her Miranda rights before eliciting her confession.

Winner was charged under the Espionage Act—a 1917 law originally intended to criminalize spying for foreign powers, which more recently has been used against journalists' sources. In a pre-trial brief filed by the government, federal prosecutors argued it was irrelevant whether Winner's leak actually harmed US national security or whether that was even her intent: Under the Espionage Act, merely giving information to a reporter could be enough to land a source in prison.

Winner has been held without bail since she was taken into custody in June, and a federal judge has twice denied her requests for bail. She is scheduled to go on trial in March 2018.

—Peter Sterne

moved by anything but criminal prosecution or confiscatory taxation. The billionaire owner has no board or shareholders to appease. The billionaire's entire existence is a constant reminder that he or she is beholden to no one.

Even if you don't directly work for the billionaire, the billionaire can determine what you work on. David Koch is a major sponsor of America's misnomered, largely privately financed "public broadcasting," and *NOVA*, PBS's flagship science series, has been notorious for not covering climate change. Sometimes he exerts his will more directly: A few years ago, *The New Yorker*'s Jane Mayer reported that plans to air a documentary on PBS stations about the Koch brothers' purchasing of great political influence were squashed to avoid offending such major public television donors.

In the near term, this shift largely determines what sort of journalist it is profitable to be. One promising model is to tailor your content to grant the wealthy an advantage they don't already enjoy. This includes mega-paywalls which block off reporting to only those with a (usually financial) stake in the subject—like intelligence briefings for the C-suite class or real-time oil refinery status updates for energy traders. Mike Allen and Jim VandeHei left Politico, a pioneer of this model in political reporting, to launch Axios, a startup narrowly focused on lobbyists and those who hire them. This kind of thing began in finance, of course. Michael Bloomberg's eponymous company perfected the model by which people who can afford tens of thousands of dollars in subscription fees get the best and fastest information while the rest of us are generously provided, gratis, with arguments for making public housing more flammable.

Another way to make yourself useful to the billionaire class is to literally attack their political enemies. Take, for example, James O'Keefe, the would-be Michael Moore of the far right, whose hidden camera stunts have never proved particularly trustworthy, but have been tremendously useful politically. His biggest splash recently was his utterly botched attempt to entrap *The Washington Post* into reporting a false allegation of sexual assault against Roy Moore, then a candidate for US Senate from Alabama. By

ILLUSTRATION BY NIV BAVARSKY

There's nothing you can do if a billionaire pays people to destroy you. Unless, perhaps, you convince your billionaire boss to sue theirs.

the normal standards of reporting and objective reason, the operation was a spectacular failure. He proved only that the *Post* was being incredibly careful and responsible in its reporting on Moore. But O'Keefe won't suffer the normal blowback that a "journalist" would for dreaming up this fiasco, because he's playing an entirely different game, with different rules. Thanks to the generosity of his backers, including the Mercer family, O'Keefe made $300,000 last year. Nearly every journalist I know—even the very bad ones—has much higher ethical standards and makes much less money.

But this is now something that publishers, editors, and individual journalists will need to be mindful of for the foreseeable future: Billionaires will pay people to destroy you, using any underhanded tactics they can think of. And there's nothing you can do about it. (Unless, perhaps, you can convince your billionaire boss to sue theirs.)

Oddly, in their spending habits, which frequently fly in the face of traditional economic theory on rational self-interest, right-wing media investors seem to show a more sincere belief in the power of the press than many ostensibly liberal publishers. Why buy alt-weeklies in this environment—as a secretive cabal of apparently conservative investors did to *LA Weekly*—unless you believe that alt-weeklies, and the stories they publish, fundamentally matter? Why did casino mogul and Trump mega-donor Sheldon Adelson buy the *Las Vegas Review-Journal*—anonymously, at first—unless he believed that controlling a newspaper in his hometown was important to his business and political interests?

When a billionaire buys a journalism outlet to shut down the critical reporting they do on politicians and businesses, or pays a dirty tricks specialist to "sting" your publication, it is an endorsement of the idea that journalism matters.

That might sound like a rallying cry, but in the absence of any plan to save the industry from the 0.01 percent, it can only be an observation. CJR

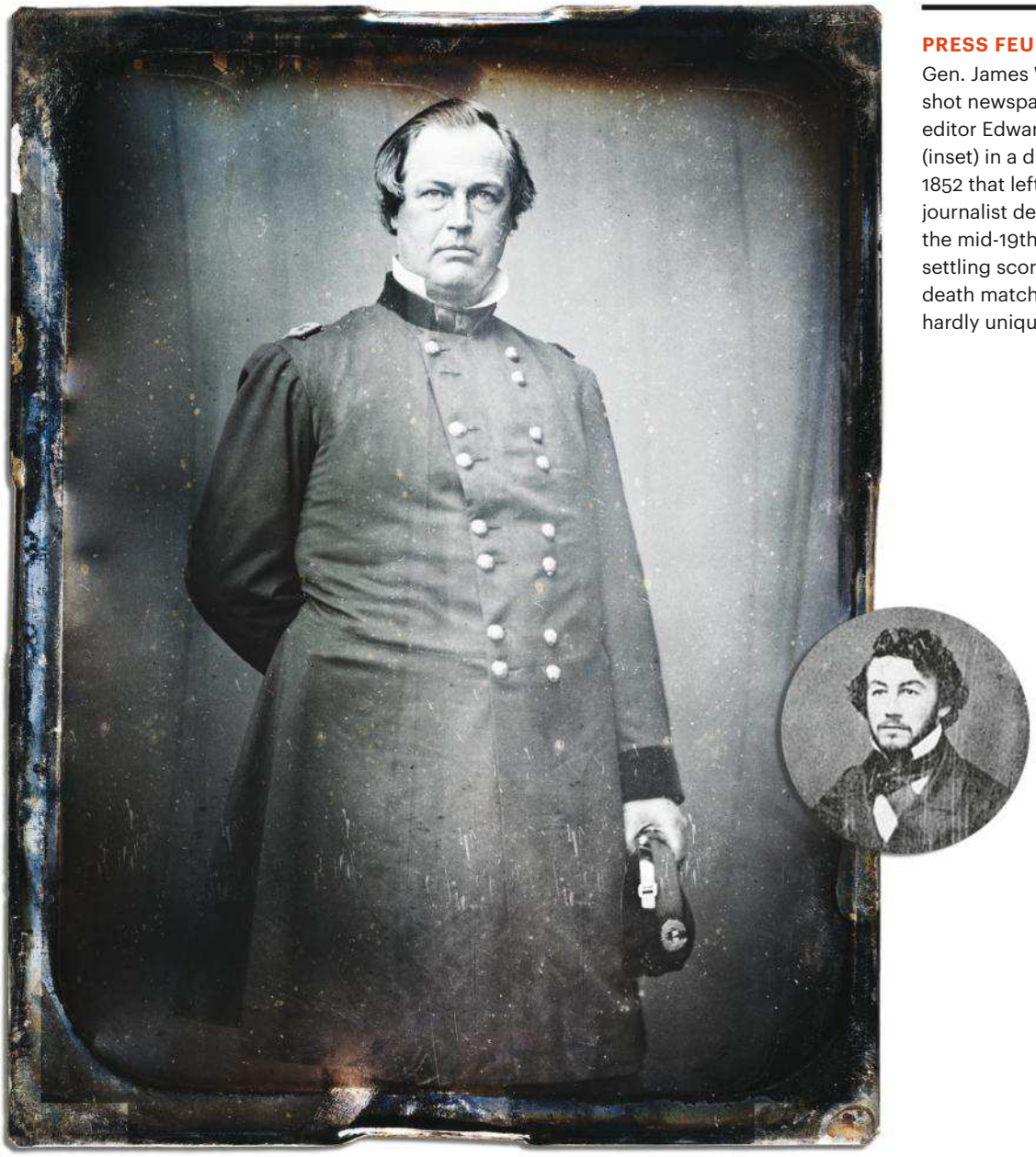
Duels and death matches

AUTHOR
Michael Rosenwald

In early August 1852, the *Sacramento Daily Union* published a story headlined "Fatal Duel—Death of the Hon. E. Gilbert." The article appeared on page two. That a duel did not merit front-page treatment is hardly surprising. Newspaper front pages in the mid-19th century were dominated by advertisements for butter, lamp oil, and tooth repair. As news, a duel—even a fatal one—was hardly novel. Back then, if two men were having a dispute it was customary to settle it in an open field, standing back-to-back, then walking an agreed upon number of paces before turning and opening fire.

What does seem novel about this particular duel are the participants: James W. Denver, a decorated war general, and Edward Gilbert, editor of the weekly *Alta California* who despised corruption. How did these two wind up in a death match? The *Daily Union*, in reporting "the deplorable termination of a duel," didn't shed much light, taking a too-soon approach in describing the dispute. "This is not the time or place to speak," the paper wrote. "The community has lost a gentlemanly and honorable member."

A catalog of press threats in the US reflects a long, violent history



PRESS FEUD
Gen. James W. Denver shot newspaper editor Edward Gilbert (inset) in a duel in 1852 that left the journalist dead. In the mid-19th century, settling scores by death match was hardly unique.

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What happened, it turns out, is what happens every day in journalism: The subject of an article did not like how a piece turned out. Denver took issue with how Gilbert had reported the general's efforts to aid starving and downtrodden immigrants in Carson Valley. "The article charged Gen. Denver with negligence and gross mismanagement in the distribution of provisions," according to the California Newspaper Hall of Fame, describing how "some of the supplies were sold to Denver's subordinates who pocketed the receipts." To Denver, this was blasphemy.

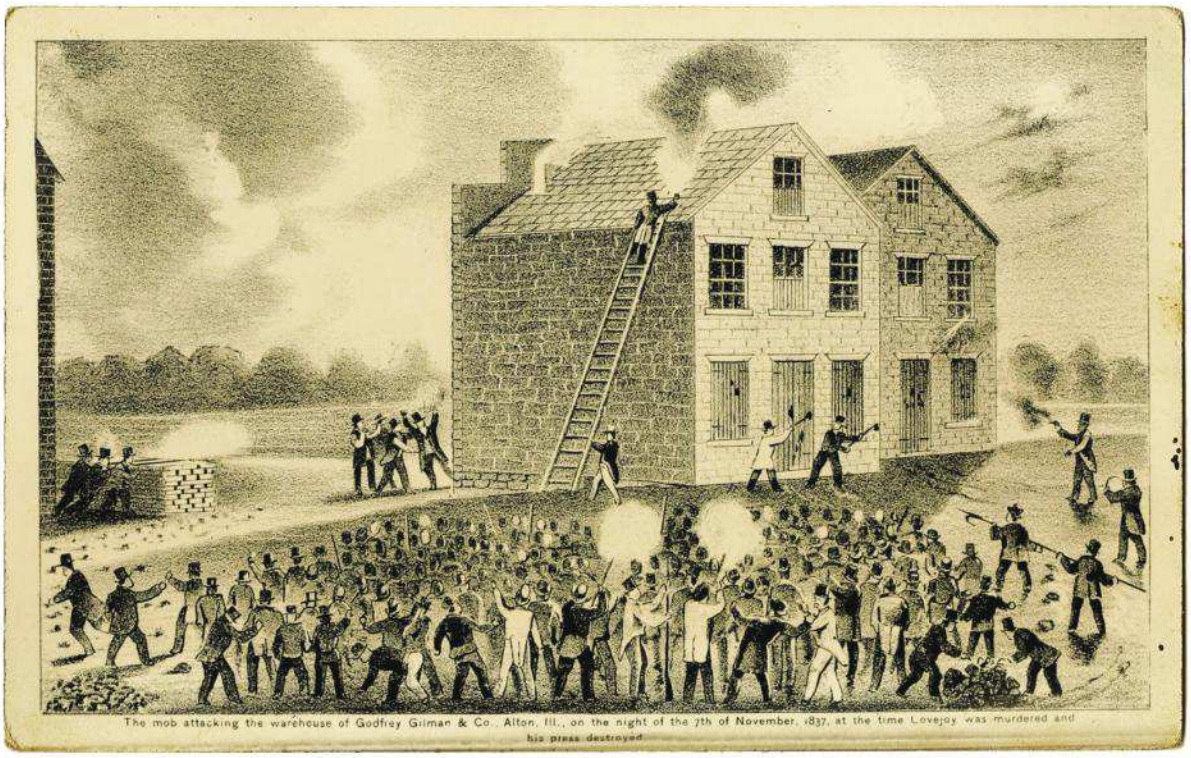
So the two men resolved to settle the matter with honor, agreeing to meet at a lush field called Oak Grove. They arrived at sunrise. "The weapons selected were Wesson's rifles," the *Daily Union* reported, "and the distance forty paces." Gilbert was clumsy. He was not a good shot. Denver had been a soldier. Perhaps the old general felt bad for his rival because after they stepped 40 paces, Denver shot but badly missed Gilbert. To the gathered crowd, this looked intentional. Gilbert missed, too. Technically, the men could have parted ways. But Gilbert insisted they go again. "Denver then became angry," the Hall of Fame account continued, "and muttered something about not going to stand around all day being shot at."

They reloaded, then stepped off 40 paces again. "Mr. Gilbert fell almost instantly," the *Daily Union* reported, "having received the shot of Gen. Denver in the left side just above the hip bone." Gilbert didn't move. "Four or five minutes after the occurrence, and without a word or scarcely a groan, his spirit passed from the earth," the *Daily Union* said. "Many a manly tear was shed."

In Gilbert's time, and for many decades after, physical attacks on the press weren't just acceptable, they were expected.

No doubt these are dangerous times for reporters. Donald Trump has declared war on the media. Supporters at his rallies scold and threaten reporters, in person and through T-shirt slogans. ("Rope. Tree. Journalist," one shirt reads. "Some assembly required.") And while much of the chatter amounts to empty threats from trolls, there has been violence. In 2016, a Trump campaign staffer grabbed a female reporter's arm so tightly that she was bruised. Last year, Montana congressional candidate Greg Gianforte body-slammed a *Guardian* reporter during tough questioning, an attack the Committee to Protect Journalists said "sends an unacceptable signal that physical assault is an appropriate response to unwanted questioning."

At least no one whipped out a gun. In Gilbert's time, and for many decades afterwards, physical attacks on the press weren't



THE PRICE OF COVERAGE
A pro-slavery riot in Alton, Illinois, in 1837 resulted in the murder of abolitionist newspaper editor Elijah Lovejoy.

just acceptable, they were expected. Gilbert's killer was not arrested. In fact, not long after shooting the editor, Denver was appointed Secretary of State in California. The city of Denver was named after him. "The mid-nineteenth-century California community did not see anything abnormal in the circumstances surrounding Gilbert's demise," writes historian Ryan Chamberlain in his book, *Pistols, Politics and the Press*.

It is a point worth reflecting on in our chaotic, mean-spirited moment that the First Amendment has never been a magical force-field protecting the press, even from violence. Besides duels, journalists over the years have been attacked by angry mobs, kidnapped, beaten, even tarred and feathered. Their homes were egged, presses set on fire, horses stolen. Covering Congress was at times so hazardous that in addition to pencils and notebooks, some reporters carried daggers. The violence wasn't just between journalists and those who didn't like their reporting. Reporters and editors used to fight—even duel—among themselves. (Some still do; see Twitter.)

It may be comforting to know that times have actually been worse for journalists. But re-examining past attacks is also instructive, historians say, because the political, social, and journalistic forces that sparked violence against reporters in the country's early days can resemble the disputes of today. Battles over class, immigration, and the country's place in the world get at the core principles of America. News sites like Breitbart News and HuffPost are akin to the 19th-century partisan press. And social media acts as kindling just as the telegraph did a century ago, quickly and widely spreading controversy.

"In a sense, people say that the current media situation is reminiscent of the highly partisan journalism of the 19th century," says

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Physical attacks on the press have been "common enough to become part of the mythology of US journalism."

John Nerone, a University of Illinois journalism professor. "And what you see reappearing are some of the forms of violence associated with that 19th-century journalism."

Nerone, in his book *Violence Against the Press: Policing the Public Sphere in U.S. History*, writes that physical attacks on the press have been "common enough to become part of the mythology of US journalism." Mark Twain, in "Journalism in Tennessee," one of his less well-known short stories, describes errant shots being fired at the editor of a fictional paper called the *Morning Glory and Johnson County War-Whoop*. The editor returns fire, then goes back to work. A short time later, a grenade is dropped down the newsroom stovepipe. "The explosion shivered the stove into a thousand fragments," the narrator says. "However, it did no further damage, except that a vagrant piece knocked a couple of my teeth out."

Satire, of course, only works if the details are plausible. "The hyperbolic violence that characterizes the daily routine of the chief editor of the *War-Whoop* is funny," Nerone writes, "because it is an exaggeration of the familiar. Nineteenth-century editors were expected to counter violence."

Before Twain, around the time of the American Revolution, newspapers served the function of a town meeting. "The purpose of the paper was to allow citizens irrespective of class or party to communicate freely and deliberate rationally," Nerone writes. Of course, not all opinions were equally valued by all parties, particularly those with any whiff of support for the British. Publishers and printers let authors write anonymously—often under silly pseudonyms—to encourage lively debate, which sold more papers. (This is somewhat analogous to today's reporters granting anonymity to let sources "speak freely" on controversial topics.)

Those impugned in print were prone to violent retaliation, if they could get the author's name. This often put printers on the wrong end of a club. Nerone writes of William Goddard, the forgotten newspaperman who ran the *Pennsylvania Chronicle*, along with a less forgettable character of history—Benjamin Franklin. In 1767, the paper ran a letter signed by "Lex Talionis," Latin for retaliation. The target of this letter, a Mr. Hicks, approached Goddard a few days later at a tavern, but Goddard wouldn't give up Lex's identity.

"I was immediately surrounded by a number of persons unknown to me, with Mr. Hicks at their head, who became grossly abusive, and treated me with great insolence," Goddard wrote in his own paper. "He repeated the designs he had formed to break my bones, and that he had prepared a suitable weapon

"I am shot!"

By Michael Rosenwald

In 1883, with Twitter not yet a viable option for settling scores, the editors of two Richmond newspapers met in an open field to resolve their differences by shooting at each other.

Though duels were the gold standard in those days for defending one's honor, rival journalists typically never went that far, settling for a bop on the nose or a brick through a window.

But those options weren't appropriate for the level of animus between Richard F. Beirne, the editor of the *Richmond State*, and William C. Elan, editor of the *Richmond Whig*.

Abraham Lincoln had freed the slaves, but civil rights still vexed the country. Newspapers took sides. Long story short: Beirne thought Elan's support of blacks in his paper's editorials was not genuine. The *Whig*'s retort: "We laugh at the *State*'s vituperation and vaporing, and beg to remark that not only does the *State* lie, but its editor and owner lies."

Fighting words.

Beirne, as *The New York Times* later reported, "demanded satisfaction" from Elan, putting him on notice for a duel. Representatives for the editors cordially made the arrangements, even agreeing that Elan's nearsightedness made it necessary to shorten the standard 10 paces to eight.

"The weapons chosen were navy six-shooters," writes Ryan Chamberlain in *Pistols, Politics and the Press*, "the largest of their kind."

The confrontation came as duels were on their way out. Virginia had recently prohibited them. A detective got wind of the plans and showed up at the appointed time on his horse, arresting Beirne. Elan got away.

Both men remained committed to the idea of a shooting each other. The *Times*, for its part, stoked interest, covering the impending duel as if it were a prize fight.

"The excitement over the expected duel between Beirne and Elan has not abated," the paper said. "All day anxious inquiries have been made as to where the principals are."

Chamberlain, in his history of violence in journalism's early days, writes that with papers on opposite sides of the civil rights question, "the sensational and national coverage of the rival editors started to have broader political implications.

"The duelists began to represent more than their personal quarrel," he continues. "Because each editor was a strong advocate for his own political party, they began to symbolize opposing political ideals."

Who might be maimed, however, was still of paramount interest to readers.

Finally, after using coded messages, the editors agreed to meet in West Virginia, where dueling was still legal.

"Neither had met before that day as they stared at one another from across their marks," Chamberlain writes. "Both editors gripped their pistols and stared at each other in preparation for the first shot."

They fired.

They missed.

The terms of the duel called for a second round.

They fired.

This time, Beirne stood tall.

Elan staggered, then fell to the ground, declaring the obvious: "I am shot!"

He had been hit in the leg. The wound, even in those days, wasn't enough to kill him. While a doctor examined him, Elan smoked a cigar.

"Beirne declared that he was satisfied," Chamberlain writes, "tipped his hat to Elan and left in a carriage."

for his purpose." Hicks walked away. Goddard thought it was over and he went on drinking. But it was not. A friend of Hicks approached him to express his own displeasure with the letter, ordering him to leave. "I told him I had as much business there as himself," Goddard wrote, "and refused to be turn'd out of doors. Without further ceremony, he struck me."

Such attacks were daily events, as reliable as early-morning Trump tweets. They persisted in part because there was no discernible infrastructure—social or governmental—to prevent them. If a man was wronged or publicly insulted, he was obligated, out of a sense of honor, to retaliate. "It would be hard to overstate the importance of personal honor to an eighteenth-century gentleman," Yale historian Joanne B. Freeman writes in *Affairs of Honor: National Politics in the New Republic*. "Honor was the core of a man's identity, his sense of self, his manhood. A man without honor was no man at all."

Violence against the press escalated both in frequency and viciousness as the stakes increased, particularly during the Civil War, and Reconstruction. The press had First Amendment rights, but this was before the honor culture abated and court rulings solidified the press freedoms in place today. "Freedom was understood as a middle ground between tyranny (no freedom) and licentiousness (too much freedom)," Nerone writes in a 1998 collection of scholarly essays.

Anti-abolitionists were particularly dangerous. Nerone cataloged more than 100 mob attacks against papers that supported abolishing slavery, the most infamous of which was the attack on Elijah Lovejoy in 1837. The minister-turned-newspaper man was killed in a gun battle with anti-abolitionists. At the Newseum in Washington, DC, on a memorial to slain journalists, Lovejoy's name is listed first. There were dozens of other less high-profile attacks. Newspaper buildings were set on fire. Editors were egged and attacked physically by ideological opponents, as well as in print by other papers. A 1987 scholarly paper that analyzed coverage of attacks against abolitionist newspapers found that "the papers with the most demonstrable ties to established parties ignored freedom of the press issues and fervently blamed and opposed the abolitionist editors."

Newspaper buildings were set on fire. Editors were egged and attacked physically by ideological opponents, as well as in print by other papers.

During the Civil War, more than a hundred papers in the north were mobbed, egged, or set on fire. The attacks were led either officially or unofficially by Union troops upset over criticism of battlefield strategy, anger at any sign of sympathy for the South, or out of fear that reporters were disclosing too much information about internal politics and decision-making. General William Tecumseh Sherman held the most extreme hatred toward the press. "Napoleon himself," he once said, "would have been defeated with a free press." Nerone fact-checked Sherman's bold assertion in a rather hilarious footnote: "Oddly, Napoleon was defeated without a free press."

Journalists didn't fold easily. If their presses were burned, they didn't walk away—they would find other printers, open new newsrooms, and go right back to

reporting the news. They also found clever ways of dealing with bullies, particularly those in government who threatened them with violence. A classic example is how two reporters from the *Congressional Globe* dealt with Representative Waddy Thompson of South Carolina.

Thompson was a real rascal. He owned slave plantations and opposed just about everything in the North. Thompson also had a temper and the physical capacity to intimidate. One account described him like this: "Thompson, whose physique was alarming, and whose spirit was thought to be like that of fiery hotspur." In the winter of 1839, Thompson become upset with *Globe* reporters Lund Washington, Jr. and William W. Curran. According to an account in the annual report of the National Shorthand Reporters' Association, the reporters "had failed to give him a larger space in the proceedings than his calibre merited." Thompson's recourse: "He made a tongue attack upon them in the House, and was prepared to attack them with arms elsewhere."

The reporters armed themselves for self-defense. "Mr. Washington, a gentleman of much strength, carried with him a heavy bludgeon into the reporter's box," the shorthand association account said. "Mr. Curran was provided with a dagger or knife, sharpened especially for use." Nobody came to blows. Though the reporters were prepared to stab and beat the congressman, they settled on a more passive-aggressive response. "No matter what Waddy Thompson said in debate, the reporters made no note of it," according to the association. "They treated him as a blank. This brought the South Carolinian to terms. He made an open

ILLUSTRATION BY NIV BAVARSKY

THREAT TRACKER

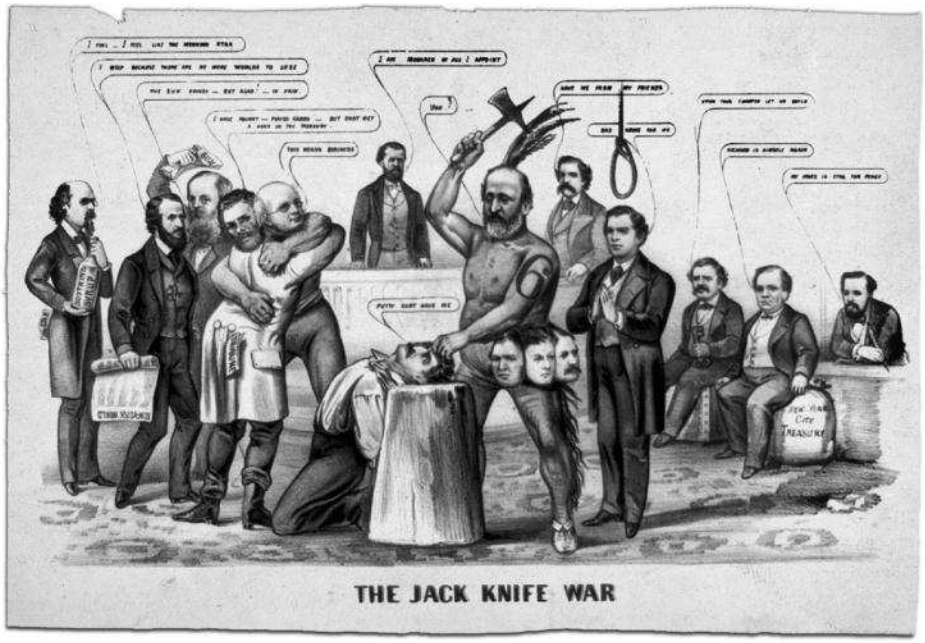
Assaulted by a congressman

On May 24, the day before a special congressional election in Montana, *Guardian* US reporter Ben Jacobs attempted to interview Republican candidate Greg Gianforte at his campaign headquarters in Bozeman. But as Jacobs asked the candidate about healthcare policy, Gianforte grabbed Jacobs by the neck with both hands and slammed him into the ground behind him," a Fox News reporter who witnessed the attack later wrote. "[We] watched in disbelief as Gianforte then began punching the reporter. As Gianforte moved on top of Jacobs, he began yelling something to the effect of, 'I'm sick and tired of this!'"

Despite this eyewitness account, Gianforte initially told police officers that Jacobs had been the aggressor, and a spokesman for his campaign released a statement blaming Jacobs for the assault.

The next day, Gianforte won the special election. In his victory speech, he apologized to Jacobs. On June 7, as part of a settlement with Jacobs, he agreed to donate $50,000 to the Committee to Protect Journalists and released a public apology, "Notwithstanding anyone's statements to the contrary, you did not initiate any physical contact with me, and I had no right to assault you." Five days later, he pleaded guilty to misdemeanor assault. He was sentenced to community service and anger management classes but no jail time. He has already filed for re–election in 2018.

—Peter Sterne



apology to the reporters, with the effect of restoring peace." The power of the press, at least back then, included the power to make an egotistical nitwit disappear.

Still, violent attacks continued well into the Civil War. But in many ways, the war's end also marked the end of routine violence against the press. For one, the war brought stable governments to many cities and towns, with laws, policing, and town halls that normalized sensible, non-violent political debate. Also, according to Nerone, the ensuing years gave rise to a more professional press, particularly as industrialization took hold. Newspapers became viable, even lucrative businesses. To attract the broadest possible audience for advertisers, newspapers dropped their highly partisan postures.

Into the 20th century, news outlets targeting minority readers were sometimes subjected to violence. So were labor reporters. However, as newspapers competed with each other for scoops, and as radio and TV news came on strong, the freedom of the press we think of today took shape. Court decisions no doubt cemented this culture, particularly the Supreme Court's 1971 decision in the Pentagon Papers case. The press now had real institutional and agenda-setting power, the bedrock of which was objectivity, taste, and fairness.

Then the internet came along. For a while, media scholars saw this as a public good. Big corporations no longer had a monopoly on the free flow of information. New voices could be heard. But as the internet ate up the mainstream press, what emerged, historians and other scholars say, were volatile, partisan voices similar to the partisan press of Mark Twain's time. Partisan outlets have become as dominant as the objective mainstream outlets of yore, if not more so. "The ability of the

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TARGETING REPORTERS FOR A LAUGH
Political cartoons routinely depicted the muzzling, or worse, of journalists. On the left, "Boss" Tweed in New York City in 1870 and, on the right, President Benjamin Harrison in 1889.

press to set the public agenda"—publishing nuanced, non-inflammatory content—"has become hacked," Nerone says. And not just by partisan US outlets. Foreign powers, like Russia, have found a way into the conversation with fake, inflammatory news posted to social networks. The president himself has referred to reporters as "enemies of the state."

Let's remember what happened last May in Montana. Greg Gianforte, the Republican then running for the House of Representatives, was confronted by a *Guardian* US reporter with tough questions about health care. The topic isn't slavery, yet as divisiveness goes, it's just about the most controversial subject in the United States. In what realm is Gianforte's response—to body-slam the reporter—even remotely expected? In Waddy Thompson's day, perhaps. But if history truly does repeat itself, if the conditions of discourse in the United States appear even remotely similar to Thompson's day, then maybe Gianforte's response isn't shocking after all. A commenter on the *Washington Post* article describing the body slam wrote this: "Journalists who don't toe the party line need to get punished." CJR

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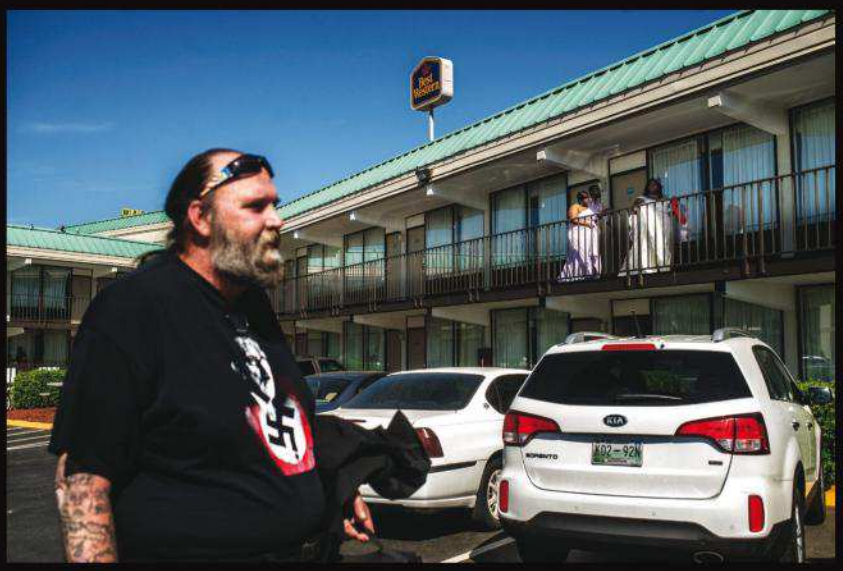
Risk assessments

Behind the camera, there often isn't a place to hide. Here, nine photographers share images that convey a sense of uncertainty and danger.

Enemy of the state

During a turbulent week in the summer of 2016, **Guy Martin** was holed up in the offices of *Cumhuriyet*, Turkey's main opposition newspaper, with its editor Can Dündar. Since this photo was taken, Dündar has claimed asylum in Germany to avoid imprisonment. He's also survived an assassination attempt. A year earlier, the Turkish government, led by President Recep Tayyip Erdoğan, charged Dündar and his newspaper with disclosing state secrets, espionage, and aiding a terrorist group. The government considered Dündar and his colleagues "enemies of the state," later blaming them for the attempted coup in July 2016. "This picture now represents what happens when men in power aim to divide the population with malicious falsehoods," says Martin, "enforcing a culture of chaos and unchecked violence in which any sort of objective truth-based reality ceases to exist."

« PHOTOGRAPH BY GUY MARTIN



Before the rally

The white nationalists were interested in talking to a student—someone who was young and impressionable and wasn't a member of the media. So when **Johnny Milano** began approaching these groups in 2012 while still a student at the International Center for Photography, he was allowed into their world. Over the last five years, he has spent time with the Confederate White Knights of the KKK, the Traditional Workers Party, the Nationalist Front, and the American Vanguard, among other white nationalist groups. The picture above is from 2014, as members of the National Socialist Movement gather in the parking lot of a Best Western before a rally in Chattanooga, Tennessee. Most members allowed Milano to take photographs freely, but at one rally a man in fatigues approached him. "If you take pictures of me or any of my guys," he said, "I will shoot you in the face."

PHOTOGRAPH BY JOHNNY MILANO

Night becomes day

On March 8, 2016, in the Mashhad neighborhood of Aleppo, **Abd Alkader Habak** was resting on his sofa when he heard the sound of a rocket launching in the distance. It whistled over his building and there was a large explosion nearby. Habak grabbed his camera and ran out the door, forgetting to put his shoes on. "People were shouting and crying, running around the street. I couldn't do anything because of the flames, so I started to film and take photographs to document the incident." Then there was a second explosion, and suddenly most of the people around him were dead. He took shelter until the debris stopped falling, and then started looking for survivors to help. "What I felt that day is the same feeling that any person would feel, fear. But fear didn't linger on as I had to face the situation, help the people, do what needs to be done."

PHOTOGRAPH BY ABD ALKADER HABAK

TK CREDIT

Left behind in El Salvador

Kathya Maria Landeros learned about the remote village of El Gusano when she moved to Mexico on a Fulbright grant. “The roads weren’t marked or paved, and it had been described as a ghost town—a place where women, the elderly, and children were left behind while men worked in the United States.” At the time, Landeros was documenting the micro-economies of local communities and she’d heard that the women of El Gusano had formed a sewing cooperative for hand-embroidered goods. After several visits to the village, Landeros was invited to photograph a quinceañera in January 2009. The celebration was in stark contrast to the barren landscape and its dire economic situation. When looking at the photograph today, she still wonders about El Gusano’s residents: “Are the boys in the photograph still there? Have they left for the United States? And, if so, what is their life like here in the United States during this particular moment in time?”

« PHOTOGRAPH BY KATHYA MARIA LANDEROS

A sudden attack

A few hours after dawn on October 23, 2007, the Afghan army learned that the Taliban knew their location. The plan had been to ambush the Taliban, but now they were compromised. **Finnbar O'Reilly**, then a Reuters photographer, was embedded with a combat patrol of Canadian armed forces training the Afghan National Army. They abandoned the planned operation, but as they crossed an open field, the first Taliban shell exploded 15 feet from where O'Reilly was standing. As shell after shell exploded, he snapped photos through the haze, including one of Canadian sergeant Paul Pilote crawling away from an explosion. "When working in places like Afghanistan, I always tried to brace myself for the worst, and this was hardly my first experience of violence or combat. But the suddenness, the size, and the proximity of the explosions were more frightening that day than anything I'd experienced."

PHOTOGRAPH BY FINNBAR O'REILLY

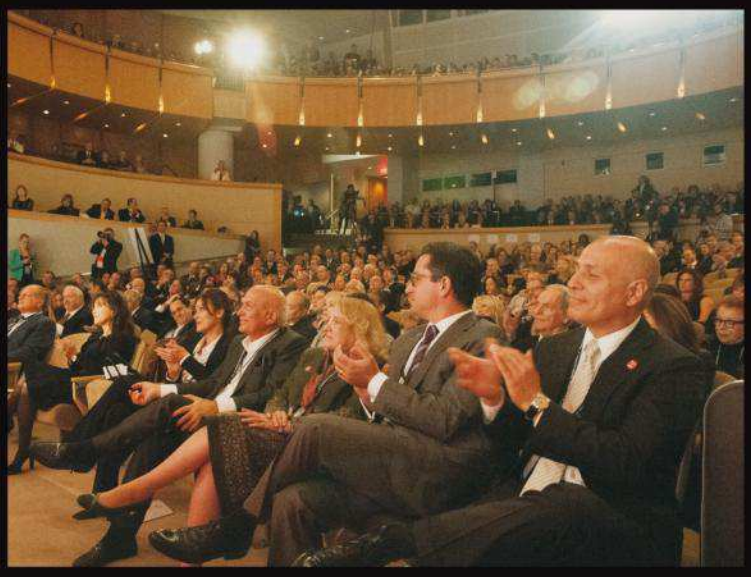
Witness to a burning

On January 13, 1990, **Nina Berman** was traveling to Tennessee with a group of photojournalists to cover marches protesting Martin Luther King, Jr. Day: "It was an early instance of Aryan Nations and skinheads making an alliance with the KKK." During the march, they learned that a cross burning would take place later that night in a remote area somewhere outside the city of Lawrenceburg. At first, the protesters tolerated the photographers. But that changed once they lit the cross. Part of the field caught on fire, and the skinheads became aggressive—they shouted, hurled rocks, even chased the photographers down in their pickup trucks. In the moment, she was frightened, and years later, it still resonates with her, especially in the aftermath of Charlottesville. "I'm struck by how easy it can be to underestimate the capacity for violence, especially with groups who parade publicly and appear to follow the rules—until they don't."

PHOTOGRAPH BY NINA BERMAN

Crowd control

There were 14 Republican candidates in attendance at the Ronald Reagan Center in Washington, DC, vying for the attention and money of the Republican Jewish Coalition. **Hector Rene**, a photographer and Army veteran, had been hired to document the event. The audience was mostly there to see the spectacle they'd seen on TV. When Donald Trump took the stage, he put the donors at ease, cracking jokes "like he was speaking to friends on a golf course." In December 2015, most people in attendance didn't take him seriously. "I didn't think that was going to be his audience, but they were impressed," says Rene. "They were mostly happy to have seen him speak."



» PHOTOGRAPH BY HECTOR RENE

The long stay

In the fall of 2002, **Marc McAndrews** bought a converted van off of eBay for $500 and began criss-crossing the country looking for long-stay motels, the kind where rooms could be had for as little as $20 a night. He'd arrive at the front desk with a metal binder of portraits and ask the owners if he could take their photograph. He was rejected at first. One man asked McAndrews if he could check his ID, just to make sure he "wasn't a terrorist." In Springfield, Illinois, McAndrews met Sheree Tucker, owner of the Pioneer Motel. As he set up his 4 x 5 camera they talked about where they were from, what they believed in, and the looming war in Iraq. Although McAndrews visited dozens of motels in his travels, only the owners of the motels would consent to be photographed. Those living in the shabby rooms rejected his offer.

PHOTOGRAPH BY MARC MCANDREWS

A silent protest

She was standing alone, silent, away from the protesters who had gathered in Union Square on May 1, 2015, calling for a $15 minimum wage, an end to deportation, and justice for the unarmed who were killed by the police. **Ruddy Roye** approached the woman, took her picture, and walked away, later uploading the image to Instagram, as he did for all the images he took that day. His project, "When Living Is a Protest," documents the men and women who carry the burden of racial injustice in their daily lives: "She woke up, brushed her teeth, and she made this sign," he says. "What prompted her to do this?" Roye is often depressed by the news, and when he goes out to take photographs, he first asks people for their story, and then tells them his own. "I look for other people who have been going through the same things." But on this day, the young woman's silence told him enough.

PHOTOGRAPH BY RUDDY ROYE

The work of a journalist is to be accessible, discerning, and persistent. For a woman, this also makes her a target.

The cost of reporting while female

AUTHOR
Anne Helen Petersen

ILLUSTRATOR
Ellen Weinstein

You begin by teaching yourself what you can ignore. *Rot in hell. You're a cunt. Maybe you wouldn't be so mad if you weren't so ugly.* They arrive as replies on Twitter, a line dropped into a DM, comments reassuring in their lack of specificity. The reasons they arrive are not always clear. The first time I was told I should go die a slow and painful death, it was because I had written about Kristen Stewart. I'd posted on a small Wordpress blog, and a female fan had disliked the way I'd analyzed her star image.

Most of it arrives online—through Twitter, via personal Facebook messages, on Instagram, through email exchanges, and sometimes even in our parents' inboxes. When ignored, these threats can sharpen and multiply. What begins as displeasure with a piece can escalate to confrontations that are chilling in their cruelty. Abuse and menace have become a way of life for women in journalism. But like so many things in women's lives, the labor of confronting that menace is largely invisible.

Abuse can also manifest itself in invisible ways: In the stories that have gone untold or unexplored by women because the risks of

telling them, psychologically or physically, require too damn much. Most editors don't understand the extent of the abuse—why would they? They don't read our inboxes or track our direct messages, they can't assess our fear as the responses mount, weighing the validity of each threat alongside the daily back-and-forth of reporting. Depending on their own identity, they don't know the complex matrix of decisions women make in the field to render themselves less threatening, or the thought put into how and who to block, report, or ignore online.

I spoke to several women about how this kind of harassment affects their work as journalists, and while many started the conversation saying they didn't deal with threats on a daily basis, they ended by telling me intricate strategies they've developed for shielding themselves from it online. They've defused situations where their very status as a female reporter—asking questions, being in public—made them vulnerable. It's exhausting to try to experience the reporting world from the same place of safety as a straight white man, but female reporters, especially minorities and those who identify as queer, often forget how many things are making us tired—and making our jobs so much harder.

Abuse can manifest itself in the stories that have gone untold or unexplored by women because of the risks of telling them.

In 2015, Julie DiCaro was covering rape allegations against Patrick Kane, a hockey player for the Chicago Blackhawks. A reader took a picture of the side entrance she used to enter her workplace and sent it to her. "If someone's willing to go through all that trouble," she tells me, "what else are they willing to do?" When Scaachi Koul, currently a culture writer for BuzzFeed, was covering the sexual assault trial of CBC Radio host Jian Ghomeshi in Canada, commenters began to go after her preschool-aged niece, who is biracial, calling her a "mutt," and criticizing her family for bringing a white person into their family. When Soraya McDonald wrote a piece for ESPN's The Undefeated that was critical of Floyd Mayweather, she was asked if she was "tap-dancing for the man." And when Nadra Nittle was covering education for the Los Angeles Newspaper Group, she started receiving messages about "vengeance" from the spouse of the principal of a school she'd covered.

"My editor was like, don't worry about it," says Nittle, who now writes for Racked. "But I let my husband know. I let my sister know. I let the school district know. I had to let them know there was a pattern of behavior."

Nittle touches on three themes of reporting as a woman: First, you teach yourself to downplay whatever threat there might be. ("I didn't feel like my life was in danger, *necessarily*," she tells me.) Second, you tell people about the actual menace, so you have a record of your concern. And third, you realize your supervisors may or may not have the same level of concern, or first-hand exposure, to the threats you face. Whether such threats are viable matters less than their intent: to make women feel more vulnerable, and to use that vulnerability to make them question their work as journalists, a job that is itself under threat.

In 2013, Nittle was reporting part of the Zip Code Project, a large-scale documentation of areas of Los Angeles. "I was assigned to one of the middle-class neighborhoods," Nittle tells me, "and one of my editors asked me to take video. I had this moment, walking around the neighborhood, in the middle of the day. I don't want them to think, 'Oh, here's this black person, what is she doing *filming* in this neighborhood?'"

Solitariness, as Nittle points out, makes it more difficult to "announce" yourself as a press. It also immediately marks you as more vulnerable—especially when you're reporting as a freelance journalist. Staff journalists, after all, have infrastructure in place (editors, security

teams, offices, co-workers) that, depending on the assignment, keep tabs on a journalist's location, monitor any harassment she receives, and put security measures in place when necessary. There are people, in other words, looking out for her in some capacity. A freelancer operates largely on her own, oftentimes reporting a story on spec before bringing it under the umbrella of an organization that could help shield her.

Liana Aghajanian reports internationally, often in places the mainstream media doesn't cover, on issues of immigration, identity, and culture in the United States. When she plans to report in an area where she wouldn't feel safe, she brings her partner along. "I know that because he's there, I'll just *feel* more protected—and I'm able to do things other female reporters can't do."

"I've started to think about what it means to be a freelance female journalist on a whole other level," Aghajanian continues. "You associate it with being something dangerous and risky, but the risks are around us in ways that we don't actually know yet. You want to be like, yes, this is so cool, they're going to let me into their world. But now you have to think: Is that person going to harm me? Is that person going to put me in a situation where my life is at risk? That makes you more cynical. And especially with my work, and the sorts of topics I like to pursue, if I become more cynical, my work is going to suffer."

When I pitched my editors at BuzzFeed earlier this year the idea of moving my beat from New York City to Montana, it was in hopes of avoiding that sort of cynicism, while

ILLUSTRATION BY NIV BAVARSKY

THREAT TRACKER

Presidential prosecution

During an Oval Office meeting in February, President Trump discussed with James Comey, then the FBI director, the possibility of prosecuting journalists for reporting on classified information. "Trump began the discussion by condemning leaks to the news media, saying that Mr. Comey should consider putting reporters in prison for publishing classified information, according to one of Mr. Comey's associates," *The New York Times* reported in May.

Comey does not appear to have objected to Trump's desire to jail journalists. Here's how he described the meeting in written testimony before the Senate Intelligence Committee: "The President then made a long series of comments about the problem with leaks of classified information—a concern I shared and still share."

No journalist has ever been convicted of a crime for publishing classified information. The Obama administration successfully prosecuted more than half a dozen people who shared classified information with journalists, but stopped short of prosecuting the journalists who published articles based on that information.

—Peter Sterne

also benefitting from my small-town Idaho upbringing. People from rural areas are skeptical of anyone from cities, and doubly skeptical of reporters from them. But being from "around here" has many benefits: I know how to talk to just about anyone. I also know exactly how to make myself as unthreatening as possible.

Molly Priddy's been a specialist in this sort of reporting for nearly a decade. She covers what she refers to as "women's issues" for the *Flathead Beacon*, a weekly paper funded by Maury Povich and Connie Chung out of Kalispell, Montana. "I have this nebulous social issues beat," she tells me, "in part because I'm the only woman on staff."

"In a place like Montana, you never need to be intimidated by who you're talking to," Priddy says. "Talking to the governor is the same as talking to the farmer down the road. It's never intimidating unless you're in a crowd, where everyone's carrying and telling you to buy silver," a hallmark of a particularly Montana brand of libertarianism.

"When I was younger and had longer hair, I played into the 'oh you're teaching me,' bit," Priddy says. She'd show up at legislators' offices and allow them to think she, herself, wasn't a journalistic threat. "But now that I cut my hair short and started presenting less

Nothing new

Over the course of nearly 200 years, female journalists have been under threat because of their gender, race, beat, views, and coverage.

—Meg Dalton

1829
Travel writer and newspaper editor **Anne Royall** was charged and convicted of being "an evil-disposed person and a common scold and disturber of the peace and happiness of her quiet and honest neighbors" following a string of altercations with local DC clergymen. Royall avoided punishment, which at the time was "a dunking," because the judge considered it too medieval.

1850
Journalist, activist, and the first black woman publisher in North America, **Mary Ann Shadd Cary** fled the US and moved to Canada with her family after the passage of the Fugitive Slave Act to escape the threat of unlawful enslavement.

1887
While undercover in an asylum for an assignment, pioneering investigative journalist **Nellie Bly** experienced the horrific conditions of the institution firsthand and had difficulty getting out. (*The New York World*'s lawyer had to negotiate her release.) "My teeth chattered and my limbs were goose-fleshed and blue with cold," she wrote of the experience.

1892
Ida B. Wells—journalist, civil rights activist, and co-founder of the NAACP—received countless death threats when she wrote an article denouncing lynching in *The Memphis Free Speech*, the newspaper Wells owned at the time. Angry white residents, who destroyed the offices, left her with little choice but to leave town.

1937
Having reported on almost every major international conflict, **Martha Gellhorn** routinely put herself in harm's way. Reporting from Madrid on the Spanish Civil War, she wrote: "Every night, lying in bed, you can hear the machine guns in University City, just ten blocks away."

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femininely, I get treated a lot more brusquely." She quickly learned how best to disarm people. "Women learn it early on: the placating-predator-smile. The 'I think you're a good man, aren't you a good man who would never hurt me?' smile," she says.

In truth, I learned that smile a long time ago: The first time I challenged a male teacher in the classroom, the first time I ran into a pair of men in the wilderness while I was out hiking alone. But it's been put into practice many times since becoming a journalist: at Trump rallies across the nation, when I was pulled over by two state patrolmen outside of Standing Rock, asking questions about Obamacare inside a taxidermy shop in a small Montana town. Times when some combination of my smile—along with my whiteness, and my blonde hair, and my Idaho driver's license—not only protected me, but ingratiated me.

Priddy's particular safety is also a matter of local specificity: Most residents think she's on their side. "Frankly, people up here in the Flathead, they don't trust the mainstream media, but they do trust the Main Street media. We're not seen as 'the media,' we're just *Beacon* reporters. I was born and raised in Montana, so that helps. I know about firearms. I hunt and fish. I come from a military family, so I can find a traditionally masculine

ALFRED EISENSTAEDT, MARIANA ELIANO, BETTMANN (GETTY); WIKIMEDIA

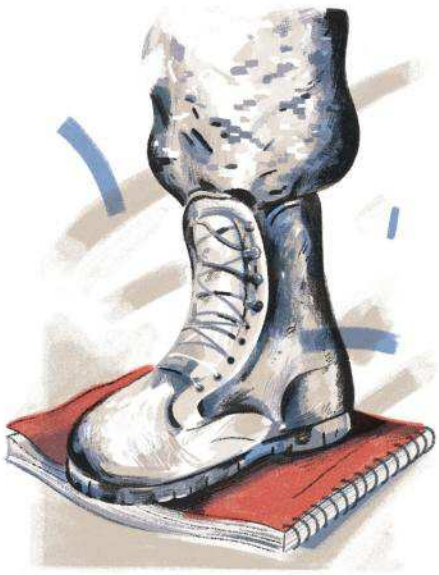
1939
Margaret Bourke-White, a photojournalist and war correspondent, came under fire in Italy and other combat zones while documenting World War II, eventually becoming known as "Maggie the Indestructible" by her *Life* colleagues.

1954
White House press secretary James Hagerty explored ways of revoking journalist and civil rights leader **Ethel Payne**'s White House press accreditation after she pushed President Eisenhower on segregation and racial inequality.

2006
A controversial figure, Italian journalist **Oriana Fallaci** received several death threats and lawsuits for vilifying Islam in her writing, in which she vowed to blow up a mosque.

2006
Russian journalist and human rights activist **Anna Politkovskaya** received countless threats of rape and death before being assassinated in Moscow in 2006. Her critical reporting of the Chechen conflict and Vladimir Putin has been cited as the motive.

2012
While covering the siege of Homs in Syria, American journalist and war reporter **Marie Colvin** was killed when rockets were fired at the house where she was staying.



THREAT TRACKER

Access denied at Camp Lejeune

When James LaPorta, a Marine Corps veteran and freelance journalist, tried to investigate sexual assault allegations against Marine Colonel Daniel Wilson at the Camp Lejeune base in North Carolina, the Marine Corps banned him from entering the base. In the course of his reporting, LaPorta interviewed a woman living on the base who claimed Wilson raped her, and visited Wilson in the brig.

LaPorta later received a letter from the deputy commander of Camp Lejeune, informing him that he had violated military regulations by failing to secure permission from the public affairs office before conducting interviews on the base. "Based upon the serious nature of your misconduct, you are being debarred from [Camp Lejeune]," the letter reads. "I have determined that your presence aboard [Camp Lejeune] is detrimental to the security, good order and discipline of the Installation," it continues. "Accordingly, you are hereby notified, upon the receipt of this letter, that you are ordered not to reenter, or be found within the limits of [Camp Lejeune]."

—Peter Sterne

conversation thread which changes the tone. It becomes, 'Oh, she's Montanan, not a lady reporter here to fuck up my life.'"

Priddy acknowledges that here in Montana, which is 89.5 percent white, her own whiteness protects her from the kind of threats that make it far more difficult for reporters of color to do their job. Other white journalists were quick to point out that whatever threats they might experience, there were areas where their whiteness not only made them safer, but made their jobs easier. Annie Gilbertson, an investigative reporter for KPCC in the Los Angeles area, told me that when she was covering education, she was able to walk onto public school campuses with ease. "No one would question why I was there, or whether I was a threat," she says. "That isn't afforded to someone who doesn't look like me."

"I don't know how any woman of color can have their DMs open," says Imani Gandy, who works as a legal journalist for Rewire, focusing on reproductive justice. When she publishes a piece she knows will go viral or press buttons, she activates Twitter's "quality filter" that makes it so she can only see comments and replies from people she follows.

Gandy practiced law for a decade before starting her blog, Angry Black Lady, as a way to bring together the threads of social and reproductive justice that mattered to her—and build a following robust enough that she could quit her day job. Her blog's name stems from a pituitary gland condition whose

ILLUSTRATION BY NIV BAVARSKY

major side effect is massive mood swings, but when she started to get into political Twitter, it began to fit the rest of her brand. "No one's going to accuse me of not having an opinion," she tells me.

Those opinions made Gandy's online life (and necessarily, her life) difficult from the beginning. A person has stalked and harassed her for five years based on a blog post she wrote in 2012. Other commenters call her the N-word and a "cunt." One man devoted two years to creating new Twitter accounts every day with the sole purpose of harassing her. She's been told she's not really black because her mom is white—that she's posing as a "quasi-Negro." Her medical condition has been questioned, as have her credentials.

"I've also gotten over the notion that I need to be open to engagement with everyone," she says. "I see white guys saying, 'you really need to follow people you disagree with,' but they don't spend all day being attacked just for their identity. If they got harassed as much as I do, they wouldn't last a *day*."

"Feminist female writers have always known this is an issue," explains Koul. "But something happened two years ago, with the ramp-up to the election: If you were a female writer, you couldn't say something without someone wanting to kill you. It shifted our understanding of a threat."

Koul, who lives in Toronto, has been pissing people off since she first began writing on the internet: for *Maclean's*, for Hazlitt, and, most recently, for BuzzFeed, where she focuses on the intersection of race and culture, broadly speaking. Koul's threats largely come from men's rights activists, Indians mad that she went after Jian Ghomeshi, and members of the Canadian media. Unlike the vast majority of women I spoke with, Koul prides herself—and has, in some sense, made her name—on fighting her trolls.

Koul's posture is unique because it goes against general industry wisdom not to "feed the trolls," as responding only authenticates and emboldens their existence. But ignoring them can also feel incredibly passive: Abuse happens to you; you're the "target" of abuse. Responding can oftentimes feel like regaining dominion over the rhetoric that surrounds you.

When Koul receives a comment intended

Dangers from inside the newsroom

By Christiane Amanpour

In November, I stood before top news media executives in the United States and called on them to stamp out sexual harassment in their organizations. "The floodgates are open," I told the audience at the annual International Press Freedom Awards gala of the Committee to Protect Journalists (CPJ). Within days, the chair of that dinner, CBS News President David Rhodes, would fire the network's morning show co-host Charlie Rose amid reports of sexual misconduct. Since then, the trickle of resignations has turned into a flood. Stories broke about other prominent journalists' inappropriate behavior, and a second giant of morning network television, Matt Lauer of NBC, was soon swept away by the same tide.

We have a long way to go in our industry and in the wider society. Recently, we marked the one-year anniversary of the inauguration of a president who has bragged about sexual assault and has been accused of forcibly kissing a journalist from *People* magazine.

By speaking out, by raising our voices, we've exposed the abusers, and we applaud the industry leaders who've acted swiftly and decisively. But if we want to stamp out sexual harassment, we will need to make broader changes.

As a board member of CPJ and UNESCO's Goodwill Ambassador for Freedom of Expression and Journalist Safety, I often meet journalists, both men and women, who stand up to power and pay a terrible price. I'm awed by the courage of all of them. But female reporters face special risks. Trolls stalk female reporters more than men. A study by British think tank Demos found that female journalists and TV news presenters receive roughly three times more abuse on Twitter than their male counterparts.

Character assassination, vicious personal attacks, doxing, and even death threats by regimes, religious fanatics, criminals, or militias are the cost of doing business for too many women in the media around the world. Take Khadija Ismayilova, a courageous investigative reporter from Azerbaijan. Authorities there tried to shame her by making public an intimate video tape. She was eventually imprisoned for 18 months.

Female reporters confront terrible risks in the field. Then they come home and face harassment and even assault in the workplace. Who knew that such dangers lurked in the newsrooms of liberal Western democracies? Well, many women reporters did. Some complained to employers. Some learned to navigate these toxic waters.

The dogged reporting of a handful of news organizations shattered the wall of silence around producer Harvey Weinstein, and the public outrage was palpable. He turned out to be just the tip of our own iceberg in the entertainment

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Threats make women feel more vulnerable and question their work as journalists, a job that is itself under threat.

to shut her up, she just talks more. "If you're coming to me on Twitter or in my inbox, you're coming to my home. If you're telling me, for instance, that I only got my job because I'm a diversity hire, I will guarantee that you will leave the interaction with the sensation of your testicles slowly leaving your body," she tells me.

Ashley Lopez, who covers the intersection of health and politics for KUT, an NPR station in Austin, Texas, regularly receives negative, often personal pushback online, especially when she writes about abortion. She used to block or mute those who went after her. When one account's comments began to resemble death threats, she didn't even see it—her colleagues did. When she brought the tweet to the attention of law enforcement, they advised her to stop muting accounts: She needed to be able to actually see when she received death threats. So now she just lets what would once have been muted flow over her. But she refuses to allow it to affect what she will and won't cover. "If there's a story that I need to do as a journalist, I'm going to do it," she tells me. "Just because I'm a woman, or I'm Hispanic—it doesn't matter. Because I'm not myself when I'm reporting."

"I've had people ask me if I were 'legal' during a conversation," she says. "If someone asked me that at a bar, I would lose my mind. But this person was taking the time to talk to me when they didn't have to. I wasn't Ashley in the moment. I was just trying to have a conversation. This is why I find being a person more exhausting than being a journalist: There are rules that I follow as a journalist."

But women, journalists and not, know that you can follow all the rules, put in all the work, set all the boundaries—and things can still go terribly wrong.

Kim Wall, a 29-year-old graduate of the Columbia Journalism School, told the sort of expansive, probing stories that people dream of when they imagine the life of an international freelance journalist, looking at the creation of an internet-free culture in Cuba, the tiger-poaching industry in India, and the regulation of pornography in China. Her reporting is filled with what we might call "characters": furries, topless painted ladies in Times Square, real-life vampires, plus-size pole dancers, the sort of "places and people that did not conform and were frowned upon if they stood up for themselves," recalls her friend and reporting partner Caterina Clerici in an essay for *The Guardian*. Wall took calculated risks with her work, as do the best journalists.

Last summer, Wall, a native of Sweden, happened upon on a very Kim Wall sort of story: A Danish inventor named Peter Madsen had set to build his own space rocket. As Wall learned more about him, she also found out that he'd built his own submarine. In August, he agreed to meet her in Copenhagen for an interview on board. It would be the perfect setting for the sort of profile at which Wall excelled.

She never returned. Eleven days after her disappearance, her torso washed ashore. Madsen claimed that Wall had fallen down a set of stairs, but an autopsy revealed that she had been stabbed numerous times, including at least 14 wounds to her genitals. Footage of women being tortured and mutilated was also found on Madsen's hard drive.

The story of Wall's death circulated swiftly through the journalism community. It was gruesome, unspeakably tragic, a nightmare, as if all the threats from our inboxes and Twitter feeds came to life, but with the promise of a really good scoop or the makings of a killer lede. "Every independent journalist I know would have put herself or himself in that situation," writes Clerici, "pre-reporting what sounded like an extremely quirky, complex, and challenging story."

Clerici argues Wall's death should not be used to blame women or exclude them from this sort of reporting. But it does reanimate the fears many female journalists swallow or otherwise suppress. Aghajanian knows the feeling. "When you read about Kim Wall, your worst fears get confirmed. I think back to every situation I've been in, even in the US: getting into a car with someone, visiting someone in their home. Every instance is one where what happened to Kim could happen to you. As journalists, we all want access. We want to go in that submarine. But at what risk do we get that access?"

It's not that women can't get this sort of access—journalism has never been a matter of being *able* to do it. We know how to navigate every encounter with an unknown man with the quiet thought that it might lead to violence. We figure out how to delete or ignore or make light of the emails that arrive in our inboxes. We learn how to deal with the way menace accumulates through the course of our daily workload. We know how to perform all of that labor—and, like so much other labor largely performed by women, to make its existence, and its toll, disappear. The question isn't our capacity to do it. The question is, at what cost? CJR

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business. In the news industry we had the iceberg—Fox's Roger Ailes and Bill O'Reilly.

These and other revelations seem to have encouraged more women to come forward. We need more. I want media owners, news executives, and editors to ruthlessly eliminate sexual harassment and banish predators from their organizations.

It is important that powerful serial harassers are taken down. But these were not the only men responsible: There were executives who made calculations of money or convenience, HR departments that were unresponsive or untrusting, lawyers who drafted non-disclosure agreements to keep women silent. We need to widen the lens and recognize that this is not a problem of a few bad apples.

The problem of sexual harassment and its pervasiveness in our industry is not just anecdotal.

A joint study by the International Women's Media Foundation, where I serve as honorary board member, and the International News Safety Institute found that the most commonly reported perpetrators of "intimidation, threats, and abuse" were bosses.

When asked where they encountered physical violence, nearly half of the female reporters questioned said: "in the field." But a startling 18 percent said: "in the office."

The study, *Violence and Harassment against Women in the News Media: A Global Picture*, showed that nearly half of those surveyed had experienced sexual harassment, mostly in the office.

It's disappointing that when the *Columbia Journalism Review* sent out a survey about sexual harassment policies to senior management in 149 newsrooms, it did not hear back from a single one in the first three weeks. Individual journalists, however, did respond to a separate survey. Hundreds of them. Eighty percent of freelancers said that if they wanted to report an instance of sexual harassment, they would not know how to do that.

We need a loud and proud declaration of zero tolerance. And there is one thing I know for sure: Women and young men will not feel safe until all our male colleagues and bosses are on our side.

It is ironic that the executives and editors who insist that reporters have safety training, flak jackets, and helmets when they send us to hot spots overseas often leave us to fend for ourselves at home.

Thanks to some brave women and some great reporting, the problem of pervasive sexual harassment has been exposed. There's no closing our eyes. There's no turning away. There's no more tolerance. There's no acceptance. This must end. It must end now. CJR

The dangers of the paper route

Newspaper carriers are being assaulted and killed across the country

AUTHOR
Jon Allsop

PHOTOGRAPHER
Madeline Gray

It was still early in Walter "Wes" Scott's paper route when he was killed. On a wet mid-February morning last year in Charlotte, he delivered a stack of newspapers to a 7-Eleven offset slightly from the hulking chrome skyscrapers of the city. He shared a joke with the clerk and a customer, then walked back to his truck, which he'd left running outside. As he loaded the previous day's unsold papers, a man approached him. Police say the man tried to rob Scott with a 9mm handgun. But Scott was carrying a gun, too—he always did. The two men exchanged fire. Scott got one shot off, but then, according to his brother, his gun jammed. The shot was enough to wound the other man. But it wasn't enough to save Scott. Moments later, he was dead. The 7-Eleven clerk called the cops. The customer, Kai Harris, went outside. "I go over there and I see his body and I'm like, shit," he says. It was 2:20am.

Scott celebrated his 65th birthday two weeks before he died. He started carrying newspapers before he turned 10, finishing up his older brother Bill's route for small change. After college he did home delivery, then progressed to more lucrative work serving businesses. He kept his commercial route till the day he died, most recently for a company that distributes *The Charlotte Observer*. "He ran into so many problems over the 40 years he was doing that job," says Bill Scott. "Attempted robberies, numerous times."

Scott is not an anomaly: Being a newspaper carrier in America can be dangerous work. CJR was able to identify at least 44 deaths on the job

since 1970. Some were involved in car crashes; others, like Scott, were victims of violent crime. Of those 44, 23 carriers have been murdered or violently killed on the job since 1992—more than twice the number of journalists killed in the same period, according to data collected by the Committee to Protect Journalists. Some carriers were targeted. Some were just in the wrong place at the wrong time. Shortly before Christmas, 15-year-old Brian Jasso was shot in the head while helping his stepfather deliver papers in Chicago. Police believe it may have been a case of mistaken identity in a neighborhood roiled by gang violence.

When a journalist in America dies in the course of their duties we shout it from the rooftops. Newspaper carriers aren't afforded the same publicity, even though they remain a cornerstone of the business: Print papers continue to generate important revenue for many news organizations, and without carriers they wouldn't get to homes and businesses. Most carriers go about their work without incident. But reporters often don't consider the risks carriers take day-in, day-out, to put their stories in front of paying readers. And carriers' work isn't just physically insecure. They commonly clock overnight hours for little pay and no benefits—even shouldering routine expenses, like gas and rubber bands, as penny-pinching publishers hold them at arm's length.

Those publishers often expect their papers delivered by the time readers wake up. That leaves carriers vulnerable to attack on silent streets, and to getting in the way of things that go bump in the night. In January 2017, four men drove around Raleigh, North Carolina, in the early morning hours, apparently hunting down carriers. They cocked a gun at one, and took several shots at another's car (no one was hurt). In June, meanwhile, a 17-year-old in Tulsa, Oklahoma, shot at 72-year-old Curtis Spencer as he delivered to a home at 3:30am with his wife and daughter. The shooter said he fired because he thought Spencer was burglarizing him, though prosecutors say he continued to shoot at Spencer's car as he chased it down the street.

Carriers are often targeted for their money, their vehicle, or other personal property. At the *St. Joseph News-Press* in Missouri, one carrier was robbed, four had their cars stolen, and three more survived attempted thefts in 2017 alone. "One carrier got out and was walking a paper up to the porch. Somebody jumped in his car and was taking off with it, and the carrier jumped off of a wall trying to chase him and broke his heel," says Mike Benner, the paper's home delivery manager. Benner's colleague, Dave Mapel, suspects a thief or group of thieves may have realized that carriers and their property make for convenient targets in the early hours.

Benner and Mapel now advise carriers not to leave their cars running when they get out to place a paper at a customer's door. After someone fired nine shots at a *Las Vegas Review-Journal* carrier in September, the paper offered its carriers the chance to purchase metallic signs and flashing yellow lights identifying them as carriers (most carriers took a sign but not a light). "We think it was a gang situation where someone was on their territory and [gang members] didn't know who it was," says Chris Blaser, who manages circulation for the *Review-Journal*. "I think if it had been clear that this was a guy who was out delivering newspapers, he wouldn't have been targeted."

The risks of newspaper delivery can't be fully mitigated; consumer demand usually dictates where carriers go, and when they have to go there. That includes areas with high crime rates. "Income doesn't determine people's desire to know the news and read a newspaper," says John Murray of the News Media Alliance, an advocacy group for US news organizations. "I've found newspaper readers where you least expect them sometimes, and they appreciate the fact that they can get their newspaper at their house because some other businesses won't deliver to them."

While many papers have a keen sense of responsibility to their print subscribers, they've also been thirsty for savings as circulation has tanked. Pew data shows weekday circulation has dropped by more than a third since 1990. Companies often find pennies to pinch in the manual labor that supports the news business. Carriers sit at the bottom of this winnowing food chain. Many now operate at two steps' remove from the paper they deliver, as newsroom managers have outsourced distribution to private companies, which in turn hire individual carriers on a contract basis rather than employing them.

The contractor model works for some carriers: It gives them discretion over how to do their job, and can be a useful source of casual income for retirees, part-timers, or enthusiastic participants in the gig economy. (It's a preferred model, for instance, with smaller papers, which hire a couple of carriers to deliver once or twice a week.) But those who depend on carrier work for their financial security often find they get many of the constraints of employee status and none of the perks—losing out on health, unemployment, and injury insurance, and recourse to employment law and collective bargaining. "Our entire social contract has been based on employment," says FrankCallahan, president of the Massachusetts Building Trades Council. "[If you're a contractor] all those rights go out the window, because it's all tied to your employment status."

Carriers have always been portrayed as self-standing entrepreneurs, rather than economically dependent laborers. In the smoggy big cities of Gilded Age America, these "entrepreneurs" were often

EARLY RISER
Donna Sasser bags newspapers in her car along her delivery route in Mint Hill, North Carolina. Sasser has been delivering papers on and off for 30 years and usually starts around 3am.

children, who would buy papers wholesale from publishers and resell them for a profit. Newspapers claimed to be appreciative of kid carriers' work: A December 1891 issue of Joseph Pulitzer's *New York World* advertised "a first-class Christmas Dinner" for "six hundred bright boys" at the newspaper's expense. In reality, their business practices often fell short of this public generosity. Newspaper boys—and they were almost always boys—were poorly paid, poorly treated, and easily exploited. "Many of these were immigrant kids from poor backgrounds," says Michael Stamm, a history professor at Michigan State University. "It's not like they were going to school after they had finished selling papers."

Hawking papers at the turn of the century could be a hardscrabble and cutthroat way to make a living. In 1899, the combative New York "newsies"—immortalized by the Disney film and subsequent Broadway musical of the same name—went on strike after Pulitzer and rival publishing tycoon William Randolph Hearst hiked prices during the Spanish-American War, then refused to lower them when the war ended and the news got less exciting. Although the strike didn't bring the prices down, in a rare victory, the newsies won the right to return unsold papers for cash.

Children continued to deliver papers well into the 20th century. But as the population sprawled away from city centers, the cloth-capped urban newsie died out; replaced by the clean-cut middle-class kid pedalling furiously through the neighborhood, chucking papers onto manicured front lawns. In the wholesome suburban imaginary, at least, this model struck at a more comfortable, less exploitative vision of teenage entrepreneurialism. In practice, kids were earning pocket money. In theory, they were learning values of individuality,

The risks of newspaper delivery can't be fully mitigated; consumer demand usually dictates where carriers go, and when they have to go there.

business savvy, and "up before the sun" discipline. Walt Disney had a paper route. So did Warren Buffett.

But this model, too, had a dark side. At least 12 child carriers were abducted, sexually abused, or killed between 1970 (the first year for which CJR collected data) and 1993. Sometimes, they were snatched off the streets, or from residential complexes where they'd go door-to-door to collect fares and tips. In 1975, Robert Lower admitted he'd been "driving around looking for a paperboy" in Rockford, Illinois, when he abducted, raped, and strangled 15-year-old Joey Didier. Nine years later, Donald Beaty murdered 13-year-old Christy Ann Fornoff as she collected money in Beaty's Tempe, Arizona, apartment building. Her mom was waiting in the car outside.

Newspapers don't tend to use kid carriers anymore. A 1987 study by a precursor to the News Media Alliance found the industry shed 10,000 carriers a year through the 1980s. Nowadays, newspapers are mostly delivered by adults in cars or trucks. Declining circulation has, at least in part, accelerated the motorization of distribution: As fewer houses take a paper, carriers are working more spread-out routes to make ends meet.

Driving in the early hours of the morning, almost every day of the year, carries its own dangers—like vehicle fires, accidents on icy roads, fatigue at the wheel, and reckless driving by other road users or carriers themselves. CJR found nine carriers killed in incidents involving their cars in the past four years alone. In December 2016, Colleen Stayer was killed in a crash near Fort Wayne, Indiana, as she and her husband swerved across an icy road to reach mailboxes on both sides. (Her husband, who was driving, later tested positive for controlled substance use.) Investigators suggested Stayer hadn't fastened her seatbelt so she could more easily reach the papers in the back of the car.

CJR rode along with a contract carrier just north of Boston on a crisp morning in mid-October 2017. The carrier did not want to be identified for fear of reprisal at work. He can be found in his local distribution center by 4am, where he stands in a chipboard booth under harsh strip lights and individually stuffs over 100 local and national papers into color-coded plastic sleeves. (If it's raining he ties every sleeve by hand; on weekends he has to stuff supplements into the papers themselves before he bags them.) He stacks the papers loose on the back seat of his small, beat-up car, turns the key in the ignition, and drives to the start of his route. At some houses he chucks the paper through his car window in the vague direction of the front door, at others he gets out and places it meticulously in a set spot. He pulls sharply into a cul-de-sac where he serves two houses. Once, his car got stuck in snow on the ascent, and he had to wait five hours for a friend to dig him out.

Pulling up to a business, the carrier cocks his arm like a quarterback and hurls a sleeved copy up onto a walkway, landing it perfectly by the shuttered front door. "Practice," he grins. "Imagine the practice. So much time throwing the paper." Later, he points out another house. "This woman doesn't want the paper falling outside this little slab of concrete." Readers tell distribution managers where they want the carrier to leave their paper, and often complain if that's

not exactly where they find it. Once a month, the carrier slips an envelope in the paper for tips. Most customers don't leave anything. Those that do typically only put in five or 10 dollars.

The carrier has a hard deadline for morning deliveries. His bosses give him a daily printout with the most efficient route. He knows it by memory, but still occasionally thumbs through it as he drives. As he finishes his route, a purple tinge warming the horizon, he notices a lone leftover paper on his back seat. He counts on his fingers, works out which house he missed, and drives 10 minutes back down the road to drop the paper off.

The carrier's pay isn't tied to minimum wage laws. He pays for his own gas and for repairs to his car, which sustains routine wear and tear from the strain of its heavy daily load. He doesn't get sick days or vacation—if he takes time off he has to train and pay a friend to do the job for him—and he's expected to work every day, no matter how wild the weather. He earns less than he used to: As is common in the industry, his pay is calculated according to the number of papers he delivers, which has

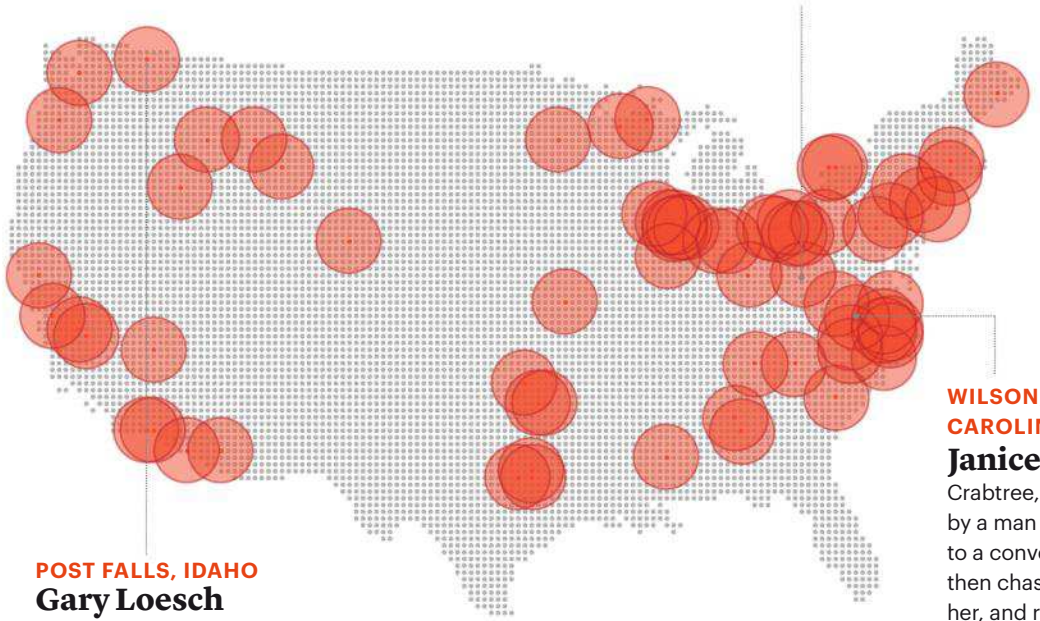
Hidden danger

CJR identified 70 incidents involving carriers from 1970 to 2017. They include murders, deaths in car crashes, attacks, thefts, and near misses.

CLARKSBURG, WEST VIRGINIA

Fred and Freddie Swiger

A father and son carrier team, 70 and 47, were shot execution-style, apparently as bystanders to a drug dispute.



WILSON, NORTH CAROLINA

Janice Crabtree

Crabtree, 61, was stalked by a man who followed her to a convenience store, then chased her, trapped her, and rammed her with his truck, causing her to have a fatal heart attack.

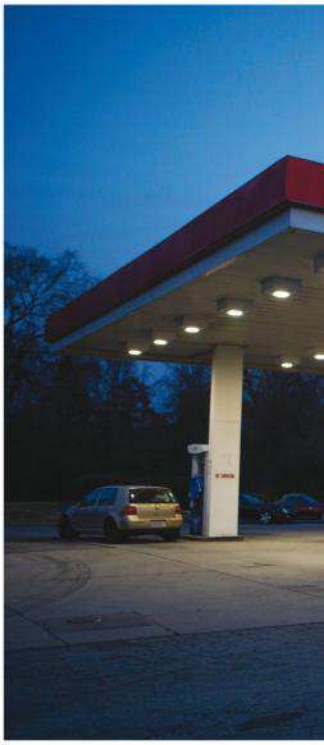
POST FALLS, IDAHO

Gary Loesch

Loesch, 56, was shot in the head in his car. His daughter is thought to have been behind the murder, which was planned with exact knowledge of where Loesch would be and at what time. The daughter, who would be featured on *America's Most Wanted*, later committed suicide.

INFOGRAPHIC BY CHRISTIE CHISHOLM

STILL GRIEVING
Jenna Nielsen's father and stepmother hold a photo of Jenna at the gas station where she and her unborn son Ethen were killed over 10 years ago. Nielsen was 22 years old and eight months pregnant when she was killed while delivering newspapers to the gas station.



declined by about a fifth in recent years. (Other carriers still buy and sell papers out of their own pockets, as Pulitzer's newsies did in the 1800s.)

The carrier pulls into a neighborhood dominated by retirees. "They're the ones that read the paper, right?" he says. "Our generation doesn't read the paper. You read it, but online. That means there will come a time when this job will disappear."

With circulation and revenue declining across the news industry, contractor—rather than employee—carriers are more than just a holdover from an old way of doing things. Contractor status is seen in many quarters as a way to keep costs low—even though the unprotected child laborers of the 20th century have been replaced by adult workers who, in theory at least, have legally established rights at work.

Across the economy, contractor status has been known to facilitate under-the-table pay, allowing both companies and contractors to skirt payroll taxes. It's not uncommon for contract workers to be undocumented immigrants. The model also helps bosses dodge liability for contractors' behavior—in November, for example, a Wisconsin court absolved Gannett of responsibility for injuries caused to another motorist by a carrier. (Carriers are commonly required to purchase their own insurance before they take a job.)

As newspapers have consolidated, one carrier typically delivers one or more local titles in addition to, say, *The New York Times*, *The Wall Street Journal*, and *USA Today*. To manage these difficult logistics and disputes over who should pay what, these papers often partner with third-party companies to coordinate efficient distribution. Sometimes these companies contract other, smaller companies who in turn contract individual carriers—adding yet another layer of outsourcing between carriers and the publisher whose product they deliver.

In 2016, newspaper carriers in the Boston area organized an impromptu strike after *The Boston Globe* changed its distribution partner and carriers' pay went down. The new distributor was beset by organizational problems and the strike. When large numbers of subscribers didn't get their paper, the *Globe* went into crisis mode—calling back its former distributor.

When carriers' pay changed overnight, some said it was a telling indicator that the carriers lack control over their work. "The fact the employer switch unilaterally changed all sorts of conditions was a pretty clear indication," says Jeff Crosby, who has worked with the carriers as president of the North Shore Labor Council. Although the strike helped the carriers win back their old pay and conditions, they've struggled to build on the momentum—and as contractors, they aren't covered by government unionization rights. "A lot of times what you call 'victory' is a defensive victory," says Crosby. "There's a long history of workers winning the battle but not winning collective bargaining rights."

A carrier should only be a contractor if they meaningfully control how they do their job, free from the direction of distribution managers. Bosses often say carriers do casual, part-time work, have other jobs, and are free to decide how and when they deliver papers. In practice, critics say, carriers are commonly told what to do and how to do it.

This debate is far from settled in America: Different states have different guidelines, and different approaches to enforcing them. Observers in Massachusetts say state authorities have generally been proactive in investigating whether contractors across the economy are being made to do employee-type work. But abuse is common, so investigators are spread thin.

More concrete action has come in California, which has a kinder court system for carriers seeking redress than most other states. Carriers for five papers in the state have pressed class-action lawsuits claiming wrongful contractor status, inspired by an injury compensation case brought by an *Orange County Register* carrier in the early 2000s. "After that we started getting calls left and right from carriers around the state," says Michael Sachs, a lead attorney at the law firm which represented them. Although *Register* carriers accepted contractor status in 2008 in exchange for a sizable payout, a court did rule in 2013 that the *San Diego Union-Tribune* should be treating its carriers as employees—citing a web of employment conditions like making carriers pay other workers to put together weekend editions, and mandating that they purchase bags and rubber bands from the paper.

But even in California, these cases

haven't been uniformly successful. A judge ruled in 2016, for example, that carriers at *The Fresno Bee* were contractors, had not been misclassified as such, and thus weren't entitled to compensation. (The carriers are appealing the verdict.)

Industry leaders don't accept the idea that contractor status is a byword for exploitation or that employee status is the best way to rectify it. "Just because someone is an employee absolutely does not mean they're being treated with respect and dignity, nor fairly," says Keith Somers, CEO of *The Boston Globe*'s short-lived distribution partner. He says the best solution is ensuring companies don't abuse contractor status by taking shortcuts that go outside the law. "You can't just contract with somebody, call them a contractor, then treat them like an employee," he says.

Whichever way the debate is framed—and however they're classified—many carriers will continue to face precarious conditions as long as they remain out of sight and out of mind for those of us who shape public opinion. In the midst of its distribution snafu in 2016, reporters at the *Globe* agreed to help carriers deliver papers. "They had no idea that was how the newspaper got to the houses," says Aviva Chomsky, a Salem State University professor who helped organize support for the carriers. "We—educated people who subscribe to the newspaper and work for the newspaper—let this happen, because we don't know, and maybe we don't want to know. We just like to open the door and find the newspaper every morning."

Carriers are becoming less financially secure as newspapers lose money. And they're not getting any physically safer on the job, either. Attacks on carriers, and even murders, are a depressing industry trend.

That carriers are delivering newspapers is rarely a motive—though the *Arizona Republic* did report threats to its carriers after it endorsed Hillary Clinton. The early hours carriers work sometimes grant means and opportunity to would-be assailants. Delivery work is intensely repetitive—carriers whir like clockwork round the same route day after day, year after year. That routine can help a murderer plan their crime, and enhance their odds of getting away with it.

Kevin Blaine believes his daughter's killer knew exactly where she'd be on the night of her murder. Jenna Nielsen was 22 years old and eight months pregnant when she was stabbed in the throat in 2007. Nielsen had only recently moved to North Carolina from Utah with her husband and two young children, and took a job delivering papers so she could feel she was contributing to her family while she was pregnant. She didn't make much money, but she liked the job's early hours, which allowed her to finish work and get home before her kids got up for school.

Nielsen was stacking *USA Today* newspapers outside a quiet gas station off a wooded highway south of downtown Raleigh when someone snuck up behind her. "The only thing [the store's security camera] caught was the shadow of her coming up to her car, and then another shadow coming up from behind her, then nothing," Blaine told CJR in late November, standing for the first time in 10 years on the spot where Nielsen was killed. "From what we can tell, they dragged her behind the building. The police tell us they found articles of clothing and everything else spread out all over the parking lot here. She fought her way as much as she could. Then they dragged her behind the building and that's where it happened." Police still don't know who killed her.

After Nielsen was murdered, Blaine successfully campaigned for the North Carolina state legislature to adopt "Ethen's Law," named after Nielsen's unborn child, which allows authorities to charge anyone who kills a pregnant woman with two murders, not one.

The North Carolina legislature has also twice considered bills that would make newspaper carriers employees rather than contractors. The driving influence wasn't a bereaved relative like Blaine, but a 2014 series in the Raleigh *News & Observer* about the abuse of contractor status in the construction industry. Some state lawmakers said the newspaper industry should be held to the same standard as the companies it investigates. The *News & Observer* and other papers strongly pushed back. The provision didn't pass back then, and neither did an attempt to revive it by Republican State Senator Trudy Wade in mid-2017. This time, it was Democratic Governor Roy Cooper who vetoed it, saying it was a politically motivated assault on the press.

Many North Carolina newspapers maintain that reclassifying carriers as employees would have crippled them financially, and wouldn't have been fair. "There's a lot of cases where these carriers are delivering three or four papers every morning. Why should smaller papers take on that burden, when they could be delivering *The New York Times* or *The Wall Street Journal*?" says Phil Lucey, executive director of the North Carolina Press Association. "We work hard to make sure carriers are truly independent contractors; they control their means, they control pricing, they control the price of their deliveries. We're not dictating much," adds Rick Bean, publisher of *The High Point Enterprise*. (In October, Governor Cooper did sign a bill that won't make carriers employees, but might make it possible for them to sue for injury compensation.)

Relatives of both Nielsen and Scott say they enjoyed the independence contractor work could offer. But those relatives got precious little when things went disastrously wrong. *USA Today* voluntarily ran a series of full-page "wanted" ads for Nielsen's killer, but her

family says they didn't get an insurance payout. And while some staff at *The Charlotte Observer* pitched into a GoFundMe page for Scott's funeral costs after he was killed, the paper itself could only offer sympathy. (The company that contracted Scott on the *Observer*'s behalf could not be reached for comment.)

Broader employment rights probably wouldn't have saved the lives of Nielsen or Scott. But they might make carriers who do feel at risk on the job a little bit safer, and would help them with healthcare costs if they get injured. Reform is unlikely. But journalists who earn their keep shedding light on other industries' problems should do more to cover the risks inherent to their own.

"Jenna never gave us an inclination she was worried or scared of anywhere she'd gone. But then in hindsight, when you look at where she was and where it happened, there were a bunch of shady places—in the dark, located in poor visibility, off the road," says Blaine. "Carriers shouldn't be set up this way. They should be able to deliver the newspaper in the daylight, not in the wee morning hours when no one's out. They're very vulnerable out there in the dark." **CJR**

Justin Ray, Julie Lasson, Micah Hauser, and Siddharth Venkataramakrishnan contributed reporting.

ILLUSTRATION BY NIV BAVARSKY

THREAT TRACKER

Arrested at the inauguration

On January 20, as Donald Trump was sworn in as president of the United States, a group of anarchists, anti-fascists, and other demonstrators marched in downtown Washington, DC, in protest of Trump. A number of reporters—some from mainstream news organizations, some independent—covered the demonstrations. A few of the protesters broke windows, though the overwhelming majority remained peaceful. Hours later, DC Metropolitan Police kettled and arrested a group of more than 200 protesters, journalists, and legal observers.

Initially, nine journalists were arrested and charged with rioting, a felony. Federal prosecutors dropped charges against seven of the journalists, but a grand jury indicted the remaining two—independent photojournalist Alexei Wood and freelance reporter Aaron Cantú—on multiple felony counts of rioting, inciting a riot, conspiracy to riot, and destruction of property. In all, those charges carry a combined maximum of more than 60 years in prison. Cantú is scheduled to go to trial in October 2018, but Wood's trial started in late November. During the trial, the prosecution argued that Cantú was not a "real" journalist because he had streamed the protest on Facebook Live and provided narration and opinionated commentary.

—Peter Sterne

The social network's increasing threat to journalism

The Facebook Armageddon

AUTHOR
Mathew Ingram

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Diego Patiño

At some point over the past decade, Facebook stopped being a mostly harmless social network filled with baby photos and became one of the most powerful forces in media—with more than 2 billion users every month and a growing lock on the ad revenue that used to underpin most of the media industry. When it comes to threats to journalism, in other words, Facebook qualifies as one, whether it wants to admit it or not.

Facebook's relationship with the media has been a classic Faustian bargain: News outlets want to reach those 2 billion users, so they put as much of their content as they can on the network. Some of them are favored by the company's all-powerful (and completely mysterious) algorithm, giving them access to a wider audience to pitch for subscriptions or the pennies worth of ad revenue they receive from the platform.

But while many media outlets continue to pander to Facebook, even some of the digital-media entities that have catered to the company seem to be struggling. Mashable, which laid off much of its news

staff to focus on video for Facebook, is being acquired by Ziff Davis for 20 percent of what it was valued at a year ago, and BuzzFeed reportedly missed its revenue targets for 2017 and had to lay off a number of editorial staff.

Facebook continues to move the goalposts when it comes to how the News Feed algorithm works. In January, the company said that it would be de-emphasizing posts from media outlets in favor of "meaningful interactions" between users, and suggested this could result in a significant decline in traffic for some publishers.

The fact that even Facebook's closest media partners like BuzzFeed are struggling financially highlights the most obvious threat: Since many media companies still rely on advertising revenue to support their journalism, Facebook's increasing dominance of that industry poses an existential threat to their business models.

According to a recent estimate by media investment firm GroupM, Google and Facebook will account for close to 85 percent of the global digital ad market this year and will take most of the growth in that market—meaning other players will shrink. "This is exceedingly bad news for the balance of the digital publisher ecosystem," the firm reported.

While it may be tempting to see Facebook as an evil overlord determined to crush media companies and journalists under its boots, most media companies find themselves in this predicament because they failed to adapt quickly enough, so in a sense they only have themselves to blame.

"Did God give us that (advertising) revenue? No," says CUNY journalism professor Jeff Jarvis. "It wasn't our money, it was our customers' money, and Facebook and Google came along and offered them a better deal." The problem, says Jarvis, whose News Integrity Initiative counts Facebook as a donor, is that "we didn't change our business models. We insist on maintaining the mass-media business model, and that's more of a problem than social media."

Nobody believes Mark Zuckerberg woke up one morning and decided to destroy the media industry. His company's behavior is a lot more like an elephant accidentally stepping on an ant—something that has happened while Facebook has gone about its business.

"Facebook is a threat not necessarily because it's evil but because it does what it does very well, which is to target people for advertisers," says Martin Nisenholtz, former head of digital strategy at *The New York Times*. The question, he says, is "has it become so dominant now that it's become essentially a monopoly, and if so what should publishers do about it?"

As well-meaning as it may be, there's no question Facebook's dominance of social distribution, and the power it gives the company to command attention, represents a direct threat to media companies. It's about control.

As digital advertising continues to decline as a source of revenue thanks to Google and Facebook, many media companies are having

A timeline of turmoil

While Facebook has become enormously influential as a distributor of news, that sway hasn't come without pain. In the past decade, the company has been criticized for helping to spread scams, hoaxes, and fake news, all while becoming one of the biggest media companies on the planet.

SEPTEMBER 2006
The hated news stream

Facebook launches the News Feed. A blog post describes it as a stream that "highlights what's happening in your social circles on Facebook." Many users hate it.

SEPTEMBER 2011
The reader that wasn't

Facebook launches its "social news reader" apps with *The Washington Post* and *The Guardian*. But the algorithm is later changed so many users don't see them.

JANUARY 2012
Advertising is introduced

The company starts showing advertising inside the News Feed. That year, Facebook's ad revenue is $4 billion. By 2016 it would hit almost $27 billion.

DECEMBER 2013
A newspaper of one's own

Mark Zuckerberg says he wants to make the News Feed "the best personalized newspaper in the world." In 2014 the company launches a standalone app called Paper.

JANUARY 2015
Scam alert, version 1.0

After criticism of hoaxes and scams, Facebook says it will crack down, but says "we are not reviewing content and making a determination on its accuracy."

Most media companies find themselves in this predicament because they failed to adapt quickly enough. In a sense, they have only themselves to blame.

ILLUSTRATION BY DIEGO PATIÑO

to rely increasingly on subscriptions. But the readers they want to reach are all on Facebook consuming content for free.

Places like *The New York Times* or *The Wall Street Journal* have the kinds of international brands that will allow them to continue to be advertising destinations and also get the lion's share of subscriptions. But where does that leave mid-market papers that don't have the scale or the reach?

"The brutal truth for publishers is that, absent the cost structure and differentiation necessary to create a sustainable destination site that users visit directly, they have no choice but to bend to Facebook's wishes," technology analyst Ben Thompson wrote in his newsletter, Stratechery. "Given how inexpensive it is to produce content on the internet, someone else is more than willing to take your share of attention."

As a result, publishers risk becoming commodity suppliers to Facebook. And not only are commodity suppliers unable to demand very much in the form of pay, but they can also be replaced easily—or asked to pay for the right to reach the users they originally reached for free.

Either way, as Facebook increases its control, "they'll decide which brands they are going to elevate and which they will filter out," says Emily Bell, director of the Tow Center for Digital Journalism at Columbia. "There's an ethical view that this is a terrible state of affairs, since it means that Facebook effectively decides which media outlets survive and which don't."

MAY 2015
Arrival of instant articles

Facebook launches Instant Articles, a feature that makes mobile pages load faster. Initial launch partners include BuzzFeed, *The New York Times*, and *National Geographic*.

MAY 2016
Conservative controversy

Gizmodo reports that Facebook's "trending topics" team routinely inserts or removes news articles from the section, and that it does so with conservative news sites in particular.

NOVEMBER 2016
The election effect

Zuckerberg says the idea that fake news affected the US election is "crazy." But a month later Facebook says it will work with users and third-party verification services to identify fake articles.

APRIL 2017
In the DC spotlight

Facebook admits that Russian government agents used fake accounts to influence the US election, and later appears before Congress after admitting Russian trolls bought political ads.

JANUARY 2018
Personal over political

Facebook announces a change to the News Feed to prioritize personal posts over news content, and warns publishers their traffic from the social network will likely decrease.

Author and journalism professor Dan Gillmor recently described a future in which "we will be living in the ecosystem of a company that has repeatedly demonstrated its untrustworthiness, an enterprise that would become the primary newsstand for journalism and would be free to pick the winners via special deals with media people and tweaks of its opaque algorithms. If this is the future, we are truly screwed."

In addition to the economic threat it represents to media companies, Facebook also arguably poses a threat to journalism itself. Into this bucket we can throw things like fake news and misinformation, which works primarily because Facebook focuses on engagement—time spent, clicks, and sharing—rather than quality or value.

In many ways, sociologists say, Facebook is a machine designed to encourage confirmation bias, which is the human desire to believe things that confirm our existing beliefs, even if they are untrue. As a former Facebook product manager wrote in a Facebook post: "The news feed optimizes for engagement, [and] bullshit is highly engaging."

Facebook has announced a number of attempts to fix its misinformation problem, including a fact-checking project that adds the "disputed" tag to stories that have been flagged by partners. But those efforts have been stymied by the fact that some of Facebook's problems appear to be baked into the platform (and into the company's relentlessly efficient DNA).

Late last year, Facebook announced that it was dropping the "disputed" tag because it proved to be ineffective in stopping people from sharing misinformation, and in fact may have actually achieved the opposite goal, by reinforcing people's erroneous beliefs about certain topics.

Given the platform's repeated misunderstanding of its role in the information ecosystem, some believe that Facebook may simply not be a great place for journalism to live. Digital-journalism veteran David Cohn has argued that the network's main purpose is not information so much as it is identity, and the construction by users of a public identity that matches the group they wish to belong to. This is why fake news is so powerful.

Facebook's journalism problems are exacerbated by the fact that news simply isn't a core focus for the company.

"The headline isn't meant to inform somebody about the world," wrote Cohn, a senior director at Advance Publications, which owns Condé Nast and Reddit. "The headline is a tool to be used by a person to inform others about who they are. 'This is me,' they say when they share that headline. 'This is what I believe. This shows what tribe I belong to.' It is virtue signaling."

Twitter suffers from a similar problem, in the sense that many users seem to see their posts as a way of displaying (or arguing for) their beliefs rather than a way of exchanging verifiable news. But Facebook's role in the spread of misinformation is orders of magnitude larger than Twitter's: 2 billion monthly users versus 330 million.

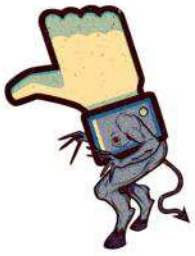
Facebook watchers, including some former and current employees, say many of the company's journalism problems are exacerbated by the fact that the news simply isn't a core focus for the company, and likely never will be.

In recent years, as heat on the company has risen, Facebook has tried to pretend that isn't the case. Zuckerberg has gone from saying that it was "a crazy idea" to suggest fake news on the network affected the US election to admitting that Facebook does play a role in the dissemination of misinformation, and that Russian troll factories used the platform in an attempt to meddle with the election.

Facebook has rolled out a range of well-meaning journalistic efforts, including its partnership with fact-checking organizations, the Facebook Journalism Project—which is aimed at helping newsrooms get more digitally savvy—and the News Integrity Initiative, which Jarvis helped launch last year with funding from Facebook and others.

But these tend to come off looking more like public relations vehicles, as the company tries to stay ahead of federal regulators and others who might want to impose legal restrictions on what it can and cannot do.

"Throwing money at things is a Band-Aid," says a former staffer. "They're not grappling with the real problems their dominance is causing. I left because it became frustrating to know that they weren't taking seriously the impact they were having on journalism and the news."



It's not that Facebook doesn't care about things like fake news, it's that it doesn't care *enough*. And the reason why is the same as it is for Google (which has a number of its own well-meaning efforts aimed at journalism)—because ultimately those issues don't affect the central business of the company, which is to connect everyone on the planet and generate as much advertising revenue as humanly possible.

Former Facebook employees say the engineering-driven, "move fast and break things" approach worked when the company was smaller but now gets in the way of understanding the societal problems it faces. It's one thing to break a product, but if you move fast and break democracy, or move fast and break journalism, how do you measure the impact of that—and how do you go about trying to fix it?

"I think there's a possibility that they just don't know what to do" about these larger problems, says Nisenholtz. "I think there's a chance they don't have the people in their organization or the DNA to even understand what is going on or what to do about it. I'm fundamentally optimistic about Facebook's desire to help, but I'm not as optimistic about its *ability* to help."

Jarvis, however, believes Facebook does care, and is prepared to devote its considerable weight to solving the problem. "I've talked to Chris Cox, the head of product at Facebook, and I believe he cares deeply about news. I think Mark Zuckerberg cares. We have to reinvent journalism, and we should be doing it in partnership with

ILLUSTRATION BY DIEGO PATIÑO

Tweaking a global source of news

By Courtney Radsch

The only way Abdalaziz Alhamza and his fellow citizen journalists could get out news from the Islamic State's self-declared capital in Syria to a global audience was by posting materials on Facebook and YouTube. "They were the only way to spread news since many militias and governments prevented most, if not all, the independent media organizations to work in the conflict areas," explains Alhamza, one of the co-founders of the group Raqqa Is Being Slaughtered Silently. "Without the social media platforms, the Arab Spring would be killed on the first day."

Internet intermediaries are increasingly playing the role that publishers and editors once played. From selecting sources to curating trending news to deciding which news is real or fake, companies like Facebook and Google are at the forefront of how much of the world receives its news. Taken together, these internet giants are 10 times the size of the largest media organization 15 years ago, according to media expert Robert McChesney.

The Reuters Institute 2017 Digital News Report found that more than half of all online users across the 36 countries surveyed said they use social media as a source of news each week, ranging from 76 percent in Chile to 29 percent in Japan and Germany. The report found Facebook and its subsidiary WhatsApp, in particular, played an increasingly significant role in news distribution, with 44 percent of people using Facebook as their news source and WhatsApp rivaling its parent company in several markets.

Far fewer respondents were able to recall which outlet provided the news, however, a problem for an industry that is increasingly forced to adapt to the logic of the social media platforms that are central to modern journalism. "They're kind of our frenemies, because they carry our content, but we've been disintermediated from the relationship," says Danielle Coffey of the News Media Alliance, which represents 2,000 US publications. "And they're making up now the rules on what's appropriate, what's effective, what people should not get access to."

The success of misinformation, counterfeit news, and "computational propaganda" on social media platforms has highlighted the economic incentives embedded in social media platforms that not only helped "fake news" flourish but may even work against quality journalism. In seeking to combat the proliferation of "fake news," Google and Facebook launched partnerships with fact-checking organizations, but also tweaked their algorithms and sought ways to surface more authoritative content. The signals they use, however, may end up marginalizing those on the outer edges of the ideological spectrum or freelance journalists in favor of larger, more established, and mainstream outlets.

The World Socialist Web Site noticed a massive drop in Google search referrals following the announcement of Project Owl in mid-2016, according to its editorial chairman. The site also found a significant drop in traffic to other "leading socialist, progressive and anti-war web sites," including Democracy Now.

"There does appear to be a correlation between some of the updates Google has released and a drop in traffic on some of those sites," says Eric Richmond, president of Expert SEO Consulting, which

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If you move fast and break democracy, or move fast and break journalism, how do you measure the impact of that—and how do you go about trying to fix it?

Facebook and Google because they're a lot fucking smarter about it than we are."

But it's not the smarts of the Facebook employee that anyone doubts. It's whether this company, literally engineered to do one thing incredibly well, can reprogram itself to care about something—journalism—it knows very little about.

As much of a threat as Facebook currently represents for the media industry, it could get much worse. The company could, for instance, continue to vacuum up even more of the advertising market to the point where ads are no longer a viable revenue source for media companies at all. For some, that would mean going from ads contributing as much as 60 percent of revenue to zero.

"There are parts of the media business model that are just broken, like the advertising business—the distribution bottleneck is gone," says Bell. "What the new journalistic business looks like, that can not just survive but thrive in this new world, we haven't really figured it out yet."

Could advertising disappear completely as a viable revenue source? Jason Kint of Digital Content Next, a lobby group that includes some of the largest media brands in the country, says he sees Google and Facebook continuing to dominate "programmatic" or automated advertising. But he believes there is still the potential for other forms of advertising—high-value display, for example—to continue generating revenue for media companies.

But even those new possibilities are likely to hit the Facebook algorithmic wall. "Either the advertising business as we know it goes away, or you survive as a media outlet because you are in Facebook's favor, either algorithmically or otherwise," says one veteran journalist, who didn't want his name used because he has to work with Facebook. "There's no precedent in terms of the size and dominance of it as a media entity, and no one has any idea what to do about it. We are in uncharted territory here."

As bad as scraping for advertising revenue might be, there's another way the Facebook threat could actually get worse: Instead of continuing to be a primary platform for news companies and trying to strike relationships with them, the company could decide to simply wash its hands of news entirely, either because it isn't generating enough revenue, or because it has become too much of a political headache.

For Facebook, it has to be distracting to devote so much of its time and energy to congressional sub-committees or European Union directives related to "fake news" and Russian trolls. And for all its attempts to help media companies with revenue sharing and fact-checking and other initiatives, it inevitably gets criticized for not doing enough.

In a larger sense, news—meaning journalistic stories produced by credible publishers—likely represents a small proportion of the content that appears on Facebook, most of which is composed of family photos or posts about friends and co-workers. News may encourage engagement, but is it worth the hassle?

Facebook's decision in January to de-emphasize publisher links in the News Feed is a step away from news, a move some have argued might actually be good for media companies. An even bigger move would be a split News Feed, where the majority of content in the main feed is related to personal relationships, and a separate feed includes traditional news articles from mainstream outlets.

We got a glimpse of what that might look like earlier this year, when Facebook tested a split feed in several Asian and Eastern European countries. News outlets who work in those countries said their traffic from the social network fell by as much as 60 percent overnight.

Ironically, some criticized Facebook for these experiments because they said the company was messing around with what has become a

ILLUSTRATION BY DIEGO PATIÑO

key source of news for people in struggling democracies like Cambodia, where traditional media is untrustworthy. In many ways, this reinforced the power that Facebook has developed over news consumption, not just in the US but around the world.

Could they decide just to give up on news, or relegate it to the sidelines? "I feel like there's a real chance that they might just decide it's too much trouble, too much of a PR mess, and they're not even making that much money from it to begin with," says one former staffer. "But the genie is kind of out of the bottle now. I'm not sure they can go back at this point."

To really come to grips with what its size and influence have wrought both in journalism and society at large, Facebook is going to have to not only change its outlook but also its culture. But is that even possible at this stage? Can a company that became a $500 billion colossus by thinking in one way start to think in a different way?

"Facebook is going to be an important institution, even if it decides it doesn't want to actually produce journalism," says Bell. "If it's here to stay, it needs to be part of figuring this problem out. My worry is that they only see things in market terms, so it's all about market share. And my biggest fear is that they just sort of give up and decide it's just not part of their core vision."

After all, the company didn't set out to kill anything, including the media industry, says one former staffer. "Zuck is just a very competitive guy, and he wanted to build the largest company he could. And now they've done it—he's won. But they fundamentally don't know how to deal with it."

In a way, Facebook is like a band of revolutionaries who don't know what to do once they manage to topple the dictator and actually become the government. And we are all living in the world that they have created for us, whether we like it or not. CJR

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counts several media organizations among its clients. "Can I say that drop is due to a particular site or class of sites being targeted? No. Google doesn't target specific sites with algorithmic changes."

Google said in December that its trust and safety teams had manually reviewed nearly 2 million videos for violent extremist content in the previous five months to help train its machine-learning technology to identify similar videos in the future, and that it aims to hire 10,000 human moderators in 2018.

Facebook, meanwhile, has said that it provides human review of all content flagged for removal. With 2 billion monthly users worldwide, this involves tens of thousands of reviewers in 40 languages who, according to a Facebook spokesperson, comprise native speakers and people with "market-specific knowledge." But there is no way to independently audit the content removed by the platform, and Facebook often cites privacy concerns when researchers ask for greater access to data.

Facebook had a human team of editors curating Trending Topics. Leaked documents showed editorial intervention at several stages of the trending news operation, from decisions about "injecting" and "blacklisting" topics from the trending feed to which sources were authoritative and trustworthy. But accusations that it was suppressing conservative news led to a backlash against the internet behemoth. In response, Facebook tweaked its approach and switched to algorithmic curation.

In September, The Daily Beast reported that Facebook accounts reporting on or documenting what the UN has termed a "textbook case of ethnic cleansing" of the Muslim-minority Rohingya population in Myanmar were also being shuttered or removed. The company has not responded to questions about the political or ethnic makeup of the moderators deciding on content related to the crisis in Myanmar.

In late 2016, Facebook revised its community guidelines to allow graphic content that is "newsworthy, significant, or important to the public interest," which would include both the conflicts in Syria and Myanmar. But weeks before the plethora of one-sided removals came to light, Facebook had placed the Arakan Rohingya Salvation Army, a designated terrorist group in Myanmar that claims to comprise freedom fighters, on its list of dangerous organizations that are prohibited from using the platform. Google also prohibits violent extremism.

The largest internet firms have banded together to create a shared database of terrorist images and videos that they've removed from their platforms. Google News, which is entirely algorithmically generated, recently updated its guidelines to prohibit misrepresentation of ownership or country of origin, or the deliberate misleading of users.

But policymakers are not satisfied with the self-regulatory measures. Germany's new Network Enforcement Act, known as NetzDG, requires major online platforms remove, within 24 hours of notification, "obviously illegal" content or face fines of up to €50 million. And the UK prime minister in September called for companies to remove extremist content shared by terrorist groups within two hours and develop technology to prevent it from being shared from the outset. CJR

~~EXHIBIT B~~ TO MASTER TEMPORARY HELP COMPANY AGREEMENT
PROTECTION OF CONFIDENTIAL INFORMATION

CONTRACTS OF SILENCE

THIS AGREEMENT is made and entered into as _____ ("Effective Date"), by and between _____, ("the Disclosing Party") and _____, ("the Recipient") (collectively, "the Parties"). Purpose for Disclosure ("Business Purpose"): _____. While providing services to the Disclosing Party in connection with the Disclosing Party's provision of information technology and related services to the Recipient pursuant to the Prime Contract, the Disclosing Party and/or the Recipient may disclose to you certain proprietary, copyrighted, and trade secret information in oral, written, or electronic form relating to the Disclosing Party's or the Recipient's past, present and future research, development, business activities, products, and services, which is confidential to the Disclosing Party and/or the Recipient ("Confidential Information"). In consideration of such disclosure, you agree as follows:

How the non-disclosure agreement became a tool for powerful people to stymie journalists from informing the public.

1. You will not disclose the Confidential Information in any manner to any third party.

2. You will not copy any Confidential Information for any purpose without the Disclosing Party's express, prior written consent.

~~3. Nothing in this Agreement shall prohibit or limit you from using information you can demonstrate is (i) previously known to you, (ii) independently developed by you, (iii) acquired by you from a third party not under nondisclosure obligations to the Disclosing Party, or (iv) which is or becomes part of the public domain without your breach.~~

4. the Disclosing Party grants no license under any trade secrets, copyrights, or other rights by this Agreement or any disclosure of How the non-disclosure agreement became a tool for powerful people and institutions to stymie journalists from informing the public. Confidential Information hereunder.

by Michelle Dean

5. You acknowledge that any information regarding the rate(s) or other terms of remuneration agreed upon between the Disclosing Party and AUTHOR Company and between Company and you is Confidential Information for the purposes of this Agreement and you shall not disclose, directly or through another party, any such

At this writing, the cast of characters in the sexual harassment scandals that have been carpet-bombing the media continues to expand. Every day new women come forward to say they've had a bad experience. The scandals have touched scions of the right (Roger Ailes, Bill O'Reilly) and darlings of liberal elites (Al Franken, Charlie Rose). And in all the mess, in all the arguments about whose job it was to fix this situation, whether the burden was on men to stop harassing women (unlikely), or women to stop being so sensitive about men (unfair), one clear villain did emerge, a character in almost every truly awful story that emerged from the #MeToo moment: the non-disclosure agreement.

The reason many of these men felt protected from the consequences of their own bad behavior is largely the same reason many corporations are confident their embarrassing revelations will never come out: Once a quirk of the technology industry, non-disclosure agreements (NDAs) have proliferated across the business landscape, purportedly placing every secret, every item of misconduct out of public view—or more specifically outside of the view of some inquiring journalist who might want to expose a misdeed.

The outpouring of sexual misconduct allegations all began, really, when former Fox News anchor Gretchen Carlson filed suit against Roger Ailes in July 2016. Though she would later receive a reported $20 million settlement (which likely included a non-disclosure clause), news of her suit brought other women who had settled such claims out of the woodwork. Laurie Luhn, who had settled her sexual harassment claims against Ailes for about $3.15 million, was asked to sign what *New York* magazine characterized as a "settlement agreement with extensive non-disclosure provisions." She said that after Carlson's lawsuit was filed, she had decided to speak out anyway. "The truth shall set you free. Nothing else matters," she said.

Still, it was not until reporting about Harvey Weinstein was published by *The New York Times* and *The New Yorker* that the issue of NDAs seemed to finally catch the attention of the public. Weinstein's baroque efforts to prevent his victims from speaking had extended far beyond simple legalities, of course. Ronan Farrow would eventually report that Weinstein had hired a security agency staffed by ex-Mossad agents to dig up dirt on his accusers. All the same, it did seem that part of the fear that kept so many quiet was the threat of legal action against them. In his original story, Farrow quoted an actress who'd initially spoken on the record, then begged him to keep her out of it: "I'm so sorry," she reportedly wrote. "The legal angle is coming at me, and I have no recourse."

Once a quirk of the tech industry, non-disclosure agreements have proliferated across the business landscape, shielding misdeeds from public view.

NDAs are enormously controversial, even within the legal community. From one vantage—say that of an exceptionally cautious lawyer, or an exceptionally frightened employee—keeping silent is thought necessary to avoid hefty financial penalties. Another view holds that NDAs are often unenforceable, most clearly if the activity meant to be kept secret is illegal, and that even where a court might uphold the agreement, a lot of potential plaintiffs don't want to have to give the other side discovery on their bad behavior. But if you're not as brave as, say, Rose McGowan, if you're not a reporter, if you think you might have something to lose, you'll probably obey the words on the paper. You'll probably keep quiet even if you have something to say, out of sheer fear about the consequences. Companies rely on everyone's lack of knowledge about just what confidentiality agreements are—and how easily they might ruin you.

There's no clear origin story for the non-disclosure agreement, no Edison or Franklin who lays claim to the form. But a search of newspaper databases informs us that mentions of such agreements began popping up in the 1940s in the context of maritime law. Later, they began appearing more often at burgeoning tech firms like IBM. And in that context, NDAs kind of make sense. Tech companies have trade secrets to protect, proprietary algorithms they want to keep to themselves. Leaks by disloyal employees pose very real business risks.

By the 1970s, NDAs were popping up in new and surprising places. For example, during the House Select Committee on Assassinations's investigation of the Kennedy and King assassinations in the late 1970s, *The Washington Post* reported that consultants working for the committee were asked to sign an NDA that forbade them to "indicate, divulge or acknowledge" that they even worked on the investigation while it was ongoing. It also asked these consultants to report to the House any efforts by a reporter to obtain information about the investigation. And while a few critics did seem to think the secrecy was excessive—"You've got to have this stuff subject to another point of view. The press has got to air it," one said—in general the terms seem to have been accepted as necessary for the preservation of national security. After all, one of the entities the committee investigated was the Central Intelligence Agency itself.

It was only in the 1980s that the concept of non-disclosure began to creep into contracts of all kinds. It became a de rigueur provision in employment contracts for a certain kind of white collar job. And perhaps most crucially, it became a regular feature of legal settlement agreements. It was then that these "contracts of silence," as one law review article termed the whole spectrum of NDA/non-disparagement/confidentiality clauses, really began to pose a problem for journalists. They became a barrier to some of the biggest stories of corporate misconduct out there. Most famously, an NDA intervened when

Jeffrey Wigand, the tobacco industry whistleblower whose revelations about health risks consumed the news for weeks in the 1990s (and later became the basis for the Michael Mann movie *The Insider*), spoke to *60 Minutes* in the fall of 1995.

Wigand, a former vice president of research and development at Brown & Williamson, had signed a confidentiality agreement as part of severance negotiations after he was fired in March of 1993. But he then began to work with *60 Minutes* on its reporting about the industry's efforts to conceal research done by Wigand among others on the harmful effects of smoking. And against the backdrop of an acquisition by the Westinghouse Electric Corporation, and also because of the nature of Wigand's work with the show—he was paid a consultant fee for part of it and CBS promised to indemnify him against any future suit from his employers—CBS's in-house counsel raised the alarm that the network could be sued for "tortious interference" with his NDA. A version of the planned story aired, but without Wigand's interview.

A foofaraw ensued after Mike Wallace went on Charlie Rose's show and criticized CBS's decision to suppress the interview, saying, "We at *60 Minutes*—and that's about 100 of us who turn out this broadcast each week—are proud of working here and at CBS News, and so we were dismayed that the management at CBS had seen fit to give in to perceived threats of legal action against us by a tobacco industry giant." The tape of Wigand's interview languished for months before it finally aired in February 1996, after *The Wall Street Journal* published testimony Wigand had given in a lawsuit, which was thought to lift the potential threat.

In spite of the massive publicity around the case, only in legal academic circles did the Wigand case seem to occasion any kind of conversation about putting an end to "contracts of silence." Because NDAs were relatively new, there were not a whole lot of court cases to go on, but many academics have theorized over the years that there ought to be some kind of exception built into the law. There were instances, they pointed out, bolstered by reporting, where the web of confidential settlements and other NDAs were covering up serious wrongdoing, such as the conduct of the Catholic Church in several sex abuse scandals. Confidential settlements had also, on occasion, been used to quiet plaintiffs who suffered harm from an environmental hazard, something other members of a community might want to have been made aware of. Over time, confidential settlements have been said to play a role in concealing, among other things, the dangers of silicone breast implants, the flaws in a kind of side-mounted gas tank used by GM, and toxic-waste leaks into rivers across America.

As a result of that relatively wonky discourse, about 20 states passed "sunshine-in-litigation" statutes that keep courts from enforcing NDAs in cases where some public hazard is at issue. Other states have instituted rule changes that have the same effect, prohibiting the court from approving, and thereby sealing, confidential settlements. Still other courts have local rules in which, in certain circumstances, confidentiality provisions are unenforceable. But the laws and the cases are piecemeal. And they don't necessarily cover every kind of wrongdoing that non-disclosure agreements cover up. Like, say, sexual harassment.

Adam Schrader was laid off from *The Dallas Morning News* in early 2016. So when he was offered a job on Facebook's trending news curation team a few months later, he took it, even though among the papers he had to sign was an NDA forbidding him from talking about his work for the company.

Schrader, like most journalists, isn't too fond of NDAs. "We expect governmental and other companies to be transparent and forward with us with their practices and how they operate," he says. So journalists can't themselves turn around and claim a contract limits their right to be transparent about their own work. "I just don't think that people who are expected to uphold the truth should be contractually obligated not to whenever it's an important story that can impact millions of readers," Schrader says.

But with the grimmest of journalism employment markets stretching out in front of him, he also badly needed a job. "I was offered a great salary. I had benefits. It was a

New York job for a major social media company," Schrader says. "That trending news module was actually highly trafficked, so you know, I felt like it was an important job to take. Regardless of the NDA."

In fact, his attitude towards the NDA was pretty irrelevant. Like most prospective employees in America, Schrader didn't have the bargaining power to propose taking $2,000 less in salary in exchange for dropping the NDA. "You offer that up, and the employers are not gonna hire you," Schrader says. And he didn't expect, when he was hired, that he'd ever need to break the agreement. He didn't expect that anyone would ever be interested in the day-to-day of this new job of his.

Fast forward several months, and suddenly the Facebook trending news curation team had actually become news itself. Early in Schrader's tenure, Gizmodo reported that the news curators were actively suppressing conservative links from the trending box. One of the sources was said to be someone within the curation team itself. Facebook, and other curators who subsequently went public, denied the report. But the idea that political bias was shaping Facebook's coverage of the news quickly caught fire on conservative social media. Eventually, seeking to distance itself from journalism altogether, Facebook chose to fire the entire trending news curation team, including Schrader.

After his dismissal, Schrader talked to a few reporters, always anonymously. But the idea of remaining anonymous ate at him. As

ILLUSTRATION BY NIV BAVARSKY

THREAT TRACKER

Arrested in St. Louis

On September 17, hundreds of people marched in downtown St. Louis to protest the acquittal of a white former police officer who had fatally shot a black man. Jon Ziegler, an independent journalist known for covering protests, livestreamed the demonstration on his YouTube channel RebZ.tv.

Around 11pm, large groups of St. Louis metropolitan police officers kettled about a hundred people, surrounding them at a downtown intersection and ordering all of them to lie down on the ground. Ziegler was among those caught in the kettle.

He continued livestreaming, capturing footage of officers indiscriminately pepper spraying and violently arresting people. "I was drenched in spray," he recalled later. "I remember my tripod looking like it had rained on it." As he lay on the ground, he said, one officer sprayed pepper spray directly at his mouth and another officer pushed his head down into the concrete. Ziegler believes that St. Louis police officers specifically targeted him because of his previous reporting on police brutality. He said that a few of the officers repeatedly mockingly referred to him as "superstar" and that his arresting officer joked that he was his "biggest fan" and followed all of his reporting. After a night in jail, Ziegler was released on a $50 bond and continued covering the nightly protests. On October 3, he was arrested for a second time. In addition to Ziegler, at least nine reporters were arrested while covering protests in St. Louis during September and October. All were initially cited for trespassing or failure to disperse, but following public outcry, prosecutors declined to pursue charges against any of the journalists.

—Peter Sterne

a reporter himself, he had mixed feelings about using anonymous sources. So in the fall of 2016, when Facebook's fake news problem was drawing increasing scrutiny, he spoke out under his own name, filming a segment for *Vice News Tonight* that aired a week after the election. In the interview, Schrader talked about his concern, now that there were no humans fact-checking the trending news topics, that misleading news sites would be able to proliferate further. He tried to explain how news curation actually worked, and that it involved a lot more reporting and actual journalism than you might expect, all in an attempt to verify (or debunk) wilder viral stories. He said he worried that Mark Zuckerberg was in "denial" about Facebook being a news product. And perhaps most importantly, Schrader acknowledged that he was not supposed to be talking about any of this, "I'm not scared of Facebook or violating my NDA because, you know, I think that it's more important to get the message out there that Facebook needs to get its act together and get in the game."

In the aftermath, Schrader says, he did not worry too much about being sued. "It's not like I was speaking negatively about the company," he says. "Everything that I spoke out about was factual. I mean, people just really wanted to know what we did." He never heard from Facebook itself, though he noticed, suddenly, that senior managers at Facebook were looking at his LinkedIn profile. That "did make me a little bit nervous," Schrader concedes, but he wasn't sure it would be so bad if the thing went to court.

He did get a letter from BCforward, the contracting agency which paid him, notifying him that he was in breach of the agreement. It had frightening language about how he could be on the hook for large sums of money. But, again like most journalists, Schrader didn't really have any assets such a suit could claim. "All right sue me, you can have my few hundred dollar laptop, like great. Enjoy it," he jokes to me. "Please take my car, I can't afford it anymore." No lawsuit ever did materialize.

Companies rely on people's lack of knowledge about confidentiality agreements—and how easily they might ruin you.

Of course, the risk of breaking any contract is an individual calculation, and anyone thinking of doing it ought to talk to an attorney. One lawyer who knows a lot about this is Neil Mullin of Smith Mullin in Montclair, New Jersey, who represented Gretchen Carlson against Fox News. A gregarious speaker with a thick Jersey accent, Mullin has negotiated a lot of confidentiality clauses in sexual harassment cases and corporate whistleblower cases alike in his plaintiff-focused career. Corporations insist on them, he tells me, "often with monetary penalties. I signed an agreement about a year ago with a $750,000 penalty for each single violation of the confidentiality clause."

Plaintiffs, on the other hand, rarely seek them out. "I have found that our clients resent these clauses right from the beginning," Mullin says. "They don't want them. They hate them. They would love to break them." And some do, feeling driven to inform the public. In the Ailes case, there was Luhn; in the Weinstein case, though machinations at NBC have obscured the precise development of the Ronan Farrow end of the story, it's clear that McGowan spoke in spite of believing at the time that she was under an NDA. (In the summer of 2017, she discovered her original settlement with Weinstein did not contain a confidentiality clause.) Indeed, breaking an NDA has become a badge of honor. When Zelda Perkins, a former Weinstein assistant who'd witnessed him assaulting a colleague, came forward, she specifically told everyone she was doing so in

"I have found that our clients resent these [confidentiality] clauses right from the beginning," says Neil Mullin, an attorney who represents plaintiffs in sexual harassment cases. "They don't want them. They hate them. They would love to break them."

spite of a confidentiality clause in her settlement. A group of former employees of The Weinstein Company who issued a statement soon after the allegations were made public proudly proclaimed they were in breach, too. "We know that in writing this we are in open breach of the non-disclosure agreements in our contracts. But our former boss is in open violation of his contract with us—the employees—to create a safe place for us to work," their statement read.

But people who are considering speaking to a reporter in spite of a confidentiality agreement, Mullin tells me, should be afraid. Though there are, he says, decisions out there that limit the effect of NDAs in the event of illegal activity, the cases are not consistent. And he says he'd never advise a client to break any relevant agreement. "I think journalists should not take this lightly," he tells me. "If you persuade a lay person to breach a confidentiality agreement, you're putting them in grave financial danger."

Mullin believes that journalistic organizations ought to be prepared to support and even indemnify a victim for any legal fees they might incur for lawsuits afterwards, much as CBS once offered to indemnify Jeffrey Wigand. And he believes this, Mullin says, even though he and his law partner (and also his wife) Nancy Erika Smith, are passionately opposed to NDAs. "We believe strongly that this practice should end, even if it means that it's harder to settle cases, more cases go to trial," Mullin says. "In the long run, it's good for women. It's bad for predators. Bad for patriarchs and sexists in the workplace."

Still, while NDAs remain enforceable by courts, Mullin has also made clear he will fight what he sees as the good fight with every tool in his arsenal—including, in what some might see as a twist, confidentiality and non-disparagement provisions in settlements he has negotiated. In early December, he and Smith filed a lawsuit on behalf of Rachel Witlieb Bernstein, one of the women who'd settled a sexual harassment claim against former Fox News host Bill O'Reilly, all the way back in 2002. The settlement contained non-disparagement and confidentiality clauses.

Bernstein, the lawsuit complains, has kept her end of the deal: She's never spoken

publicly about whatever experience it was that she had with O'Reilly. Her name was mentioned in an April 2017 article in *The New York Times*, which listed her as among the women who had received settlements from Fox News relating to O'Reilly's conduct that totaled $13 million. (Subsequent reporting raised that figure to $45 million.) But Bernstein says she was not the source of the information in that story.

Meanwhile, since he was ousted in April, O'Reilly has made frequent statements to news outlets in which he complains that the charges against him are untrue and ideologically motivated. "No one was mistreated on my watch," he insisted to *The Hollywood Reporter*. He also says that while he was at Fox News, no complaints about him were ever brought to human resources. Mullin and Smith say this sort of statement—which O'Reilly has made again and again—disparages their client. The complaint makes claims of breach of contract, defamation, and tortious interference with a business contract.

"I don't like non-disclosure agreements, but if you impose them on my clients, you damn well better obey your side of the deal," Mullin says. "I'm put in this position of enforcing an agreement, but I'm enforcing it because it's been violated unilaterally. That's not tolerable. That's not justice."

A lot of people seem to agree with him, including lawmakers in New York, New Jersey, and Pennsylvania, who have introduced bills that would ban NDAs in cases involving sexual harassment. But the solution is a patchwork one. And the fact remains that for the foreseeable future, nearly every one of these cases will continue to feature an NDA in a starring role. **CJR**

ILLUSTRATION BY NIV BAVARSKY

THREAT TRACKER

Chilling statement

In testimony before the Senate Judiciary Committee on October 18, US Attorney General Jeff Sessions refused to say whether the Department of Justice would prosecute journalists for actions related to their work. "Will you commit to not putting reporters in jail for doing their jobs?" Senator Amy Klobuchar asked him. "I don't know that I can make a blanket commitment to that effect," he said. "But I would say this: We have not taken any aggressive action against the media at this point. But we have matters that involve the most serious national security issues, that put our country at risk, and we will utilize the authorities that we have, legally and constitutionally, if we have to."

In August, as he announced that the Justice Department is considering changing its internal policies to make it easier to subpoena journalists, Sessions suggested that the government had been too lenient toward reporters who endanger national security. "We respect the important role that the press plays, and we'll give them respect, but it is not unlimited," Sessions said. "They cannot place lives at risk with impunity. We must balance the press's role with protecting our national security and the lives of those who serve in the intelligence community, the armed forces, and all law-abiding Americans."

—Camille Fassett

What the assassination of a Bangalore journalist says about media complacency in the face of Hindu nationalism's violent rise in India

The killing of Gauri Lankesh

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Last September, as the journalist Gauri Lankesh was returning to her home from work, a man approached her in the driveway, his face obscured by a motorcycle helmet. He fired a pistol as she ran toward her house, about 10 feet away. She collapsed before she made it inside. Autopsy reports suggested she had been shot twice in the chest and once in the back. A fourth shot had missed or misfired. The footage from security cameras showed only two men on a motorcycle, including the helmeted shooter, a man about five feet tall, but the police suggested that two other men had also been involved, following the first pair on a second motorcycle.

Lankesh, the editor and publisher of a Bangalore weekly, the *Gauri Lankesh Patrike*, was an outspoken left-wing journalist working in an India that, since the 2014 election of Narendra Modi, leader of the Bharatiya Janata Party (BJP), as prime minister, has become one of the world's most dangerous countries to be a reporter. But the BJP is only the most overt face of a Hindu right that comprises more than 30 loosely affiliated organizations. Together, they all subscribe to the virulent brand

BURHAAN KINU/HINDUSTAN TIMES VIA GETTY IMAGES

of Hindu nationalism known as Hindutva, and they have in recent years been associated with activities ranging from lynchings, riots, and bomb blasts to threats of rape, dismemberment, incarceration, and hanging of people critical of them and their sectarian idea of India.

According to the 2017 Press Freedom Index compiled by Reporters Without Borders, India ranked 136 out of 180, a position quite out of keeping with India's image as the world's most populous democracy. Zimbabwe, before the fall of Robert Mugabe, came in at 127, while Afghanistan, mired in a grinding war, ranked 120th. Since 1992, according to the Committee to Protect Journalists, 43 journalists have been killed in India. The number tallied by the International Federation of Journalists is far higher: 73 journalists killed since 2005. Nine journalists were killed in 2015, one of them allegedly set on fire by policemen working for a politician accused of rape. Five were murdered in 2016. In the cases of 30 journalists murdered since 2010 being tracked by the Indian media watchdog The Hoot, there has been exactly one conviction.

But who *was* Gauri Lankesh? Her assassination made her briefly, startlingly, visible everywhere, a slender figure with short, cropped hair, sometimes looking animated and sometimes appearing deeply introspective. Protests and vigils broke out throughout India, under posters and giant, colorful puppets proclaiming "I am Gauri." Within a month of her death, her work had been posthumously granted the Anna Politkovskaya Award, named in honor of a Russian journalist who was assassinated in Moscow in 2006. By December, Navayana, a progressive publishing house in Delhi, had brought out a collection of Lankesh's writings and a Bangalore-based singer, Aarti Rao, released "Song for Gauri."

One understands why people might have responded in this way: Lankesh's life lends itself easily to the dramatic, a biopic, a novel, a narrative illustrating through a single, individual portrait the tectonic shifts of a vast,

populous country. It is important to remember that her struggle was connected to a larger reality, in life and in death, beyond even the apparent serial assassination of critics of Hindutva. Lankesh was dangerous to a Hindu right that, in spite of its vigorous claims to represent a majority, remains keenly aware of how recent its widespread dominance is.

Yet the fact remains that while Lankesh's work was known to, and admired by, those connected to progressive politics and causes in India—people critical of Hindu nationalism, crony capitalism, sexism, and casteism—it was largely invisible beyond those realms. This was particularly true in the domain of national television and print media, outlets that seesaw between tawdry consumerism and rancorous nationalism, between retreating into strategic silence on controversial matters of the day and actively cheering on the right-wing politics of the BJP and its various vigilante armies.

Lankesh, who grew up in Bangalore, worked for *The Times of India*, the nation's largest daily newspaper, in the mid '80s, first in her home city and then in Delhi. She returned to Bangalore in 1989 and began reporting for *Sunday*, a now-defunct English-language magazine, before switching to Kannada-language television in the late '90s. Kannada was not a language she was initially comfortable in, according to her friends and associates, a detail of some significance because her father P. Lankesh, a polymath who was a literature professor, poet, playwright, filmmaker, and publisher of a weekly tabloid called *Lankesh Patrike*, was a well-known figure in the world of Kannada letters. The *Lankesh Patrike* did not accept advertisements, and it expressed what the Kannada-speaking journalist Krishna Prasad, former editor of the newsmagazine *Outlook* and writer of the incisive media and politics blog, Churumuri, described to me as an "eclectic world view," erudite and literary while also being political and punchy.

When Lankesh's father died in 2000, she and her brother, Indrajit, took the paper over, the editorial duties going to her while he became the publisher. (Their third sibling, Kavitha, a filmmaker, did not take a role at the paper.) This new responsibility involved a significant transition for Lankesh, not only in her beginning to write in Kannada and her first position as an editor, but also, Prasad notes, a shift in focus from the urban, fluffy issues dominating the corporate English media to rural issues that involved a more critical, engaged kind of journalism. In an interview she gave shortly after she took over the post, she said she had deliberately distanced herself from the weekly while her father was running it "because it is such a strident, hard-hitting paper, and I was working for the mainstream English media." She added that she had been stagnating in English-language journalism, while her slightly cryptic references to "being alone" and "personal confusions" also hinted at the difficulty of being a single—her marriage to the journalist Chidanand Rajghatta had ended in divorce in the early '90s—independent-minded woman in a patriarchal, conservative milieu.

While some skeptics questioned at the time whether Lankesh, given her lack of editing experience and previous involvement with the paper, could fill her father's role, by all accounts, she embraced the transformation. She took an increasingly critical position on what Prasad calls "the upsurge of Hindutva forces of polarization" around the country and in particular in Karnataka. In 2002, she protested the Hindu right's attempt to claim that the 11th century Sufi shrine of Baba Budan Giri, 170 miles west of Bangalore, where both Hindus and Muslims had worshipped for centuries, belonged exclusively to Hindus. "She courted arrest on the streets during the protest," says her former husband Rajghatta, who remained friends after their divorce and is now a Washington-based columnist for *The Times of India*. "She was taking an increasingly leftist stand, always siding with the underdog."

As Lankesh became more involved in political questions, she traveled in June 2004 to the southwestern region of Malnad to attend a press conference held by members of the Indian ultra-left movement variously referred to as Naxalites or Maoists. One of the Naxalites she met there was Saketh Rajan, a former Bangalore classmate and the son of an army officer, a radical who had written histories of Karnataka and worked as an environmentally conscious, muckracking journalist before becoming a guerrilla. Eight months after the meeting, Rajan was dead, shot down in the kind of extrajudicial execution referred to by the police in India as "encounters." Lankesh wrote an article about the killing. Her brother Indrajit, an occasional filmmaker and television personality who last year officially joined the BJP, citing Modi as the inspiration behind his decision, refused to publish the article, apparently for being much too sympathetic to the Naxalites. Lankesh claimed he threatened her with a revolver.

Following the dispute, she left her father's former paper and decided to start her own, the *Gauri Lankesh Patrike*. The seemingly minor adjustment in title had a wider significance. It brought into even sharper focus her status as a woman who had positioned herself against the dominant currents in India. Instead of denigrating the Naxalites, she attempted to get the government into dialogue with them. An op-ed she wrote for her paper in 2003, translated and republished by *The New York Times* in the weeks following her death, talked about the commonality and mutual curiosity of Indians and Pakistanis staring at each other across the heavily militarized border between the two nations. Younger activists who often split along lines

Gauri Lankesh was an outspoken left-wing journalist working in an India that has become one of the world's most dangerous countries to be a reporter.

PHOTO COURTESY KAVITHA LANKESH

of identity and ideology spoke of Lankesh's successful attempts to mediate between them—leftists, Muslims, Dalits, women, the indigenous—on the basis of their common antipathy to Hindutva and its dystopian blueprint for the future. Rana Ayyub, an independent journalist whose book, *Gujarat Files*, is an account of her undercover investigation of bureaucrats and police officials involved in the anti-Muslim pogroms of 2002, recalled in an email about her friendship with Lankesh, "She published my book *Gujarat Files* in Kannada despite the threats and intimidation she was subjected to."

Although the southern state of Karnataka, of which Bangalore is the capital, is currently run by the centrist Congress Party, it remains a hotbed of activity of the Hindu right. This often manifests itself in violent forms. Two years before Lankesh's murder, the scholar M. M. Kalburgi was gunned down in his living room in Dharwad, a small city 260 miles northwest of Bangalore. Before that, in the neighboring state of Maharashtra, Govind Pansare, an author and left-wing trade unionist, and Narendra Dabholkar, a doctor and an activist, were murdered.

Like Lankesh, all three were critics of Hindutva and wrote in local languages (Lankesh and Kalburgi in Kannada; Pansare and Dabholkar in Marathi). All were killed in a similar manner, shot by motorcycle-borne, helmeted men who had used a 7.65mm pistol of the kind referred to in India as "improvised" in recognition of their local, illegal, manufacturing origins. Nevertheless, there were some efforts at the beginning to suggest that Lankesh's violent death was *sui generis*, with the police claiming the men they suspected of the crime were contract killers. The Congress chief minister of Karnataka, K. Siddaramaiah, also initially suggested that Lankesh's death was the work of "organized crime," but added his government was "confident of nabbing the culprits and bringing them to book at the earliest." Months later, the culprits have not been nabbed and brought to book. At the same time, the stalled state of investigations into the murders of Kalburgi, Pansare, and Dabholkar—the latter was assassinated in August 2013, more than four years ago—as well as the ongoing intimidation in India of the media, public intellectuals, activists, and ordinary citizens, raises the question of whether justice will be carried out any time soon, or at all.

In recent years, Lankesh's opposition to right-wing Hinduism had taken the form of claiming that the Lingayats, the community in Karnataka to which she belonged, should be given the status of a separate religion, an argument that would have angered the powerful, conservative faction of the Lingayats, the Veerashaivas, who saw themselves and, by extension, all Lingayats as part of the Hindu fold. Kalburgi, the scholar assassinated in August 2015, had also been a Lingayat. Using the 12th-century texts central to the Lingayat movement, Kalburgi too had made

In spite of a lack of coordination of investigators, certain patterns have emerged that connect the killings of journalists.

a similar argument about Lingayats being quite distinct from caste-based Hinduism. After receiving threats, he had been provided with police protection. Fifteen days after he asked his bodyguards to be withdrawn, he was killed.

"Lingayats have been recruited as the BJP's largest voting bloc," Raghu Karnad, an editor at the nonprofit news site The Wire who was friendly with Lankesh, tells me in an email, making the issue especially controversial in the run-up to Karnataka's state assembly elections in May. Karnad, who first met Lankesh in person at a vigil for Kalburgi, thinks it was this nexus of local and national politics that led to Lankesh's death. "A declaration that Lingayats are a minority religion is the single worst thing that could happen to the BJP, when it was planning to eliminate the Congress in Karnataka."

Yet whatever specific combination was involved, the broad finger of suspicion points, inexorably, to members of the Hindu right, people determined to eliminate those it considers its ideological enemies, stubbornly standing in the way of India as a Hindu nation. Pansare and Dabholkar, who had been assassinated in the neighboring state of Maharashtra, were not involved specifically in the Lingayat question. They were part of what is referred to as the rationalist tradition of southern and western India, strongly committed to a scientific temperament, debunking superstition and the power of godmen and gurus, and opposed to both the political violence of Hindu majoritarianism as well as its social practice of enforcing caste and gender hierarchy. Pansare had promoted intercaste marriages. Dabholkar had been attempting to get the state government to introduce a law banning superstitious practices. His death finally provoked the government into action, and in December 2013, it passed the astonishing-sounding "Maharashtra Prevention and Eradication of Human Sacrifice and Other Inhuman, Evil and Aghori Practices and Black Magic Act."

Yet the investigation of the killings of Dabholkar, Pansare, and Kalburgi remained tardy, often at cross purposes. The inquiry into Dabholkar's killing, the oldest of the four cases, was botched by the Maharashtra Police and transferred, through the orders of the Bombay High Court, to the Central Bureau of Investigation, a federal agency. The Maharashtra Police continues, however, to investigate the Pansare killing, while the Karnataka Police handles the Kalburgi and Lankesh killings. The National Investigation Agency, a federal counter-terrorism body, is also involved. The involvement of different police agencies, with coordination required across bureaucratic boundaries, may be one of the factors responsible for the slow pace of the investigations. Abhay Nevagi, who has been representing the Dabholkar, Pansare, and Kalburgi families pro bono in a public interest litigation urging the Bombay High Court to demand accountability from the investigating bodies, says that there have been 24 court hearings to date.

And yet, in spite of the lack of coordination, cross-communication, and perhaps even unwillingness of the investigating bodies to dig very deep or very far, certain patterns have emerged that connect all four killings. According to the ballistic report of the Karnataka police, which looked at the bullets fired in the assassinations, two 7.65mm pistols were used in the killing of Pansare in February 2015. One of those pistols matched with the single weapon used to kill Dabholkar in August 2013, while the other matched with the weapon used to kill Kalburgi in August

2015. "The CBI laboratory has confirmed these matches," Nevagi tells me. Now, reports from the forensic labs in Bangalore appear to have confirmed that the weapon used to kill Pansare and Kalburgi was also the weapon used to murder Lankesh. A Bangalore-based reporter who did not wish to be identified told me his own sources in the Karnataka police had confirmed this match as well.

The suspects around these linked pistols are members of a shadowy Hindu organization called the Sanatan Sanstha (SS), with headquarters in Goa, a state bordering Maharashtra and Karnataka. Two members of the SS, Vinay Pawar and Sarang Akolkar, are suspected of being the gunmen in the Pansare and Dabholkar cases. They are also wanted in connection with a bomb blast in a Goa marketplace in 2009 where two other members of the SS died—this explains the involvement of the counter-terrorism NIA—but the government has so far been unable to trace them. Two other SS members were also arrested for involvement in the Dabholkar and Pansare murders, a doctor called Vinay Tawade and a man called Samir Gaikwad, with the latter currently out on bail.

The SS has responded to the charges by parading 31 lawyers at a court hearing and threatening on social media to sue media organizations. One of its websites claims it "exposed corrupt practices of Comrade Pansare and Dr Dabholkar." Dabholkar's son, Hamid, however, noted in his affidavit to the Bombay High Court that his father's photograph had been displayed on the SS website before the murder with a "red cross across his face."

Lankesh was the third journalist killed in India in 2017, but not the last. Even as I spoke on the phone to Prasad about her death, he was on his way to Agartala, capital of the northeastern state of Tripura, to cover the murder of a cable television reporter who had been killed during a political demonstration. Tripura, like Karnataka, holds assembly elections this year, and the BJP is also a prime contender.

In other states on the frontline of armed conflicts between the government and the local population, such as Kashmir and Chattisgarh, it is dangerous to be a journalist even when there are no elections on the horizon. Under the pretenses of protecting national security, soldiers and police personnel (not to mention gangsters and vigilantes) intimidate media critical of government policies with complete impunity. In Kashmir, the government regularly shuts down social media, television channels, and newspapers. Of the 45 attacks on journalists in India recorded in 2017 by The Hoot, six were in Kashmir. In Chattisgarh, where mining companies, encouraged by the state and paramilitary forces, are facing off against indigenous populations and Naxalite guerrilla forces, journalists face dangers ranging from being denied hotel rooms and their phones being tapped to threats and arbitrary arrests by the police.

Journalists, however, are not the only ones under threat, as the killings of Kalburgi and the rationalists make clear. Sometimes, it appears as if the enemy is information itself, along with transparency, exposure, critical thinking—anything and everything that might be seen as characteristic of a free, open society. In the central Indian state of Madhya Pradesh, in a scandal involving admission to medical colleges that implicated the top BJP officials in the state, including the chief minister Shivraj Singh Chouhan, more than 40 whistleblowers, accused, and witnesses—doctors, medical students, policemen, and civil servants—turned up mysteriously dead over a period of three years. Ironically, national media took notice of the case, known as the Vyapam scam, only in 2015 when Akshay Singh, a television reporter investigating the death of a 19-year-old medical student—a death that had been passed off by the police as a suicide in spite of the strangulation marks on her body—himself collapsed and died in the middle of an interview with the student's family.

The Vyapam deaths, at least, sparked a brief phase of outrage within India's mainstream media. But this was an exception. More recently, the national media has largely refused to touch two recent stories involving Amit Shah, president of the BJP and Modi's consigliere. In October, The Wire reported that a company owned by Shah's son, Jay Shah, had increased its revenues from approximately $780 in 2014/2015 to $12.5 million the year following Modi's election. A year later, the company ceased business altogether. Their scoop received scant attention from other English and Hindi outlets.

The same was true of an article in the Delhi-based magazine *Caravan* in November 2017 about the suspicious circumstances surrounding the death of Brijgopal Harkishan Loya, a 48-year-old judge. Apparently a healthy man, Loya was said to have died suddenly of a heart attack on December 1, just weeks before he was scheduled to try Shah in a case about an extrajudicial execution that had taken place in Gujarat under his watch as home minister. An unknown functionary of the Rashtriya Swayamsevak Organization (RSS), the mass organization that serves as the fountainhead of the Hindu right, helpfully turned up out of nowhere to contact Loya's family and explain that the body was being sent to them for funeral rites. Less than a month later, Shah was acquitted by the judge who took over the case from Loya.

The caution of the national media can in part be explained by pressure and intimidation. The Wire was served with a criminal defamation suit by lawyers for Jay Shah, with the court issuing a gag order in the case until the trial is complete. A CBI raid was ordered last June on the residence of the owners of NDTV, a television channel perceived as being critical of the BJP. The same channel was forced

The Hindu right has in recent years been associated with lynchings, riots, bomb blasts, threats of rape, and incarceration of anyone critical of its sectarian idea of India.

DEBAJYOTI CHAKRABORTY/NURPHOTO VIA GETTY IMAGES

off the air for 24 hours in November 2016 as punishment for allegedly revealing strategic details about an anti-terror operation. Yet external pressure is only a partial explanation for the complacence of the national media, which from the owners down to editorial staff often seems to be a willing participant in the project of Hindu nationalism.

Many of the journalists I interviewed for this story had been forced out from earlier positions when articles they wrote or published ran afoul of the Hindu right. Prasad stepped down from *Outlook* in 2016 because a report he had published had resulted in a defamation lawsuit filed by a BJP functionary. He left voluntarily, he tells me, out of respect for the owners who had come under immense pressure. The story, a five-part investigation painstakingly reported over three months by independent journalist Neha Dixit, detailed the trafficking of 31 indigenous girls, ages 3 to 11, by the RSS, ostensibly for the purpose of Hinduizing them. Hartosh Singh Bal, the political editor of *Caravan* who published the Loya story only after it was brought to him by a journalist who had it turned down at the magazine he worked for, was fired from his previous job at *Open* magazine just before the 2014 election that brought Modi and the BJP to power. He was seen as being too critical of the BJP, he told me, and has since taken his previous employers to court for being dismissed without being given a reason.

Lankesh's work and life take on even greater significance against this wider context. By most accounts, she and her tabloid were struggling by the time of her death. Its circulation was low, somewhere between 10,000 and 15,000. She published textbooks and nonfiction to finance her paper, and her own English writing subsidized her Kannada journalism. But in November 2016, her column for *Bangalore Mirror* was canceled, reducing her income even further.

Friends and associates of Lankesh mention her calls, often connected to efforts to raise money for the paper. She had stopped paying her insurance premiums, Karnad wrote in a tribute published by *n+1* shortly after her death. The house she lived in, Lankesh's sister Kavitha tells me, had been a gift to her from their mother. Prasad, who blogged about Lankesh in the immediate aftermath of her killing, wrote that Lankesh had called him in April and said that she had only enough money left to cover a month's expenses. The sudden cancellation of large denomination banknotes by the Modi government in November 2016 had devastated newsstand sales which her publication depended on. "When her end came, the ignition was on in Toyota's cheapest offering in India," Prasad wrote.

If there was this, a steady erosion of the material conditions of her journalism, there were also the shock waves consisting of lawsuits, threats, and character assassination. In 2016, Lankesh was found guilty by a lower court in a defamation case filed by two BJP politicians

who had been accused, in an article published in 2008, of defrauding a jeweler. "Hope other journos take note," the head of the BJP's information and technology tweeted after the verdict. Lankesh felt she was being targeted for her politics and intended to challenge the verdict.

The virulence did not ease up after her death. Because she was buried rather than cremated, in keeping with Lingayat practices, there were attempts to argue that she was Christian, as if this justified her killing. A man from Gujarat describing himself as a "garment manufacturer" and "Hindu Nationalist," one of 1,779 accounts followed at the time by Modi, tweeted, "One bitch dies a dog's death all the puppies cry in the same tune." Another man posted on Facebook, "Not an iota of sympathy for Lankesh, and the killers should have shredded her body with bullets and even blasted apart her apartment." He also issued a hit list demanding that five women, all publicly visible authors, journalists, and commentators with politics ranging from liberal to left-wing, also be killed.

There is no reason to believe these comments, and the people who make them, are anomalies. The Hindu right, in the run up to the 2014 elections, popularized the term "presstitute," a word that captures perfectly its loathing of a free press as well as the underclass, marginalized women who make a living as sex workers. It remains a depressingly popular hashtag on Indian social media, accompanied by demented rants and fake news attempting to incite violence against its enemies.

The final issue of *Gauri Lankesh Patrike* had, in fact, been called "In the Age of False News," with an editorial by Lankesh that called out the Hindu right and its "lie factories." She had noted the proliferation of rumors and right-wing abuse, and the deliberate stoking of violence, including by troll farms that target women, religious minorities, and people of opposing ideologies. There is no doubt the Hindu right is at the forefront of this.

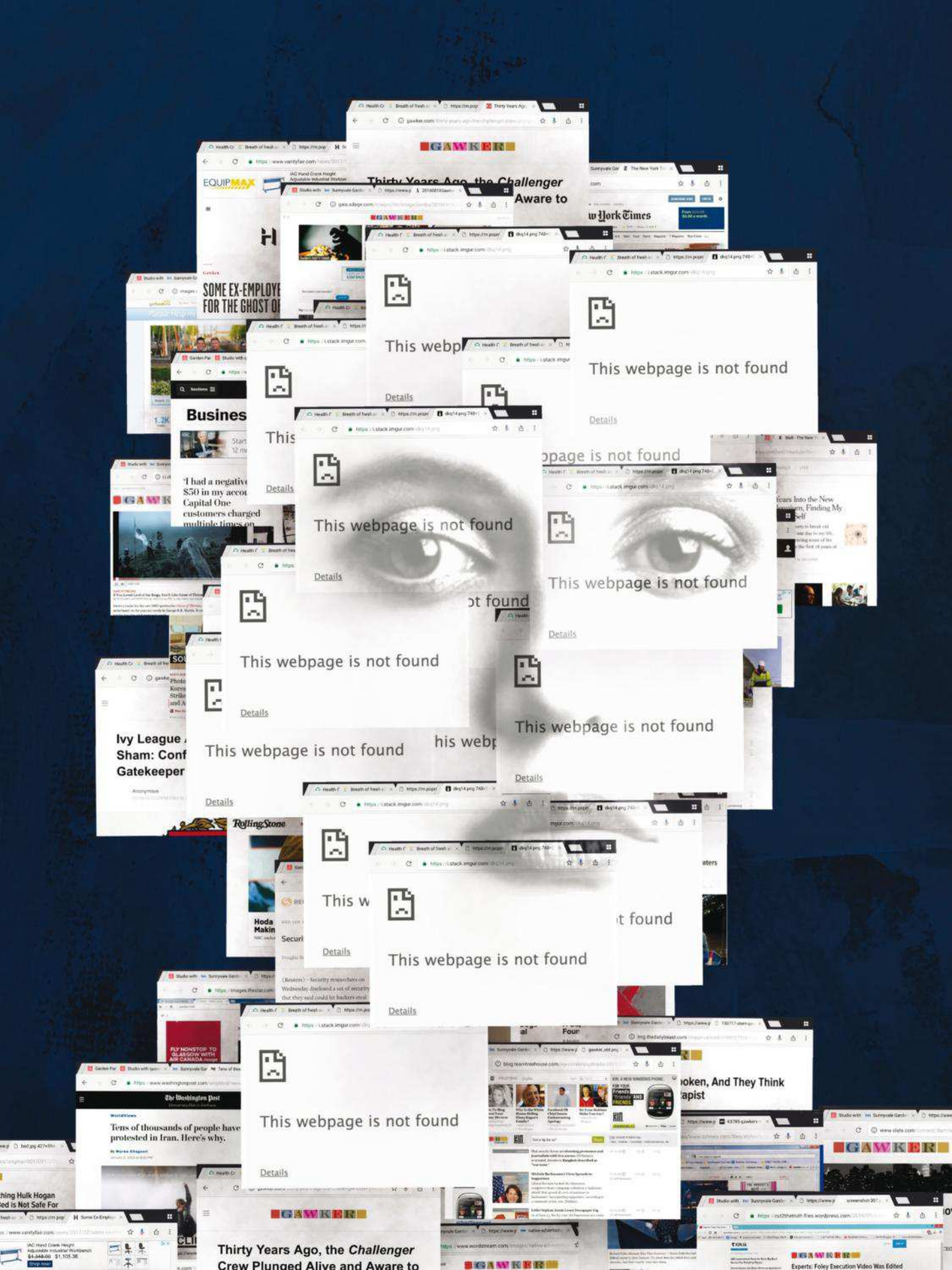
Yet the possibility that the Sanatan Sanstha (SS), a relatively recent entrant into the fold of right-wing Hinduism, might have been behind the murders of Lankesh and the others, raises an even more disturbing possibility. It suggests that under the tutelage of the BJP, a model of entrepreneurial Hindutva has been unleashed, with new organizations that carry out independent acts of violence, though with the tacit support and encouragement of establishment Hindutva. Dhirendra Jha, a political journalist with the news site Scroll and author of the book *Shadow Armies: Fringe Organizations and Foot Soldiers of Hindutva*, notes that Hindu right groups like the SS are connected to their parent organization and yet are not "direct projections." The SS, set up as a charitable trust in 1991, was founded by Jayant Balaji Athavale. Beginning as a hypnotherapist in Britain in the seventies, Athavale transformed himself first into the founding guru of the SS before achieving, in 2015, an even more remarkable transformation: He became, Jha's book notes, a living god as manifested by his "hair turning golden; divine particles falling from his body; the symbol of OM appearing on his fingernails, forehead and tongue; and various fragrances from his body." The seizure of psychotropic drugs from an SS ashram complex in Maharashtra in September 2016—in quantities, Dabholkar's son, a psychiatrist, noted in his affidavit to the Bombay High Court, "only required by a mental hospital"—adds to the perception that the group has many of the characteristics of a cult.

The larger ambition of the SS, however, is the establishment of a Hindu Rashtra or Hindu Nation by 2023, which suggests the point where cult and Hindutva converge, where the shadow world of assassinations meets the realm of electoral politics. "The choice of the date," Jha says, "seems to be connected to the assumption that Modi will win the election in 2019 and give them another five years to achieve their target, around 2023 or 2024."

According to those close to the investigation into Lankesh's killing, there are signs the police may be close to solving the crime. "They are looking at a little more evidence," Lankesh's sister Kavitha tells me. If so, it will be a welcome change from the stasis that seems to have infected the investigations into other slain critics of Hindutva. But will solving the Lankesh case offer answers or will it open up further questions?

Because whoever the killers turn out to be, Lankesh's death has to be attributed to more than the men who pulled the trigger and rode the motorcycles, or even those shadowy figures who planned the assassination. She was killed by the culture of impunity promoted by India's Hindu right, and that goes not just all the way up to the heads of states and political leaders but also includes the complacent media, the talking heads who rationalize Hindutva, as well as, most distressingly, a broad swath of Hindu society—mostly well-to-do, urban, professional, upper-caste—that gives this violence its wider base, whether by choosing to ignore it or by actively cheering on the violence.

There is no police force in the world that can address such widespread social and political malaise. Perhaps, all that is available is what Lankesh herself did, the forging of connections with and between people, and giving importance to politics, and ideas, and words. Kavitha tells me she asked her sister to act a small part in *Summer Holidays*, a Kannada children's film she directed and is set to be released this summer. "She played an activist," Kavitha says, laughing. "She was very good at it." CJR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When an online news outlet goes out of business, its archives can disappear as well. The new battle over journalism's digital legacy.

Erasing history

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The *Honolulu Advertiser* doesn't exist anymore, but it used to publish a regular "Health Bureau Statistics" column in its back pages supplied with information from the Hawaii Department of Health detailing births, deaths, and other events. The paper, which began in 1856 as the *Pacific Commercial Advertiser*, since the end of World War II was merged, bought, sold, and then merged again with its local rival, *The Honolulu Star-Bulletin*, to become in 2010 *The Honolulu Star-Advertiser*. But the *Advertiser* archive is still preserved on microfilm in the Honolulu State Library. Who could have guessed, when those reels were made, that the record of a tiny birth announcement would one day become a matter of national consequence? But there, on page B-6 of the August 13, 1961, edition of *The Sunday Advertiser*, set next to classified listings for carpenters and floor waxers, are two lines of agate type announcing that on August 4, a son had been born to Mr. and Mrs. Barack H. Obama of 6085 Kalanianaole Highway.

In the absence of this impossible-to-fudge bit of plastic film, it would have been far easier for the so-called birther movement to

persuade more Americans that President Barack Obama wasn't born in the United States. But that little roll of microfilm was and is still there, ready to be threaded on a reel and examined in the basement of the Honolulu State Library: An unfalsifiable record of "Births, Marriages, Deaths," which immeasurably fortified the Hawaii government's assertions regarding Obama's original birth certificate. "We don't destroy vital records," Hawaii Health Department spokeswoman Janice Okubo says. "That's our whole job, to maintain and retain vital records."

Absent that microfilmed archive, maybe Donald Trump could have kept insinuating that Barack Obama had in fact been born in Kenya, and granting sufficient political corruption, that lie might at some later date have become official history. Because history is a fight we're having every day. We're battling to make the truth first by living it, and then by recording and sharing it, and finally, crucially, by preserving it. Without an archive, there is no history.

For years, our most important records have been committed to specialized materials and technologies. For archivists, 1870 is the year everything begins to turn to dust. That was the year American newspaper mills began phasing out rag-based paper with wood pulp, ensuring that newspapers printed after would be known to future generations as delicate things, brittle at the edges, yellowing with the slightest exposure to air. In the late 1920s, the Kodak company suggested microfilm was the solution, neatly compacting an entire newspaper onto a few inches of thin, flexible film. In the second half of the century entire libraries were transferred to microform, spun on microfilm reels, or served on tiny microfiche platters, while the crumbling originals were thrown away or pulped. To save newspapers, we first had to destroy them.

Then came digital media, which is even more compact than microfilm, giving way, initially at least, to fantasies of whole libraries preserved on the head of a pin. In the event, the new digital records degraded even more quickly than did newsprint. Information's most consistent quality is its evanescence. Information is fugitive in its very nature.

Peter Thiel spent millions funding litigation in order to destroy Gawker and may be looking to finish the job by eradicating its archive.

"People are good at guessing what will be important in the future, but we are terrible at guessing what won't be," says Clay Shirky, media scholar and author, who in the early 2000s worked at the Library of Congress on the National Digital Information Infrastructure Preservation Project. After the obvious—presidential inaugurations or live footage of world historical events, say—we have to choose what to save. But we can't save everything, and we can't know that what we're saving will last long. "Much of the modern dance of the 1970s and 1980s is lost precisely because choreographers assumed the VHS tapes they made would preserve it," he says. He points to Rothenberg's Law: "Digital data lasts forever, or five years, whichever comes first," which was coined by the RAND Corporation computer scientist Jeff Rothenberg in a 1995 *Scientific American* article. "Our digital documents are far more fragile than paper," he argued. "In fact, the record of the entire present period of history is in jeopardy."

On the other hand, says archivist Dan Cohen, "One of the good developments of our digital age is that it is possible to save more, and to provide access to more." Fifteen years ago, he began work on *Digital History*, a book co-authored with Roy Rosenzweig. "There was already a good sense of how fragile born-digital materials are," he explains, stressing that most archivists' concerns aren't new. "Historians have always had to sift through fakes and half-truths. What's gotten worse is the sheer ease of creating fake documents and especially of disseminating them far and wide. People haven't gotten any less gullible."

In the 21st century, more and more information is "born digital" and will stay that way, prone to decay or disappearance as servers, software, Web technologies, and computer languages break down. The task of internet archivists has developed a significance far beyond what anyone could have imagined in 2001, when the Internet Archive first cranked up the Wayback Machine and began collecting Web pages; the site now holds more than 30 petabytes of data dating back

to 1996. (One gigabyte would hold the equivalent of 30 feet of books on a shelf; a petabyte is a million of those.) Not infrequently, the Wayback Machine and other large digital archives, such as those in the care of the great national and academic libraries, find themselves holding the only extant copy of a given work on the public internet. This responsibility is increasingly fraught with political, cultural, and even legal complications.

Press-hating autocrats, increasingly emboldened by Donald Trump's notorious contempt for journalists, have grown brazen in recent years. North Korean state media erased some 35,000 articles mentioning Jang Song-thaek, the uncle of Kim Jong-Un, after his execution for treason in late 2013. Turkey's president Recep Tayyip Erdoğan cracked down on his country's press after a failed coup attempt in July 2016, shuttering more than 150 press outlets. The Egyptian government ordered ISPs to block access to 21 news websites in May 2017. This is to say nothing of broader crackdowns on public information such as Turkey's ban on teaching evolution in high schools, or China's recent attempt to force Cambridge University Press to censor journal articles.

Now let's assume there are copies of these banned publications in public digital archives, such as the Wayback Machine. If a

ILLUSTRATION BY NIV BAVARSKY

THREAT TRACKER

Subpoenaed by the DOJ

In January 2016, Oregon Public Broadcasting reporter John Sepulvado interviewed Ryan Bundy, who helped lead the group of anti-government protesters who forcibly occupied the Malheur National Wildlife Refuge. Later that year, federal prosecutors charged Bundy and others with federal conspiracy and weapons charges, and asked Sepulvado to voluntarily testify at Bundy's trial. He refused, and the Department of Justice dropped the issue.

Shortly after Donald Trump was inaugurated as president and Jeff Sessions was sworn in as attorney general, DOJ lawyers subpoenaed Sepulvado. Sessions personally approved the department's decision to request the subpoena, which would force Sepulvado to testify at the trial and turn over unaired portions of his interview with Bundy. Sepulvado refused to cooperate and challenged the subpoena in court.

"To violate the trust of my named source, and the audience, by testifying for or against anyone in a criminal trial would erode both my credibility and OPB's, impeding our ability to report freely under the First Amendment," he wrote in a first-person essay published in *The Portland Mercury*. "My unnamed sources are people who have entrusted me to protect their identity no matter what, in exchange for information of importance to the public."

On February 24, 2017, a federal judge in Portland ruled in Sepulvado's favor, quashing the subpoena.

—Peter Sterne

Digital vs. print

By Karen K. Ho

310,000,000,000

Web pages captured over time by the Internet Archive's Wayback Machine. But the figure is misleading: Information published to the Web changes so frequently—a Harvard Law School study found that 70 percent of URLs cited in law reviews are no longer functional—that any snapshot of the internet is incomplete at best. "Things stick around for much shorter and [are] changing constantly before they disappear," the Internet Archive's Jason Scott told *The Atlantic*.

60,000,000

Newspaper pages scanned, but not searchable, in the Google News Archive. Starting in 2008, Google created one of the largest keyword-searchable archives of newspapers, going back for more than a century—all free to use on the Web. But in 2011, with little explanation, the archive was made unsearchable. While some pages can be browsed, newspapers such as the *Milwaukee Journal Sentinel* have pulled their content due to agreements with other digital archive providers.

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Remaining employee in *The New York Times*'s morgue. At its height, the paper's archive once employed dozens of people who dutifully clipped, organized, and filed every story that appeared in each day's edition. In 1974, when there were 28 employees, a *Times* editor once said, "The morgue is the lifeblood of this paper. We couldn't put out a paper without the morgue." Today, the lone employee is Jeff Roth, 58, who oversees a collection of tens of millions of clippings and millions of photographic prints.

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Number of archived complete press runs of *The Washington Post*. The *Post* has thrown out many of its printed copies, relying instead on photographic and digital archives. Collections of the *Post* at major libraries, such as the American Newspaper Repository Collection at Duke University, are spotty. Such is the case for most papers: *The New York Times* threw out its paper archive in 2006, while a spokesman for *The Wall Street Journal* notes, "We lost the majority of our print archive during the 9/11 attack. At the time our offices were at 200 Liberty Street, directly across from the South Tower" of the World Trade Center.

government wishes to remove information from the internet, but archivists believe the material in question to be of significant public interest and import, how are libraries and archives to respond? How do libraries balance the public interest against those with legitimate grounds for restricting access, such as rights holders and privacy advocates?

The Wayback Machine generally adheres to the standards of the Oakland Archive Policy, a template for the use of librarians and archivists in evaluating takedown requests developed at UC Berkeley and first published in 2002. When governments make such requests, the Oakland policy quotes the American Library Association's Library Bill of Rights, adopted in 1939: "Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment."

The Library Bill of Rights also states that "books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation." When we consider that the internet is a library, and that the community it serves is all mankind, the responsibility of digital archivists acquires a gravity that is hard to overstate.

We battle every day to make the truth, first by living it, then by recording and sharing it, and finally, crucially, by preserving it.

Until June 2016, when it filed for bankruptcy, Gawker provided intelligent and unrestrained commentary on events of the day to a mass audience of tens of millions. The company fell victim to a barrage of lawsuits, filed by different plaintiffs but paid for by one person, the billionaire PayPal co-founder and Trump supporter Peter Thiel, whose business, political, and personal dealings were frequently mocked by Gawker, which he once characterized as "the Silicon Valley equivalent of Al Qaeda.... I think they should be described as terrorists, not as writers or reporters." Most people who don't care for a magazine are content to refrain from reading it. But Thiel went much, much further.

Thiel's *coup de grâce* against Gawker originated in a bizarre Florida lawsuit involving a blurry security-camera sex tape featuring the washed-up wrestler Hulk Hogan and Heather Clem, the wife of Hogan's friend, radio personality Bubba the Love Sponge. Despite having discussed, in front of the vast radio audience of Howard Stern, intimate matters far too crude to recount here, Hogan was awarded a $140 million judgement for the invasion of his privacy and infliction of emotional distress by a six-person jury in Pinellas County. (Hogan and Gawker eventually reached a $31 million settlement.) Gawker Media Group was forced to file for Chapter 11 bankruptcy. Its websites were sold to Univision for $135 million—with the exception of its flagship site, Gawker.com, which the publicly traded corporation did not want to bear the risk of owning.

The disposition of the remaining assets of Gawker Media Group, including the flagship site and its archive of over 200,000 articles, is still before a New York bankruptcy court. In January, Thiel submitted a bid for these assets, after earlier complaining to the bankruptcy judge overseeing the auction that the Gawker estate's administrators were barring him from doing so. Thiel spent millions on the Hogan case alone with the express purpose of destroying Gawker, and may be looking to purchase these assets in order to protect himself from a public airing of his secret campaign of litigation; he may also intend to finish the job of ruining Gawker by eradicating their archive. Suspicion of the latter motive has been voiced repeatedly both in court and in the press.

What would be missing if the Gawker archive were to disappear, aside from years' worth of mockery of Peter Thiel? Essays on the Black Lives Matter movement, on personal grief and Donald Trump's hair, on Silk Road and Reddit's Violentacrez. A. J. Daulerio's 2003 interview with the late Fred Phelps. A series of pieces exposing Amazon's cruel treatment of its workers. Letters from death row inmates. Tom Scocca's final post on the dangers facing the free press, "Gawker Was Murdered by Gaslight."

Unlike politicians or entertainers, journalists have a professional obligation to tell the truth—not only for ethical reasons, but also because they can easily be sued, fired, or publicly disgraced if they publish things that aren't true. Some examples of potentially dangerous material would be the explosive accusations against Harvey Weinstein reported by Ronan Farrow in *The New Yorker* and by Jodi Kantor and Megan Twohey in *The New York Times*, or the *Times*'s coverage of the sexual misdeeds of Louis C.K., or the *mea culpa* of Ta-Nehisi Coates, writing in *The Atlantic,* "I believed that Bill Cosby was a rapist."

All three of these stories had earlier roots at Gawker. A blind item in 2012 described the

experiences of two female comedians who were sexually harassed by Louis C.K. In 2014, Gawker reignited public interest in the allegations against Bill Cosby after years of media silence ("Who Wants to Remember Bill Cosby's Multiple Sex-Assault Allegations?"). A 2015 piece on the "despicable open secret" of Harvey Weinstein's sexual misconduct asked readers for their help in exposing the truth. Gawker took the first crack at many risky stories, thereby clearing the path for "respectability." In the absence of journalists willing to take such risks, it's not at all clear whether such stories would ever have come to light in the mainstream press.

But the no-holds-barred approach could prove dangerous, as it did in the summer of 2015, when Gawker published private details of the gay sex life of a married Condé Nast executive. The decision to run this story met with criticism inside the profession and out. Gawker management removed the post, and Editor in Chief Max Read and Executive Editor Tommy Craggs resigned in protest.

"A company of bomb throwers can't start hiding the evidence when a bomb goes astray," Craggs tells me. "There should be a record of your fuck-ups and your triumphs, too." In a similar spirit, he favors the preservation of Gawker's archive as "a record of how life was lived and covered on the internet for an era. Taking that away is leaving a huge hole in our understanding."

Peter Thiel is not the only trigger-happy rich man with a media axe to grind. Joe Ricketts, the Trump-supporting billionaire owner of DNAinfo and Gothamist, peremptorily shut both publications down in November 2017 after his employees voted to unionize. Ricketts had made his feelings about unions manifestly clear in a blog post he published during the negotiations: "Why I'm Against Unions At Businesses I Create."

The archives of both publications disappeared in one fell swoop on the day the closure was announced, leading the just–laid off journalists to share tips on Twitter about how best to extract their clips, which would be useful at the very least in securing future employment, from Google's search engine cache. The sites were later restored—for how long, who can say?—but the point had been made yet again. All it takes is one sufficiently angry rich person to destroy the work of hundreds, and prohibit access to information for millions.

Historically, the Wayback Machine has sought to skirt legal complications, and provides explicit instructions for rights-holders and publishers who *don't* want their material crawled or archived, as well as tools for those who wish to facilitate preservation. I emailed the Wayback Machine's founder Brewster Kahle with a description of the Gawker case, and asked what he thought might happen if a single person were to buy a large archive of historical interest with the sole aim of annihilating it. "It's very disturbing," he replied, and referred me to Mark Graham, who heads up the Wayback Machine. "We're looking into these things very closely," Graham tells me.

There's evidence that next-generation archival strategies are already under development at the Internet Archive and elsewhere. Kahle hosted Vint Cerf and other internet pioneers at the June 2016 Decentralized Web Summit in San Francisco, a gathering dedicated to exploring the design of a far more widely distributed, decentralized internet. Decentralized networks are less vulnerable to censorship or tampering, as for example in the peer-to-peer InterPlanetary File System, which protects files by storing many copies across many computers. In combination with the blockchain technology that underpins the Bitcoin cryptocurrency, systems can be designed to produce incorruptible archives, provided the networks they're running on are sufficiently robust.

An oft-cited feature of the new internet under discussion at the Decentralized Web Summit was this type of tamper-proof and permanent "baked-in" archive. Cerf, who despite his white beard and dignified presence is also playful and waggish ("Power corrupts, and PowerPoint corrupts absolutely"), spoke of the need for new kinds of "reference space" held in common by cooperating entities, the way URLs are held in common now. Kahle bounced around in characteristic style as he outlined his vision of a global peer-to-peer network with built-in archiving, all using techniques already developed. "Can we lock the Web open?" Kahle asked. "Can you actually make it so that openness is irrevocable, so that you bake these values into the Web itself?—and I would say, Yes. That is our opportunity."

Our records are the raw material of history; the shelter of our memories for the future. We must develop ironclad security for our digital archives, and put them entirely out of the reach of hostile hands. The good news is that this is still possible. CJR

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End note

Journalism has always existed under threat. The history of the form is dotted with episodes of kings and queens, government functionaries and powerful politicians, business figures and the wealthy elite attempting to squash what they'd rather not see printed. The reason for this tumult is simple: When practiced well, journalism is a threat to anyone who seeks to control what other people know. From early libel laws to wartime censorship to the advent of new technological mediums, from corporate consolidation to economic deterioration, the threats journalism has faced over time have been both numerous and novel. But the craft's most reliable defense has been consistent—to never stop committing the act of journalism. Because this is the only way the case may be made, and it needs to be made continually, that the world is better off with more journalism than less. And while the state of journalism may sometimes seem fragile, it is girded by an inner strength, that its worth is most apparent when the threats against it are at their greatest.

—Gabriel Snyder

PHOTOGRAPH BY GUY MARTIN

The staff of Istanbul's *Özgür Dünden* newspaper gather for a morning meeting the day after three of its editors were arrested on terror charges. The following week, on July 15, 2016, the Turkish Army attempted a coup, and soon after, the paper was shut down.

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Detained Reuters journalists Kyaw Soe Oo & Wa Lone outside the court in Yangon, Myanmar. January 10, 2018.

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