



# Gateway Journalism R E V I E W

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## **Inside this issue:**

**Is the Supreme Court's most famous press freedom ruling at risk?**

by Meg Tebo

**Media laws failing challenge of online misinformation and hate**

by Mark Sableman

**Overturning *Hazelwood v. Kuhlmeier***

by Mitch Eden

**Parson criminalizes watchdog reporting**

by Emily Cooper



# CONTRIBUTORS

**PUBLISHER WILLIAM H. FREIVOGEL**

William H. Freivogel is a former editorial page deputy editor for the St. Louis Post-Dispatch and contributes to St. Louis Public Radio. He is a member of the Missouri Bar.

**EDITOR JACKIE SPINNER**

Jackie Spinner is an Associate Professor at Columbia College in Chicago; freelance independent journalist specializing on the Middle East; former Baghdad Bureau Chief Washington Post.

**DESIGN CHIEF ABBEY LA TOUR**

Abbey La Tour is a copy editor and paginator at for Paxton Media Group. La Tour is a graduate of SIUC where she studied journalism and communication design. You can find her on Twitter @LaTourAbbey.

**ARTIST STEVE EDWARDS**

Steve Edwards is a professional artist at Steve Edwards Studio.

**GJR FOUNDER CHARLES KLOTZER**

Charles Klotzer is the founder of the St. Louis Journalism Review.

**STUDENT MANAGING EDITOR EMILY COOPER**

Emily Cooper is a first-year master's student at SIUC from Wisconsin. She is studying Professional Media and Media Management. You can follow her on Twitter @coopscoop.

**ADMINISTRATIVE ASSISTANT ENOLE DITSHEKO**

Enole Ditsheko is a doctoral student at SIUC, author of "Wrestling Botswana Black from Khama," a 2019 journalistic polemic about the state of democracy in his homeland of Botswana.

**NEWSLETTER AND SOCIAL**

**MEDIA EDITOR CLARISSA CROWLEY**

Clarissa Crowley is a second-year master's student at SIUC from Chicago. She is studying professional media and media management with a focus in multimedia journalism. Her research interests are environmental and racial justice.

**COPY EDITOR PENNY FOLGER**

Penny Folger is a recent Columbia College graduate and Los Angeles native. Her work has been published in the Columbia Chronicle and ChicagoTalks.

**JESSICA Z. BROWN-BILLHYMER**

Jessica Z. Brown-Billhymer is chair of this year's First Amendment celebration and founder of the Gateway Media Literacy Partners.

**DON CORRIGAN**

Don Corrigan is former editor of the Webster-Kirkwood Times and emeritus professor at Webster College. He has written stories and books about the environment and drew on his decades of reporting on Kay Drey to write this appreciation.

**MITCH EDEN**

Mitch Eden is the adviser to the Kirkwood Call and on the National Scholastic Press Association Board of Directors. He was chosen journalism teacher of the year in 2019 by the Missouri Journalism Education Association.

**LINDA LOCKHART**

Linda Lockhart has worked as a reporter and editor at several news organizations around the Midwest, including the St. Louis Post-Dispatch and St. Louis Public Radio. From November 2020 through February 2021 she served as interim managing editor at The St. Louis American.

**GREG MAGARIAN**

Greg Magarian is the Thomas and Karole Green Professor of Law at Washington University and a leading national expert on the First Amendment. In 2017 he wrote an essay for GJR supporting the First Amendment rights of non-violent Black Lives Matter protesters in St. Louis.

**SUSY SCHULTZ**

Susy Schultz, a journalist and educator, recently left the Museum of Broadcast Communications, serving as its executive director. She is the principle author of two exhibits, "GreatDebates.org: The Influence of broadcasting on the presidential elections" and "Ride the Wave: A Century of Radio."

**MARK SABLEMAN**

Mark Sableman is an Intellectual Property, Media, and Internet Law Partner at Thompson Coburn LLP in St. Louis

**MEG TEBO**

Meg Tebo is an attorney, writer and editor who taught media law in Chicago.

**PUBLISHED BY:**

School of Journalism College of  
College of Arts and Media  
Olusegun A. Ojewuyi,  
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Jan Thompson, Director

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The Gateway Journalism Review  
GJR (USPS 738-450 ISSN: 0036-  
2972) is published quarterly,  
by Southern Illinois University  
Carbondale, School of Journalism,  
College of Mass Communication  
and Media Arts, a non-profit  
entity. The office of publication is  
SIUC School of Journalism, 1100  
Lincoln Drive, Mail Code 6601,  
Carbondale, IL 62901.

**TO SUBSCRIBE:**

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**SUBSCRIPTION  
RATES:**

\$20 — one year  
\$35 — two years  
\$45 — three years

Foreign subscriptions higher  
depending upon country.

**POSTMASTER:** Please send  
address changes to:  
Gateway Journalism Review  
Amber Easton — School of  
Journalism  
1100 Lincoln Drive, Mail Code  
6601  
Carbondale, IL 62901.

Periodical postage paid at  
Carbondale, IL, and additional  
mailing offices.

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Journalism Review. Indexed in the  
Alternative Press Index. Allow one  
month for address changes.

## TABLE OF CONTENTS

**4 The First  
Amendment's nervous  
breakdown at 230**

**6 Are investigative  
reporting and news literacy  
the new Fairness Doctrine?**

**10 Is the Supreme Court's  
most famous press freedom  
ruling at risk?**

**12 Media laws failing  
challenge of online  
misinformation and hate**

**14 Wash U chancellor  
harms free speech by  
embracing College  
Republicans' 9/11 message  
while ignoring hateful  
attacks on student protester**

**16 Right-wing legislators  
threaten academic freedom  
in public schools**

**18 From Hazelwood's  
backyard: An adviser's plea  
to tell student journalists,  
"We trust you."**

**20 Garland should act,  
Breyer should retire, the  
filibuster should stay,  
McCaskill says**

**22 GJR honors publisher,  
editor of The St. Louis  
American with lifetime  
award**

**24 Drey: Whistleblower  
for an Atomic Age in St.  
Louis**

**26 Crosslin —  
Immigration advocate wins  
2021 GJR/SJR Freedom  
Fighter**

**27 Remembering a great  
journalist, investigator,  
teacher, mentor and friend**

**28 Recktenwald honored  
with celebration at SIUC**

**30 Parson's investigation  
of Post-Dispatch shows  
misunderstanding of press,  
tech experts**

**31 Former war reporter  
steps back into familiar  
role in helping Afghans  
evacuate**

# The First Amendment's nervous breakdown at 230

by William H. Freivogel

230 years after its ratification, the First Amendment is having a nervous breakdown.

Billions of bits of information and misinformation flood the public sphere every day leading people to throw up their hands because they can't figure out what or whom to believe.

Bedrock principles of Enlightenment philosophers and great First Amendment champions, Justices Oliver Wendell Holmes and Louis Brandeis, are no longer certainties. We're not sure anymore that truth will emerge from the marketplace of free expression or that a democracy can depend on free speech to disinfect public debate and find the path forward.

The consequences of information chaos are frightening. Thousands, maybe 10s of thousands of Americans are tricked by misinformation about vaccines and end up getting seriously ill and dying. A large part of the electorate believes former President Donald Trump's lies about the 2020 election and seems energized by the false claim to take back power. Many Americans are not outraged by Jan. 6 – the riot, insurrection, coup – when Trump tried to block the peaceful transition of power that is fundamental to democracy and never before has been challenged as he challenged it.

A year ago GJR called the election a "stress test" for American democracy and said, "The transfer of power has happened so many times we take it for granted, Yet with this self-absorbed man in the White House nothing can be taken for granted." It seems Vice President Mike Pence needed the advice of former Vice President Dan Quayle to stand up to Trump. Even the chairman of the Joint Chiefs of Staff feared a coup.

As part of its annual First Amendment celebration, GJR called on some of the best First Amendment thinkers in St. Louis to write about the health of the First Amendment and 1A controversies bubbling around

us - from the fields of Washington University, to the school boards of Webster Groves and Kirkwood, to the Missouri Legislature to the governor's mansion in Jefferson City.

GJR also interviewed Claire McCaskill, former Missouri senator turned MSNBC/NBC commentator. Jo Mannies, retired dean of political reporters in Missouri, asked her about the press, media literacy and the First Amendment during an hour-long zoom event.

One contributor to this special First Amendment issue is Mark Sableman, one of St. Louis' leading media lawyers and a partner at Thompson Coburn. Printers' ink flows in his veins. His hobby is his print shop in his basement. Sableman, who has spent a lifetime defending the media, writes in this issue that it's time to rethink protection of anonymous speech, rethink the extraordinary legal protection that allows Facebook to send users to ideological extremes and reconsider Enlightenment assumptions.

As he put it, "legal thinkers need to move on from simplistic Enlightenment assumptions about human rationality. We know from modern neuroscience and physiological research that humans are far more irrational and susceptible to manipulation than our Enlightenment forbearers realized, and that psychologically targeted and high-emotion content often leads people astray."

Those wonderful little computer phones people stare into for hours every day are providing that targeted, emotional content pushing people to political extremes.

McCaskill told Jo Mannies that all public school students should be required to take media literacy in the 7th grade. She pointed out that candidates for office are no longer expected to tell the truth or to have any experience in government. Former President Donald Trump broke those molds.

McCaskill wondered if an

inexperienced businessman in Virginia could win the governorship by courting Trump voters but not embracing Trump himself. We know now that the answer was yes. Glenn Youngkin won partly by attacking the bogeyman of "critical race theory" – even though it isn't being taught in the Virginia schools.

The same thing is happening here. Don Corrigan, the former editor of the Webster-Kirkwood Times, reports in this issue on the good-government sounding group, Missouri Prosper, that brought its roadshow to Webster Groves and Kirkwood opposing the teaching of critical race theory – which isn't being taught here either.

Meanwhile the Missouri Legislature talks about outlawing CRT and some state legislatures are considering measures to ban use of words such as "equity," "inclusive," "multiculturalism," "patriarchy," as well as "social justice" and "cultural awareness."

Mitch Eden, the adviser of the award-winning Kirkwood Call newspaper, knows the antidote to this narrow thinking - uncensored student journalists. Eden asked McCaskill in her zoom interview to support the effort to persuade the Missouri Legislature to pass the Cronkite New Voices bill to overturn Hazelwood v. Kuhlmeier, the 1988 Supreme Court decision allowing principals to censor student journalists in public schools. The decision is one of the most regressive First Amendment decisions of the past half century and 14 states have effectively overturned it. Illinois has, but Missouri has not.

McCaskill told Eden she supported New Voices but was not encouraging. "My candid hat is coming on now," she said. "Have you been to Jeff City lately? School board meetings have gotten crazy. This whole CRT (critical race theory) thing is out of control. (Attorney General) Merrick Garland writes a letter that just says we want to cooperate if there is a threat of violence....and all of a sudden it turns into the FBI is coming after parents who are

protesting. So I'm not sure there is going to be much success in Jeff City."

Maddie Myers, former editor of the Kirkwood Call and a journalism student at Mizzou, followed up by sending Eden an email explaining how press freedom for student journalists liberates them to seek the facts. "By not having my voice censored," she wrote, "I have been able to give a voice to the voiceless and shed light on important issues" such as "intruder drills, inequality in sports, and racial equity."

That is if schools are still allowed to use words like "racial equity."

Academic freedom is under assault from both the left and right at universities. North Carolina balked at giving Nikole Hannah-Jones tenure even after she won a Pulitzer Prize for her 1619 commentary. And a Yale Law School diversity director, threatened a student who invited fellow students to a party co-sponsored by the Federalist Society. The diversity director told the student the invitation was "triggering" to Black students partly because "FedSoc belongs to political affiliations that are oppressive to certain communities."

At Washington University this fall, Fadel Alkilani, student vice president for finance, removed flags that College Republicans had planted on Mudd field to commemorate those who died on 911. He said they represented "American imperialism." Chancellor Andrew Martin condemned the removal of the flags, but then shrank from condemning the wave of Islamophobia directed at Alkilani.

Gregory Magarian - the Thomas and Karole Green professor of law at Washington University and a noted First Amendment expert – called Martin's failure to condemn Islamophobia "baffling and shameful," adding that for the university to "embrace the College Republicans' political view of 9-11 and then to ignore hateful attacks

on a student in its charge...cause far greater harm than Alkilani's errant action to the culture of free speech and open debate on our campus."

Our cover story looks at the long-dead Fairness Doctrine at a time when no one seems to want to be fair anymore. And in truth, it's gotten hard for a professional journalist to be fair when a huge segment of the electorate believes fictions. Fairness doesn't require the media to act as if the vaccine falsehoods or election lies or QAnon conspiracies are reputable ideas.

Susy Schultz, who recently left the Museum of Broadcast

Communications, doesn't kid herself about the Fairness Doctrine being revived. But she believes in media literacy that stresses the value of stories that are reported by professionals. "When you listen or read something, you have to feel confident that you know where the information came from, how the information was obtained and who has what stake in this news getting out there," she writes.

Meg Tebo, a Chicago lawyer, writes about talk among Supreme Court Justices Clarence Thomas and Neil Gorsuch about tossing out New York Times v. Sullivan. Tebo worries about the "immense

harm ill-conceived tinkering" could have.

One harm would be to snuff out the "breathing space" that Justice William J. Brennan Jr. said was so important to public debate – important then during the Civil Rights era when segregationist politicians like L.B. Sullivan wanted to drive the national press out of the South because they broadcast TV images of police attacking young civil rights demonstrators with high-powered fire hoses and police dogs. Breathing room is as important today when 21st century states' righters would wall off Texas from the reach of

constitutional rights.

McCaskill said it was important for citizens to rely on information from sources where there are reporters and where "reporters must run their stories past editors."

Whistleblowers, professional journalists with editors, minority voices, local news organizations serving as watchdogs of government wrong-doing - all are vital to democracy, the contributors to this edition agree. That is why GJR honored Kay Drey for her half century of whistleblowing, Anna Crosslin for helping make St. Louis a comfortable home for refugees and immigrants, and Donald Suggs for publishing the most outstanding newspaper in the country rooted in the Black community.

When Missouri's governor starts a criminal investigation of the St. Louis Post-Dispatch because it has performed its watchdog role and disclosed a security breach in state records on teachers, he not only shows he doesn't understand the role of the press as a watchdog, but also that he doesn't understand computer coding, Sableman and Post-Dispatch lawyer Joe Martineau told GJR.

And the importance of whistleblowers has been illustrated in recent weeks as whistleblowers at Facebook disclosed that Mark Zuckerberg chose profits over civic duty by pushing users toward the political extremes. A recent story described how a 2018 change in Facebook algorithms in Poland destabilized that country. Social media has been almost as effective as Vladimir Putin in destabilizing democracies, including our own.

Yes, let's celebrate the First Amendment this year and next and every year after. But we can't take it for granted or assume it will automatically lead us to truth and the right path for our democracy. We can't let our democracy's future rest on Dan Quayle telling Mike Pence the right thing to do in the face of a mob chanting, "Hang Mike Pence."

All of us as citizens are going to have to work hard to become media literate, to check our sources, to shun prejudices and ideologues and to see through the manipulation of master demagogues who would upend our entire, wonderful experiment in order to grab back the power of the White House.



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## Are investigative reporting and news literacy the new Fairness Doctrine?

by Susy Schultz

We've talked about this ad nauseam: How did our once-upon-a-time era of "Walter Cronkite credibility" give way to current polarization perpetuated by rancorous social media? And where is our government in overseeing mass and social media? Why isn't it fixing this?

What ever happened to the Fairness Doctrine? Couldn't that be our guide in dealing with these platforms? Could we, as pundits discussed earlier this year, revive the Doctrine defunct for more than 30 years?

In February, Victor Pickard, a professor at the University of Pennsylvania's Annenberg School for Communication who also co-directs the Media, Inequality & Change Center, wrote in the Washington Post about the call to revive the Doctrine.

He said: "The long-departed Fairness Doctrine has returned—at least in the minds of many who love or hate it. Arguably the most famous—and most maligned and misunderstood—media policy ever enacted in the United States, its long, strange history is generally not well known. Yet it holds important implications for growing

concerns about disinformation, ownership and control of our news and information systems, the rights of audiences and the future of our democracy."

We are at an evolutionary moment in mass communication as we sort through divisive discourse especially on social media and look for an anecdote to polarization.

In the past, we've looked to government to monitor and regulate complex communications issues and that is still the case. In March, congressional hearings looked into social media's role in disinformation. In October, Congress considered the deleterious effects on children of such platforms as Facebook, Tik Tok, Instagram and Snapchat.

But history should show us as these hearings have, that government officials are far from the cutting edge about technology. Some of the questioning in this year's hearings has been so ignorant as to be comical and worthy of the Saturday Night Life skewering it's received. It seems Congress is waiting for a sign or an impetus to act on doing something about digital media.

### The Fairness Doctrine

So, what exactly is the Fairness Doctrine and does it still carry inspiration for the conundrums of this era?

It was born as more of an implication for licensees nestled into the Telecommunications Act of 1934, which established the Federal Communications Commission (FCC) among other things, and later was codified into regulations in 1949. So, it is not actually just one regulation, but several.

A 2011 report from the Congressional Research Service, explained it this way:

"The Fairness Doctrine consisted of two basic requirements: that every licensee devote a reasonable portion of broadcast time to the discussion and consideration of controversial issues of public importance; and that in doing so, [the broadcaster must be] fair – that is, [the broadcaster] must affirmatively endeavor to make ... facilities available for the expression of contrasting viewpoints held by responsible elements with respect to the controversial issues presented."



Digital Public Library of America, Courtesy Georgia State University Libraries, Special Collections, via Digital Library of Georgia

Mobile news correspondents conducting interview in the 1940s.



**The whole house of cards of freedom of expression is built on the premise of a marketplace of ideas. In theory, we protect free expression so voices can be heard and people can decide for themselves who they want to listen to.**

— Dom Caristi

"In 1949, they created this Doctrine that it was actually a broadcaster's obligation," explained Dom Caristi, professor of telecommunications at Ball State University in Muncie, Ind. Originally, the FCC had said that broadcasters could not editorialize but the pushback was so extreme, the FCC changed the ruling. "This was a statement saying you can editorialize and if you choose to do so, someone else has to present the other side."

It was not just about presenting all sides of an issue, but it also asked broadcasters to go out and find key issues that concerned their community. Literally, to knock on doors and ask. The regulation was designed to ensure broadcasting, be it radio at first and then television, gave back to the public. After all, these broadcasting companies were making a profit from the public's airwaves.

It was also to ensure a diversity of voices on the air as there were a paucity of radio stations at the time.

But the regulation confused people. (It still does as many people still believe

it is in effect.)

"The whole house of cards of freedom of expression is built on the premise of a marketplace of ideas," said Caristi. "In theory, we protect free expression so voices can be heard and people can decide for themselves who they want to listen to. But that theory rests on the idea that people have access to the marketplace. If someone monopolizes the marketplace then that does not happen."

The licensing process was also onerous, said David Stewart, a 40-year radio veteran — 28 of those years spent at WGN-radio in Chicago — who in 2018 retired as a newscaster and political reporter.

He remembered: "I worked for Westinghouse and every station owner, every time the license came up, [the station] had to do surveys. It was called 'community ascertainment.' We talked to any and all citizen groups you could think of to determine what the issues were before

Continued on next page



them and what should go on the air.”

“The Fairness Doctrine required that stations provide balanced coverage of all controversial issues of public importance,” wrote David Oxenford, a media attorney, in his Broadcast Law Blog this past February. “In talk programs and news coverage, a station just had to make sure that both points of view were presented in such a way that the listener would get exposure to them. How that was done was left to the station’s discretion, and the FCC intervened in only the most egregious cases. It also was different from the Equal Time Rule which is still in effect for candidate appearances on broadcast stations.”

“It also blurred the lines between news and opinion,” Stewart said, many people outside of the news industry had (and have) trouble understanding the difference between news and opinion. It is even more confusing today, especially in the most visible broadcast medium, television, where the formula is reporters and anchors cover stories, but then they also lead the panel discussion that debates the information they have established as fact.

Eric Deggans, NPR’s first television critic, talked about this during an August panel discussion at the Aspen Institute. “You watch an hour of cable news no matter what it is and you come away feeling worse about the world and you’re more agitated because that’s the formula they use to keep you engaged.”

Deggans added: “We’re also seeing (the conservative) Fox News tie itself in knots. There are parts of Fox News that try and report facts and there are parts that are devoted to perpetuating a (Republican) ideology ... saying things that are just not true.”

### Going back in history

The regulation of radio—the first wave in mass communications—provides a great historical lens to see how officials waited, watched and often did not step in until after the disaster.

The sinking of the Titanic is a perfect example. While many things failed on the Titanic the night the unsinkable ship went down, not everyone realized how unregulated technology also wreaked havoc.

The night of April 14, 1912, Titanic Senior Wireless Officer Jack Phillips was busy sending passengers’ cables—one of the many luxuries this high end ship offered. An hour before the ship struck the iceberg that sank it, Phillips received a cable from the nearby steamer ship Californian, warning about an iceberg field. But Phillips had a backup of passenger cables to send out, so he tucked the warning under his elbow and did not alert the ship’s officers.

When the Titanic hit the iceberg, Phillips cabled the Californian, but got no answer as the ship’s only wireless operator was in bed.

An SOS was sent out but amateur radio operators flooded the airwaves, scrambling to help. The chatter clogged the airwaves impeding rescue efforts. More than 1,500 people died that night, including Phillips. After the tragedy, government officials finally moved quickly:



## I would say that the Fairness Doctrine lives on in good investigative reporting whether it is print or in broadcast.

— Rosemary Armao

- Congress passed the Radio Act of 1912, dividing the electromagnetic spectrum between amateur, government and commercial users and mandating licenses for all American operators. It also put aside a frequency for distress calls.
- In 1913, the first International Convention for the Safety of Life at Sea was held to produce regulations for ships including mandating lifeboat space for the entire manifest, lifeboat drills and 24-hour radio room staffing. “Government is always going to be behind technology,” explained Caristi. “Technology will change and law has to race and catch up.”

On the other hand, there are cases where the government has stepped in and was then perceived as stepping on citizens’ rights, which is exactly what happened with the Fairness Doctrine. As time went on and the regulations were tested, it went from a way to ensure fair coverage, according to the U.S. Supreme Court in 1969 to an erosion of the First Amendment right to free speech, according to the FCC. (A conclusion also cited in a federal appeals court ruling.) The latter being the most likely reason that the Doctrine will not be resuscitated as that argument is ready to be used before the U.S. Supreme Court.

The generalization often made is that abolishing the Fairness Doctrine gave rise to right wing talk radio. It elevated and unleashed showmen such as the late talk show host Rush Limbaugh as they no longer had to present opinions outside of their own.

But that is only partly true. “Rush Limbaugh could not have happened under the Fairness Doctrine but the elimination of it was not the reason he came into popularity,” said Caristi. “It was a mix of things. ... I think it was a big milestone in polarization but it is part of evolution, not the only factor.”

“And to be clear, polarization is not new. It existed in newspapers in the 19th century even though we now think of newspapers as

the bastion of objectivity.”

Other regulations were abolished along with the Doctrine in the 1980s as part of a sweeping deregulation era brought in by President Ronald Reagan. One of the changes was an expansion to the number of radio stations one company or person could own.

“Once that changed, companies [owned] large number of stations,” said Stewart. “And what they tended to do [was] take what worked in one station and run it in another. So, the localness of radio went away.”

It was about economics. Using one format (talk shows, news, top-40) and one DJ meant you could syndicate a show and save money. It essentially removed the local DJs, who had come to prominence in the 1960s and 70s.

Another regulation that was lifted was the annual licensing applications for stations, which were quite elaborate and expensive. But in the 1980s, that was extended to seven years and in some cases, requiring only a return postcard, according to Susan Douglas, professor at the University of Michigan’s Department of Communication and Media, who describes this in her 2004 book, “Listening In: Radio and the American Imagination.”

Yet, pundits who called for reinstating the Fairness Doctrine maintain it could be the key to the elusive goal of regulating online platforms.

### From fairness to being fair

Again, so what is the answer here? Perhaps, what we need is nestled in something we already have — journalism.

“On its face, the Fairness Doctrine sounds like nothing more than a statement of sound journalistic principles — covering controversial issues of public importance in a balanced way,” Robert Corn-Revere, a First Amendment media lawyer, wrote earlier this year.

Perhaps, an early legislative attempt to embody some of what is now in the Society of Professional Journalists Code of Ethics.

This is a thought echoed by journalism professor Rosemary Armao, who said: “I talk about fairness, not just the Fairness Doctrine.”

Armao, who recently retired as an investigative editor with the Organized Crime Corruption Reporting Project in Amman, Jordan, now teaches at University at Albany, SUNY. Her classes include journalism law and ethics.

“I would say that the Fairness Doctrine lives on in good investigative reporting whether it is print or in broadcast,” Armao said, adding: “By that I mean, you never print an investigation that is one-sided. It is not fair to look at one side, when a reporter starts looking at all sides of an issue you are on the road to accuracy and that is the number one ethical and legal goal.

“And more opinions in a story means it also has greater credibility.”

But the key here is that it can’t just be something you think is journalism, it actually



National Archives

has to be good, credible journalism with sources, attributions and transparency.

Today, people have more news sources than ever before, whether it is on the radio, on television or online. Essentially, we are drowning in information and the lifeline is news literacy. It is vital in today’s news ecosystem. Consumers have to know what to look for in a story to ensure it is verified information.

There are at almost 15,500 commercial radio stations in the United as of 2020, according to Statista—more than double what was available in 1970. There are a total of 1,758 broadcast television stations in the U.S, according to the FCC. There are more than 200 streaming services as well. But none of these numbers accounts for websites, YouTube, Facebook, Instagram and all the other social media platforms.

True, this is another responsibility people need to shoulder. But the skills of news literacy serve people in all areas of their lives. When you listen or read something, you have to feel confident that you know where the information came from, how the information was obtained and who has what stake in this news getting out there.

News literacy is really the number one skill or tool our children and their parents need in this era. It ensures the information we are absorbing is credible. Without it, all of us are nothing more than clickbait. It is essential because individuals are emerging as the key delivery system of news and we need to make sure what we are passing on is accurate.

“We are right now as a society making some serious decisions,” said Caristi of Ball State University. “The Internet has the potential to connect all of us to ideas we never thought about. Yet, that is being thwarted by algorithms anticipating what they think you want to know.”

With a little time and attention, each of us can push for more responsible news coverage. But there are amazing places that can show us what we need to know about news literacy, such as the Poynter Institute, Stony Brook University’s Center for News Literacy or the News Literacy Project.

So, does that mean we need a modern day Walter Cronkite?

“The problem with the Cronkite era is that people like me didn’t work in any of those newsrooms and our perspective was rarely reflected,” Deggans, NPR’s television critic and an African American man, addressed that as well.

There’s a lot of different ideas out there and a lot of different reporting. Part of this is on you, as an audience, in that you reject misinformation even when it is telling you what you want to hear. ... The power has gone from Walter Cronkite to you and now, what are you going to do with it?”





## OPINION

### Is the Supreme Court's most famous press freedom ruling at risk?

by Meg Tebo

Ask any 10 journalists to name the most important First Amendment decision ever handed down by the U.S. Supreme Court, and at least nine of them will say New York Times

Co. vs. Sullivan.

If your media law class was long enough ago that you no longer remember the details, the case involved a local official in Alabama who sued the Times

over a 1964 ad in the paper that took Alabama authorities to task over civil rights abuses. The ad, headlined "Heed Their Rising Voices," was signed by dozens of prominent civil rights activists.

It accused Alabama officials of violating the Constitutional rights of civil rights protestors.

L.B. Sullivan, a local official, sued the Times, arguing he was defamed by the encompassing

statement aimed at ostensibly all government officials in the state. The Supreme Court ruled that in order to win a defamation suit, public officials had to prove "actual malice" was in play. That is, the Court said, that the press acted with "knowledge of falsity" or "reckless disregard for the truth."

The actual malice standard became the bellwether for media outlets over the next 50 years, particularly after subsequent rulings expanded the test beyond public officials, applying it to

all "public figures" and in some circumstances even so-called "limited public figures."

But now, with the Court firmly in the hands of its more conservative members, the tide may be turning on Sullivan. At least two members of the nine-member body have questioned whether the actual malice standard as applied to mere public figures (as opposed to public officials) should stand.

Justice Clarence Thomas, long known for lone-wolf dissents that call for sweeping changes



Thanks to revolutions in technology, today virtually anyone in this country can publish virtually anything for immediate consumption virtually anywhere in the world.

— Justice Neil M. Gorsuch

to established precedents, has several times questioned the application of the actual malice standard to mere public figures — those non-governmental actors who may just happen to be household names for various reasons. In 2019, he specifically called for reconsidering Sullivan and the public figure standard in a case involving one of Bill Cosby's accusers, who alleged that Cosby's lawyers defamed her by releasing misleading information about her background via the internet.

In *McKee vs. Cosby*, the Court found that a lower court's ruling finding Katherine Mae McKee to be a limited purpose public figure would stand. Thomas wrote a concurrence with the judgment based on existing law, but used it to expand on his argument that the actual malice standard was nearly impossible for plaintiffs to meet, even as some were genuinely harmed by the spread of misinformation about them. He called for revisiting the application of actual malice to public figures. Still, few media law scholars took notice because Thomas seemed to be alone in his desire to tinker with Sullivan.

Then in July of this year, Justice Neil M. Gorsuch jumped on Thomas' bandwagon. In dissenting from the Court's denial of certiorari in *Berisha v. Lawson*, Gorsuch wrote that the internet had changed the defamation landscape since Sullivan and its progeny were decided in the last century.

"Rules intended to insure a robust debate over actions taken by high public officials carrying out the public's business increasingly seem to leave even ordinary Americans without recourse for grievous defamation," wrote Gorsuch.

"Thanks to revolutions in technology, today virtually anyone in this country can publish virtually anything for immediate consumption virtually anywhere in the world."

The debate is making its way into legal academia as well. Gorsuch's dissent relied heavily on a law review article by David A. Logan, a law professor at Roger Williams University in Rhode Island. The article's opening line: "Our democracy is in trouble, awash in an unprecedented number of lies."

In an era where most people get their news on the internet, and pundits and politicians love to raise the specter of "fake news," many ordinary people seem to have a hard time distinguishing high-standard, reported journalism from the ramblings of random conspiracy theorists. As a result, people made famous even for the proverbial fifteen minutes may find themselves in the eye of a storm of mischaracterizations that ruins their reputations, livelihoods and relationships. At times, merely attempting to defend themselves online can cause courts to find the aggrieved has "stepped into the controversy" in such a way as to become a limited public figure, severely limiting their legal recourse.

Whether the Supreme Court decides in the coming years to modify the Sullivan line of cases in an attempt to address these issues remains to be seen. But the immense harm ill-conceived tinkering could do to current First Amendment protections is an issue that will undoubtedly be on the minds of media scholars and journalists for the foreseeable future.



# Media laws failing challenge of online misinformation and hate

by Mark Sableman

The ways people communicate change over time. And our laws, including the First Amendment, adapt to those changes. But it isn't clear that recent changes and trends are adapting to our needs for truthful and reliable information, and for outlets of dissent, reform, and renewal, within today's electronic communications environment.

When the Bill of Rights was enacted, "freedom of speech and of the press" meant actual speech and printing. Even as the First Amendment was first given life in the early Twentieth Century, it at first protected only the explicit exchange of ideas. But over the years, movies, broadcasting and many new forms of commercial and artistic expression emerged, and free speech jurisprudence changed too.

In 1915 the Supreme Court found movies so dangerous ("they may be used for evil") that they enjoyed no First Amendment protection, but eventually, in *Joseph Burstyn v. Wilson*, in 1952, Justice Tom Clark eloquently embraced the expressiveness of movies: "It cannot be doubted that motion pictures are a significant medium for the communication of ideas. They may affect public attitudes and behavior in a variety of ways, ranging from direct espousal of a political or social doctrine to the subtle shaping of thought which characterizes all artistic expression."

So clearly the First Amendment has adapted to past changes in communications. And it is fair to ask how it is adapting today.

## Cable TV and social media

Initially, consider two of today's most prominent communications phenomena—the bombardment of sensationalized 24-hour cable, and the substitution of easily manipulable social media for professional news gathering, editing, and dissemination. Scholars have told us these are huge changes.

Professor Eugene Volokh of UCLA has written about the Internet's "cheap speech," the new speech environment brought about because the Internet gives everyone access to the world, thereby largely displacing professional communicators. He makes clear how transformative the commercial internet has been in just 25 years. Journalist Jack Fuller, in *What's Happening to News?* in 2010 showed how sensationalized news, like that on cable, and hyped-up social media content, exploit our neurological vulnerabilities.

These developments come, moreover, during a historic change in communications. St. Louis University scholar Walter Ong identified the transition from oral to print culture that Gutenberg's printing revolution brought about 500 years ago. His one-time SLU colleague, Marshall McLuhan, showed that television and electronic communications were moving us toward a modern oral/electronic culture.

## Culture bored by stimulation?

Media scholars like Neil Postman and Siva Vaidhyanathan have explored in more detail how modern multimedia communications methods are profoundly shaping our society — even to the extent, as Postman argued, that they are leading us into voluntary citizenship in Huxley's *Brave New World* — in Vaidhyanathan's words, "a culture deadened by feelings, bored by stimulation, distracted by empty pleasures."

In these crucial times, how are our laws responding? Let's look first at the narrow picture, involving some particular modern laws that most directly affect Internet communications.

Section 230 of the federal Communications Act is the 1996 statute that governs social media companies, and other Internet intermediaries. It arose because early experiences with online services showed that our ordinary publishing laws wouldn't work online. If intermediaries were subjected to traditional publisher or distributor liabilities, they'd be forced to review and censor everything that went through their system. We'd be vulnerable to "heckler's vetoes," because cautious publishers would take down content whenever they got complaints. Moreover, traditional publishing liability laws would have the perverse effect of imposing greater liability on those intermediaries who set standards for their customers' activities.

So, to avoid these problems, section 230 gave intermediaries immunity from liability for customer content (section (c)(1)), while also encouraging intermediaries to act as "Good Samaritans" and voluntarily police objectionable content (section (c)(2)) on their networks.

It was a great plan, and the expectation was that thousands of Internet platforms, in ordinary marketplace competition, would use their Good Samaritan protection to distinguish themselves as carrying reliable and non-offensive content. However, the network effect inherent in social media (everyone gravitates to the leading platform), together with various consolidations, eventually gave Facebook a near monopoly on social media, and Facebook for many years limited its Good Samaritan activities to cleaning up sexually offensive speech, while sitting smugly with its basic section 230 immunity as its pages filled up with politically harmful misinformation, disinformation, and hate speech.

## Facebook algorithms favor hate and disinformation

Facebook has long used algorithms to favor and promote highly emotional content, often including hate and disinformation. As Philippine investigative journalist and recent Nobel laureate Maria Ressa has noted, social

media algorithms "generate lies and hate"; this "divides and radicalizes us." But such activities are permissible under section 230, so long as the social media company doesn't create its own content but simply uses algorithms to promote its users' highest-emotion content. Only recently have social media companies begun to take seriously their Good Samaritan obligations with respect to disinformation and hate speech. And it seems doubtful that Facebook will ever abandon its focus on high-emotion content, which is its secret for engaging users.

Ideally, irresponsible and misleading social media content would have been overshadowed and negated by reliable information from traditional media. But because search, social media, and other Internet advertising removed traditional media's financial support, that has not happened. Legal developments (section 230 immunity) together with business developments (the refusal of social media to fully use its Good Samaritan powers, and the financial hit to traditional news media) have led us to today's environment where "cheap speech" often means false, misleading, and hateful speech.

This doesn't mean that section 230 is wrong, or that proposed section 230 "reforms" would work. Senator Josh Hawley's primary solution, for example, would restore the old heckler's veto, but put a pricetag on its use — essentially, giving heckler's veto powers primarily to his well-off conservative supporters.

The problem presented by section 230 seems less with the statute itself and more with business developments (companies failing to use their Good Samaritan powers, and the decimation of traditional media), and user habits (their willing substitution of unreliable social media posts for journalist-reported news). But the combined result is disturbing, because it is generating misinformation and divisiveness.

## Pseudonymity protects those spreading disinformation

Another problem today is anonymity, since hate speech and misinformation on social media so often comes from anonymous or pseudonymous speakers, who manage to get labeled as "friends" and hence become considered trustworthy by social media users (even though social media "friendship" is a misnomer, since unknown people are readily labeled as "friends").

There's a simple solution here: if a user's false identity makes content deceptive, it should be unlawful as fraud and deception. If, for example, a worker comes to your door, and falsely identifies himself as a reputable known contractor in your city, that is tortious, and probably criminal, fraud.

But strangely, in the context of Internet speech, the Supreme Court has allowed people who disseminate misleading information under false names to legally hide their false or hidden identities. The court did so by extending, in its 1995 decision, *McIntyre v. Ohio Elections Commission*, an old line of cases in which minorities and dissidents were allowed to use false or hidden identities when they expressed controversial political positions for which they reasonably feared retaliation. Now, however, as a Senate report recently acknowledged, under *McIntyre* and its lower court applications, even the worst purveyors of disinformation can now cloak themselves in the First Amendment protection for anonymous and pseudonymous speech.

Maybe this broadened protection for anonymity and pseudonymity comes from the widespread use of pseudonyms in colonial America. But that tradition seems to have developed partly from a tradition of modesty in authorship, and pseudonymous colonial authors could be readily uncovered, so they and their publishers were fully subject to liability for what they wrote. The modern development, under which the law helps keep true identities hidden, regardless of situation or motive, creates a new kind of First Amendment protection. It is troubling to the extent it encourages, and saves from prosecution, those who are actively spewing disinformation.

So at least in this narrow picture analysis, looking at section 230 and the modern expanded protection of hidden authorship, our laws aren't doing well in combating modern communications developments like sensationalism and disinformation.

## First amendment retreats from protecting minorities and dissidents

Next, let's look at bigger picture changes in our First Amendment understandings.

First, the First Amendment is retreating from its traditional core role of protection of the speech of minorities and dissidents. That was the focus of the Supreme Court's free-speech jurisprudence for many years. But now, particularly under the Roberts Court, the First Amendment has become more of a majoritarian tool, protecting the rights of the rich, commercial entities, and even the government, to influence others. Washington University Professor Greg Magarian's book, *Managed Speech*, describes in detail this shift, which has occurred over the last 50 years, but has accelerated recently.

Next, as in almost all areas of American life, "trust the market" took over in free speech thinking in recent years. The broadcast Fairness Doctrine, originally created because of fear of the unique pervasiveness and persuasiveness of broadcast communications, was thrown out. So when even more pervasive and persuasive media like social media came about, we left that to the marketplace, which created tech giants, removed most of the advertising that had long sustained mainstream journalists, and allowed use of psychological profiling and high-emotion content to grab readers' attention.



Maybe the success of the First Amendment in the last century has led to this situation, by leading the legal community to think narrowly in terms of historic doctrines and applications, and to pay less attention to adapting to the communications realities we face today.

Then, with professional journalism weakened and the news environment polluted, the most basic safety-valve mechanism of a democracy, elections, became strangely transformed by new First Amendment interpretations. *Citizens United v. Federal Elections Commission* in 2010 and similar rulings, all based on the First Amendment, have negated attempts to make elections fairer or more egalitarian. The principles that money is like speech, and that any attempt to restrain spending on elections violates the First Amendment, mean that the wealthy and powerful increasingly dominate what is said at election time, with the unsurprising result that their candidates and issues often prevail. This has made the speech of the wealthy and powerful ever more dominant.

All of these trends, concerning Internet communications and the broader First Amendment picture, should raise concerns even among ardent free-expression supporters.

In each individual situation, traditional First Amendment theories or doctrines have been applied (e.g., protection for anonymous speech; protection for those who wish to influence elections, etc.), but the applications have often been extreme or wooden, and deaf to the real purposes of free speech, which are to foster useful and reliable communications, create opportunities for the truth to emerge, and include everyone in the conversation.

## First amendment interpretation have weakened journalism

Looking at effects, our recent First Amendment trends have tended to weaken traditional journalism in favor of the economic winners of the new communication marketplace. In many ways, that promotes irresponsible communications, not truth. They have tended to move protection for expressive rights from traditionally protected minorities, dissidents, watchdogs, and reformers, to the more wealthy, established, and comfortable. That limits, rather than expands, the conversation. They have transformed the content of our communications more heavily toward what is economically and psychologically powerful; that diminishes the truthful and useful content that we really need.

Maybe the success of the First Amendment in the last century has led to this situation, by leading the legal community to think narrowly in terms of historic doctrines and applications, and to pay less attention to adapting to the communications realities we face today. Maybe our lawmakers and leaders need to get into a mindset like that of Justice Clark in *Joseph Burstyn v. Wilson*, willing to reexamine old doctrines in light of new kinds of communications.

## Old assumptions need rethinking

Looking at Internet-specific issues like anonymity and intermediary liability, lawmakers need to examine and carefully consider the actual environment in which they are being applied. This is a basic rule of judging, as retired federal judge Richard Posner pointed out in *Reflections on Judging* — judges make better decisions when they understand better the context, community, and environment that their decisions will affect.

Anonymity is no longer the situation of the lone dissident, and section 230 operates in an Internet business world far different than that of 1996. Lawmakers need to reexamine these legal measures, or work to adjust the business environment in which they apply.

In the bigger picture, legal thinkers need to move on from simplistic Enlightenment assumptions about human rationality. We know from modern neuroscience and psychological research that humans are far more irrational and susceptible to manipulation than our Enlightenment forbearers realized, and that psychologically targeted and high-emotion content often leads people astray.

If we can rethink the First Amendment for movies, we should be able to rethink it in light of the way the human brain really functions.

All of our basic needs for free expression remain today. We need open communications that can help us all seek out and learn truths about our lives and our communities. We need outlets for dissenters and minorities; tools for watchdogs, critics, and reformers; and mechanisms for change and equity.

But are these results really being promoted by our recent communications laws and First Amendment trends? If not, it is time to take a new look at them.





## Wash U chancellor harms free speech by embracing College Republicans' 9/11 message while ignoring hateful attacks on student protester

by Greg Magarian

*Editors note: This article was originally written in September 2021.*

Washington University condemned student Fadel Alkilani for removing some of the 2,977 American flags that the College Republicans placed on Mudd Field this past weekend to commemorate the victims of the 9-11 attacks. In a statement, Chancellor Andrew Martin declared that Alkilani's action impeded "the free exchange of ideas."

The university is correct, in my view, that Alkilani's action — or more accurately, the form he chose for his own expression — violated free speech norms. However, other features of the university's response to these events undermine, rather than promote, the values of free speech and

open debate at Washington University.

My understanding is that the university gives students general permission to place objects and displays on campus grounds for expressive purposes and that other student groups have placed comparable types of displays. Given that permission, I agree with the university that Alkilani's removal of the College Republicans' flags violated free speech principles. The College Republicans acted independently, within university rules, to express their political view. Alkilani and others who shared his views could have countered the College Republicans' display in any number of ways — by using the flags as a backdrop for a protest, by placing their own display on the field, or by some entirely different form of expression. Instead, Alkilani

tried to erase speech he disagreed with.

Counter-speech is not always the panacea for putative bad speech that traditional civil libertarians make it out to be. In this case, however, effective counter-speech was viable. The College Republicans' flag display reflects no special power or advantage on the group's part. The American flag as a symbol does have special power, but countering popular ideas is always hard. Simply erasing someone's expression is, in my view, usually a poor contribution to public debate. I have little doubt that, had Alkilani responded to the flag display with his own autonomous counter-speech, many members of the Washington University community would have shared his political concerns and rallied to his side.



Photo by Krissy Venosdale via Flickr

If the university had simply affirmed the importance of free speech and denounced Alkilani's removal of the College Republicans' flags, this controversy would be receding from view. Unfortunately, the university went further. My concern about the university's response rests on an important predicate: The College Republicans' flag display was a powerful, contestable political statement.

To begin with, the College Republicans are a partisan political organization. The organization exists to engage in partisan political activities. The idea that any public activity the College Republicans engage in lacks political content strains credulity. (To be clear, I take the same view of activities by the College Democrats.)

Here, the College Republicans' flag display carried a strong political message. A national flag symbolizes national identity and the national interest. For many people, 9-11 was fundamentally about national identity and the national interest. For many others, though, 9-11 was about human loss, or the horror of violence and aggression, or the transnational toll of terrorism and war, or any number of other concerns. The College Republicans' display advanced the "national interest" view of 9-11 as opposed to other views.

The American flag, in general, is a more contentious political symbol now than it has been during most of our nation's history. In particular, protesters against racial injustice for several years have refrained from certain observances of the flag, including standing for the National Anthem and reciting the Pledge of Allegiance, to dramatize their cause. Alkilani's stated purpose of decrying Islamophobia tracks that same political fault line.

The College Republicans' flag display, in particular, used 2,977 American flags to represent each individual victim of the

9-11 attacks. Many of those victims and their families would likely take comfort and pride in that representation. Many others, however, would likely object to having their personhood reduced, in the service of a political message, to their national identity. Moreover, 372 of the 2,977 victims of 9-11 were not U.S. citizens. Those 372 came from more than 90 other countries. Representing them with American flags is the functional equivalent of marking Jewish or Muslim graves with a cross. That's an especially contentious political statement.

Perhaps most significantly, the College Republicans' flag display made a political statement by casting the significance of 9-11 as extending only to the events and deaths of that day. This, according to Alkilani's public statements, was his major political objection to the display. The 9-11 attacks, beyond their immediate toll, set off a chain of events that included (among other things) increased Islamophobia in the United States and devastating wars in Iraq and Afghanistan. Many people view an isolated focus on 9-11 as eliding political concerns about those subsequent events.

Even if we could somehow read the College Republicans' flag display as expressing only a message of national unity, that would still be a contestable political message, precisely because other people see different kinds of significance in 9-11. The substantial national unity that followed the 9-11 attacks was a necessary precondition for the U.S. invasions of Iraq and Afghanistan, the USA Patriot Act, and the ongoing imprisonments of accused enemy combatants at Guantanamo Bay. Anyone who objects to any of those actions might well object to memorializing the 9-11 attacks with potent symbols of national unity.

The College Republicans have characterized their flag display as a commemoration of 9-11's victims that

expresses no political view. For the reasons I have explained, that characterization makes no sense. I take no position here on whether the political message of the College Republicans' flag display was right or wrong. I simply emphasize that the political message was present and substantial.

The university's statements in the wake of Alkilani's actions tacitly endorse the College Republicans' political message, mainly by parroting the College Republicans' line that the flag display was a politically neutral memorial. "The removal of the flags," wrote Chancellor Martin on Sunday, "impeded the ability of individuals to commemorate the lives lost on 9/11 and to process the trauma of that day." Making that statement without acknowledging how the flag display itself might have impeded other individuals' ability to commemorate their losses and process their trauma constitutes an endorsement of the College Republicans' contestable political portrayal of 9-11.

By endorsing one side in a political debate, the university deploys its power in a way that discredits the other side. The university has chosen to deploy that sort of power at other times, as in its condemnations of racism and misogyny. The university must own those choices. Discrediting racist and misogynist views is one thing. In this instance, though, does the university really want to discredit the views that 9-11 wasn't only about the national interest; that the American flag may carry complicated symbolic baggage; that American flags may not properly honor American, let alone foreign, victims of 9-11; and that we can't properly understand the 9-11 attacks without also thinking about the Islamophobia, wars, and policy controversies that followed those attacks?

To make matters worse, the university at this writing has still failed to acknowledge and condemn Islamophobic attacks on Alkilani that, Student Life reports, have oozed from both inside and outside the university community. That failure is baffling and shameful. Chancellor Martin's Sunday statement vaguely pledged to "ensure that [Mr. Alkilani] has access to campus resources that are regularly available to students as he navigates the consequences of his actions, both on campus and beyond" (emphasis added). If that statement refers to the Islamophobic attacks on Alkilani, then it's inexcusable victim blaming.

Washington University, in order to extol free speech and to declare Alkilani's behavior out of bounds, did not have to say anything at all about the political controversies underlying the College Republicans' flag display. The university, however, chose to embrace the College Republicans' political view of 9-11 and then to ignore hateful attacks on a student in its charge. Those choices cause far greater harm than Alkilani's errant action to the culture of free speech and open debate on our campus.



# Right-wing legislators threaten academic freedom in public schools

by Don Corrigan

## Attacks on race arouse base

WEBSTER GROVES, MO. — Public school teachers and officials have been under siege for mask and vaccination requirements during a pandemic, for dress code guidelines and for teaching the history of race in America.

Incidents of intimidation have caused teachers to resign and school board members to seek security. The incidents have not been limited to heated rhetoric and threats. Violent acts and physical intimidation have come to the attention of U.S. Attorney General Merrick Garland.

Missouri has had its share of such occurrences. School board meetings have been interrupted by parents screaming that teachers are using critical race theory in the classroom to make their white children feel guilty for being white.

The Missouri Legislature is contemplating measures to outlaw the use of critical race studies in schools. Other states, dominated by Republican legislatures, are looking to outlaw classroom use of words, such as “woke,” “whiteness,” “white supremacy,” “structural bias,” “systemic bias” and “systemic racism.”

In Wisconsin, a state that sent more than 91,000 soldiers to fight with the Union Army in the Civil War, the legislature wants to curtail the lingo of race in the classroom. Among the words to be barred from classrooms are “equity,” “inclusive,” “multiculturalism,” “patriarchy,” as well as “social justice” and “cultural awareness.”

Although these draconian measures have found support in rural Missouri and at some suburban school board meetings, they have been met with firm resistance in many suburban and urban school districts.

Parents in districts with larger and more diverse populations have repudiated the calls that study of race history constitutes racism against whites. They also have resisted “awareness actions” in their locales organized by Heritage Foundation front groups and such organizations as Missouri Prosper.

### Missouri Prosper in Kirkwood

When Missouri Prosper brought its roadshow against Critical Race Theory to Kirkwood, organizers were met with jeers outside the city’s community center.

One of the panelists for the event, state Sen. Andrew Koenig, R-Ballwin, was met with a chorus of boos before he got to the center’s door.

About 60 protesters gathered at the “Town Hall Meeting” of Missouri Prosper in August



Photo by Don Corrigan

Kirkwood School officials did not accept an invitation by Missouri Prosper to be on its panel opposing Critical Race Theory (CRT) in schools. However, plenty of teachers and citizens demonstrated against the meeting in Kirkwood in August. Missouri Prosper misrepresents what is being taught in schools, according to teachers.

carrying signs that read, “We Will Not Whitewash History,” and “Fake History Is Propaganda.”

Before the meeting began, demonstrators and supporters of Missouri Prosper argued outside about the meaning of diversity, equity and inclusion.

Some Missouri Prosper members contended that “equity” was a euphemism for socialism and that teachers of racial history studies were tainted by Marxism.

The Kirkwood meeting was just one in an ongoing series of meetings by Missouri Prosper. The group has conducted meetings in rural areas of the state, as well as Kansas City and Springfield.

State Senator Koenig and Mary Byrne, co-founder of the Missouri Coalition Against Common Core, sat on the Missouri Prosper panel at the meeting in Kirkwood. Koenig told the meeting he anticipates legislation on the race studies topic in the 2022 legislative session in Jefferson City.

“This is the number one issue in my district right now,” Koenig told the audience.

According to Missouri Prosper, officials in the Kirkwood and Parkway school districts were invited to be panelists and to explain their districts’ educational policies on studies of race history. The school officials did not attend.

“The Kirkwood School District is not interested in being pulled into a national political debate on how issues of race and equity are taught in the classroom,” according to Kirkwood District spokesperson Steph Deidrick. “Kirkwood values equity, diversity and inclusion; that work is a priority of our recently approved strategic plan, which was created with feedback and support from our community.”

Missouri Prosper offered its own take on how race should be taught in schools. It contrasted slides of the American flag with slides of George Floyd, whose murder after a May 2020 arrest in Minneapolis sparked riots across the country.

Missouri Prosper spokesmen said classroom studies on the history of race in American serve to divide students between the oppressed and the oppressors.

They also insisted that such studies emphasize the negative and fail to acknowledge progress in U.S. race relations.

Kayla Vaughn, who was among those protesting the views of Missouri Prosper members, said America has woken up to the danger of white supremacists and the legacy of white supremacy. She told reporters for the Kirkwood Call and the Webster-Kirkwood Times that America is awakened and will no longer ignore its history.

“There’s a huge push back from right-wing people, and they want to pass laws that will stop certain topics from being addressed in schools,” Vaughn told reporters Kate Schreiber and Merry Schlarman. “It’s an encroachment on the freedom of teachers. It’s not right for children who need to be trained in critical thinking. They need to hear many perspectives, not just one.”

### Worry About Test Scores

Missouri Prosper’s main speaker was Jessica Laurent Clark, a member of Missouri Prosper and a Rockwood School District parent. She said she was most concerned about low state MAP test scores for minority students compared to their white counterparts.

Clark said events like a Black Lives Matter peace walk, organized by Kirkwood Teachers of Color in June 2020, do nothing to raise test scores in the district. Academics are where district teachers need to focus their energies, not on marching and solving the world’s problems.

“I don’t understand how being a social justice warrior improves academic scores,” Clark insisted. “If my Black daughter is struggling in reading, I want you to focus on her reading.”

Clark and other Missouri Prosper members said that district teachers are obsessed with eliminating so-called “microaggressions” in the classroom — subtle or unintentional discrimination against a racial or ethnic minority — to the detriment of teaching science or math.

Roberta McWoods, retired Kirkwood School District teacher and master mentor for Kirkwood Teachers of Color, told reporters for the Webster-Kirkwood Times and The Call that parents should defend the teaching of Black history, which is American history. She said groups like Missouri Prosper wish to erase history.

“It means erase my history, erase me,” she said. “And when you erase me, you erase human cultures and you’re erasing American history. So who would not want to defend that? That’s as American as you can possibly get.”

McWoods said people have a right to talk about, and to protest past and current events, that they see as un-American and as violations of the U.S. Constitution.

“It’s un-American not to include any kind of history of people of color, particularly African-American history that itself built this country,” she said. “And it just seems ludicrous to me that somebody is saying: ‘We want you to just teach what we think’ — the parts that make us look good — and not the parts that have defined all of us.”

After the raucous event at the Kirkwood Community Center, Elissa Sullivan of Webster Equity Bridge (WEB), said it is imperative that school districts and parents stand up to protect inclusive curriculum in schools from assault.

Bridge said special interest political groups and partisan legislators should not be in the business of censoring teachers and mandating what they teach in public schools. She stressed that these actions run contrary to educational principles and First Amendment freedoms.

“To be clear, the narrow indoctrination being demanded by FAIR, No Left Turn in Education,

Parents Defending Education, Missouri Prosper and other special interest groups has no place in education,” Sullivan said.

Sullivan’s Webster Equity Bridge is an independent, multi-racial coalition of over 400 families in the Webster Groves School District. She said its mission is to protect inclusive curriculum and a resolve to take action for equity.

“While the Webster Groves School District has worked diligently and transparently to provide comprehensive, inclusive curriculum and instruction that represents diverse points of view, these outside groups insist that viewpoints not aligned with their own agenda must be censored,” said Sullivan.

“They would have schools leave students unprepared for a diverse, interconnected world and inhibit their opportunities in an increasingly global economy.”

### All About Electioneering

Ellen Wentz of Kirkwood was one of those who booed Sen. Koenig when he showed up for the meeting in her district. She said Koenig is attempting to destroy public education, which will only widen the U.S. income gap and give advantage to his wealthy donors.

“It’s absolute nonsense for him to get up there and say Critical Race Theory (CRT) is the number one issue in his senate district,” said Wentz. “Pure nonsense. It shows he doesn’t know what he’s talking about.”

“There is only one school in the entire state of Missouri teaching CRT and it’s in Kansas City,” added Wentz. “CRT is just a distraction and a way to charge up his base and get them to the polls to elect Republicans. It has nothing to do with education in Koenig’s district.”

Wentz said the issues that Koenig should be paying attention to include, proper funding for public schools, so that schools in his state can go back to five days of learning a week and have the proper bus transportation.

“Koenig also should have expanded Medicaid on day one, to improve the health of our citizens,” said Wentz. “We should be paying our social services workers better, so we don’t lose children in the foster care system. There are so many ways he could be using his time to improve our state, but instead he’s trying to turn it upside down.”

“Koenig and his state GOP appeal to race division by allowing public funds to be used by whites who attend private, religious, unaccredited schools,” added Wentz. “This leaves less funding for public schools where the large majority of Blacks attend.”

### CRT: A Trojan Horse

Sullivan of Webster Equity Bridge emphasized that groups like Missouri Prosper are not grassroots, but they are nationally-funded organizations working to force a limited learning model on school districts across the country.

“By spreading inaccurate, incomplete and falsified information about our district and others, these outside organizations attempt to undermine learning and prohibit instruction that does not align with their political agendas,” said Sullivan.

“Through bad-faith arguments, misrepresentation of school district work, and the misleading and inaccurate use of terms such as ‘Critical Race Theory’ (CRT) and ‘Marxist,’ these groups seek to silence those who promote equitable learning,” Sullivan added.

One of those “outside organizations” is the Heritage Foundation, which was founded in 1973 by right-wingers Joseph Coors, Paul Weyrich and Edwin Feulner. Among the beneficiaries of the Heritage Foundation in Missouri are Andrew Koenig and Mary Byrne with Missouri Prosper.

Ostensibly founded to articulate and promote conservative policies, the Heritage Foundation has had a thinly-veiled mission of finding the kind of hot-button issues that can get right-wing conservatives elected.

The Heritage Foundation once saw such an issue in promoting citizen anger against Common Core requirement in schools. As a political motivator, this issue was too complicated and “in the weeds” to fire up conservative voters and to get them to the polls.

The Heritage Foundation found more success by agitating against the “Marxists” who allegedly wanted to use the “phony issue” of global warming to promote socialism once elected.

Complaining about the teaching of global warming and climate change is not such a useful issue now that the West Coast is burning with wildfires and the Gulf Coasts states are going under water periodically from super storms.

The campaign tactics of Donald Trump have taught “think tanks” like the Heritage Foundation that exploiting race is the best way to turn out the base. Hence, the Heritage Foundation’s current obsession with the arming of GOP candidates with plenty of anti-CRT ammunition in 2022 and 2024.

Although the exploitation of race, the CRT bogeyman and race history study may turn out the base, a number of Republican political observers are objecting. They object because it turns reality on its head — and further distances a party from reality.

Republican Michael Gerson, former speech writer for two-term GOP President George W. Bush, is especially anxious. He expresses alarm that over the summer 12 states, mostly in the Old Confederacy, have restricted how teachers can discuss race in the classroom.

“The attempted declawing of historical studies may be politically useful for Republicans in some places,” declared Gerson. “But it bears little relationship to the way history is actually learned ... The discipline of history teaches us to engage with discomforting, distressing ideas without fearing them.”

As Gerson and others have observed, it’s simply not possible to shelter students from the continuum of race history, when it is ever-present in their media, on their cell phones, and in their school hallways.

State legislators intent on sanitizing history have a long and difficult task, especially when their primary intent — with all the subterfuge about race — is simply to bring out their supporters for the next election.





Photo courtesy of University of Missouri-Kansas City

# From Hazelwood's backyard: An adviser's plea to tell student journalists, "We trust you."

by Mitch Eden

In the backyard of the Hazelwood Supreme Court decision, I am organizing efforts for year seven of trying to get New Voices legislation passed in Missouri. The only thing that has passed in the last seven years are the states passing Missouri in adding this law that basically overrides Hazelwood and grants First Amendment rights to students and advisers. We are surrounded. Illinois, Iowa, Arkansas and, yep, even Kansas have passed New Voices along with nine other states. Another 20 have introduced legislation.

So what's the hold up MO? Why aren't you telling students "I trust you" and "I believe in you"? As Claire McCaskill responded in a recent GJR First Amendment event about the possibility of New Voices being passed in Missouri, "Have you seen Jeff City, lately?"

Why, yes, Claire, yes I have. For the last six years, I have made the trek from Kirkwood to the Capitol with some amazing high school journalists to testify before the House and Senate Education Committees. The results? Nothing but this legislation being shoved in the back. Behind charter schools and vouchers. Behind testing and teacher pensions. No one seems to want to fight for kids these days. No one seems to care about this bill at all. Politics be damned.

The New Voices bill really should not be

a partisan bill — it's freedom of speech. "Fake news" is a hot topic, and this is a way we can combat that. If we're worried about a climate of misinformation, the way we can combat this is by educating students to be media literate and able to create media that's genuine and well thought out. It's awesome because it supports freedom of expression for student journalists and allows civically minded students to engage. I'd much rather have students in an environment with a teacher than doing it on their own, untrained on social media.

So I am asking for support of the Cronkite New Voices legislation. You'd be supporting the freedom the First Amendment of the Constitution should stand for and, more importantly, kids. They need someone to say, "I trust you" and "I believe you" now more than ever because they are not just the future—they are the present. And that's why we're fighting for student journalists' free speech and press rights.

I asked former top editors to send in notes about what that trust meant to them.

## Maddie Meyers

I am a current sophomore at the University of Missouri majoring in journalism, and I was an Editor-in-Chief of The Kirkwood Call newspaper

at Kirkwood High School. My experience on The Kirkwood Call showed me what it means to be a journalist, and that means using our voices freely to raise awareness about serious topics.

With the trust of my school administration, I had the opportunity to connect with many different people and lead a staff of 80 individuals. I urge you to support the Cronkite New Voices Act because it is crucial to helping student journalists build their confidence and lead as professionals.

As a student journalist, I covered a wide range of issues, including recycling concerns, intruder drills, inequality in sports, and racial equity. Regardless of the topic, one of the most important lessons I learned is how to connect with people who are different from me.

One source who stands out in particular was a man who goes by "Nuggetz." He had lived on the street for 13 years and crossed the country 17 times. He shared that people assume he is a druggie and dirty, but he said he does not judge others. Talking with him made me realize how sometimes the people who are ignored and looked down upon, have some of the most interesting stories. Without my journalism experience, I would not have had the confidence to go up to a stranger and ask him about his life.

My time on staff has taught me how to

connect with anyone and uncover the truth. By not having my voice censored, I have been able to give a voice to the voiceless and shed light on important issues. I am thankful I have never been held back or limited from sharing valuable stories.

As an Editor-in-Chief of a student-run publication, I developed leadership skills because I worked with an editorial board to make executive decisions about content and staff management. On staff, I learned professionalism and responsibility like no other experience has ever taught me. When controversial issues arose, I met with my fellow editors and thoroughly discussed problem-solving options to keep our publication running successfully and keep our staffers motivated. We were able to have civilized discussions like adults do because we were given the same freedoms as professional journalists.

This experience has prepared me not only for my college journalism courses, but for my future career. The New Voices Act has already passed in 14 states, including four that border Missouri, so it is time that Missouri joins the others in protecting students' press freedoms.

Press freedom is part of the First Amendment, and it should apply to everyone, especially students. This is a formative time in students' lives and they should be encouraged to share the difficult stories instead of being limited by the people who are supposed to guide them. I am thankful I worked in a motivating environment where my administrators trusted me and the other students to be responsible journalists. I hope that soon all students will be able to say the same. And you have the ability to make this possible.

## Mimi Wright

In January 2016, almost six years ago, I wrote a statement in support of the New Voices bill as a then-senior and editor-in-chief of The Kirkwood Call, a critically acclaimed newsmagazine from Kirkwood High School. We've won countless awards for our journalism, and continue to do so, covering topics from opioid and alcohol abuse to eating disorders and sexual assault. I shared this statement in front of the Senate Education Committee and defended my right of free speech not just as a student journalist, but as an American. How, as an American, are student journalists not guaranteed their right of free speech which is guaranteed by the Constitution? It baffles me to this day.

In 2016, I wrote this: "There are problems in our society, and if we can discuss them at a younger age, we are eliminating ignorance that is causing a lot of these issues." I wholeheartedly stand by this statement and think it is at the core of solving the issues that plague our society daily. By discussing topics like race, sex, violence and politics, we are educating the future leaders of our society. They are NOT too young to know about these topics when many of these issues impact students daily. Assuming that students are not mature enough to handle these topics only infantilizes and demeans the emerging thinkers of our time.

In 2016, I wrote this: "I plan to major in journalism, a dream I would never have had if it were not for the support of our administration. My dreams are coming true because I am free to speak my mind." In 2020 at the height of

the pandemic, I graduated summa cum laude from the Journalism School at the University of Missouri, the first and most respected journalism school in the country. I reported for The Pulitzer Center on Crisis Reporting as a college student, and I now work in New York City at one of the premiere travel media companies in the world. I am an extremely confident young professional who benefited directly from having my thoughts heard. Strip the voices of student journalists now, and you strip their futures.

Now, more than ever, I emphatically support the need for the protection of student voices. Now, more than ever, students must be heard. I urge you to support the New Voices bill.

## Kennady Wade

It's been 33 years since the ruling of Hazelwood v. Kuhlmeier, seven years since the first time a New Voices Act was introduced in Missouri, and nearly five years since I testified on behalf of the bill. Year after year, it gets shut down in some capacity. Please, let this be the year it gets passed into law. The ruling in Hazelwood v. Kuhlmeier is archaic and outdated. As a high schooler, I was fortunate enough to practice journalism at a school that chose to safe-guard my First Amendment rights. Because of that, I was able to take risks and learn without fear that what I was saying would be censored along with my fellow students.

The skills and values I learned as a student journalist I still carry with me today — accountability, integrity, and ability to trust my instincts. When I was interviewing for my current job in the legal field, half of my time was spent discussing my experiences as an editor at my newspaper because it still mattered that many years later. I was able to grow because my school trusted me, and my adviser, with taking risks. You now have the opportunity to prove those same experiences to scholastic journalists in Missouri.

The passing of the New Voices act cements the right to free speech in school. What this literally looks like is students having a safe forum to discuss real-world events - both local and national - under the guidance of an adviser. The technological landscape has changed so much in the past 33 years - social networking services like Twitter and Instagram have completely changed the way that news is both communicated and consumed. Restricting students' freedom of speech in school does not equate to silencing them. It just offers more incentive to share that information in a forum that does not care about their well-being.

Scholastic journalism can give so much to students - but, that's only if you are willing to give them the opportunity to learn by choosing to safe-guard their First Amendment rights. Please, make the right choice.

## Camille Baker

Four years ago, when I sat in the same chair as (Megan, Hayden or Kate), was the third consecutive year the Cronkite New Voices Act passed in the House without receiving a hearing from the Senate. Now in 2021, we've reached year six. I'm angry. Angry that editors-in-chief who I've never met because we're that many years apart in school, are making the same drive

from Kirkwood to Jeff City to argue the same point I argued 4 years ago, the same point my editor argued the year before me, and the same point her editor argued the year before her.

I wanted to reflect on my own experiences and opportunities as a student journalist, but given that that was four years ago, and I've acquired almost an entire college education since then, I thought it'd be helpful to take a glance at the strides high school journalists have taken more recently, leaning on their First Amendment rights.

So, here are just a few examples of what encouraging students to cover sensitive subjects has led to:

In 2020, students all over the U.S. covered the summer's racial justice protests, providing insight to their communities on why they were happening.

Students provided vital public health information to their student bodies regarding COVID-19, backing their stories with data and examining and exposing school policies that lacked proper quarantining and inadequately protected school environments from the virus.

Coast to coast, in North Carolina and Washington state, students won years-long battles to access college sexual assault records.

Students published research-backed stories on discriminatory redlining policies, inequities in water quality in historically Black neighborhoods and Nazi propaganda in police training.

Is student journalism really disreputable? Maybe you're still deciding. While you're thinking on it, here are some specific examples of student journalists using their First Amendment rights to publish insightful and essential information.

El Estoque: A newspaper from Monta Vista High School in Cupertino, California:

Students published a series of stories with insight on the spread of COVID-19 disinformation, xenophobic backlash against Asian students as a result of the pandemic, an editorial from a student whose family lives in China and a comprehensive pandemic timeline.

The Shield: McCallum High School, Austin, Texas:

During their summer break, high school journalists covered a Black Lives Matter protest in Austin, Texas, keeping their ground and their faces down to get the full story, amid rubber bullets and tear gas used by the police.

Manual RedEye: duPont Manual High School, Kentucky:

High school reporters broke the story that local police were using a training presentation that quoted Hitler multiple times and advocated for the use of extreme violence.

The Kirkwood Call: Sound familiar?

Six staffers wrote and published a series inspired by the New York Times' 1619 project, aiming to reframe our country's history by centering it around the consequences of slavery and contributions of Black Americans. Within the Kirkwood community, Kirkwood students exposed racism, from personal experiences to redlining and redistricting policies.

In the words of Amy Chen, editor-in-chief of The Beachcomber, a student news site in Ohio: "While I respect the administration's desire to protect students, I often wonder who their decision protected: those marginalized or those in power?"



# Garland should act, Breyer should retire, the filibuster should stay, McCaskill says

by Emily Cooper



**I think reading is really important, and I'm just not talking about links on Facebook, I'm talking about whether it's online or old-fashioned paper, reading where there are editors, where reporters must run their stories by editors.**

— Claire McCaskill

places where there are editors, not on Twitter or not on Facebook, but places where reporters are still expected to play it straight.

People pretending to be news outlets online has been a real problem, she said. These outlets that have started newspapers, that aren't really newspapers, put up a banner online to make it look like a newspaper and create a name that sounds like a newspaper. (GJR probed a network of these pseudo-newspapers in Illinois.)

"Then, they print garbage," McCaskill said. "And before you know it, depending on how sensational the garbage is, how much it makes you afraid or makes you angry, it's everywhere. It's around the world, and it's not even a newspaper."

A media literacy advocate, Jessica Brown, asked how, in the "post-truth" age, can a media literate electorate be developed?

McCaskill said she believes most people who are taking college courses in media literacy already realize it's a problem, so the question is how to reach the people who don't take those courses.

"I think kids need to be taught what is going on," she said. "Why is TikTok not reliable? Why being an Instagram star should not be your goal in life? What is an editor? What is straight journalism? How can you recognize it?"

McCaskill said if she was in charge of the world right now, she would require a media literacy class in 7th grade for every public school student in the country.

"I think we're at that point in our democracy, that it is that important," she said.

## Frustration with Garland

McCaskill is frustrated that Attorney General Garland has not announced what he is doing with Congress' criminal referral for Bannon refusing to testify about the Jan. 6

Attorney General Merrick Garland should act on the contempt case against Steve Bannon, Justice Stephen Breyer should retire, Democratic senators Diane Feinstein and Patrick Leahy are getting old, the filibuster should be retained but reformed and former Attorney General Eric Holder was too slow to release the report clearing former Ferguson Officer Darren Wilson.

Those are some of the newsy comments that MSNBC/NBC commentator Claire McCaskill made Oct. 27 at a First Amendment celebration sponsored by the Gateway Journalism Review. The former Missouri senator was interviewed by Jo Mannies, retired political reporter for St. Louis Public Radio and the Post-Dispatch, and by GJR publisher William H. Freivogel.

The focus of the evening was the First Amendment, media literacy and democracy, and McCaskill's transition from elected public official to a political commentator.

The media is failing because the business model is failing, former Sen. Claire McCaskill said.

"I think the media is failing in that they are falling into a business model, which is not their fault, they're trying to make money," she said. "People are going to cable news outlets for affirmation, they're not going for information. They're going to feel righteous and correct."

McCaskill said the meager core of journalists who are still toiling away, who have editors, and actually have to report factual information, are doing amazing work right now. There is just not enough critical mass anymore.

Cable news outlets are a bunch of silos, Mannies said. There is the CNN silo, Fox silo, MSNBC silo. She asked McCaskill why she chose to join MSNBC, which is an admittedly liberal news organization.

"The reason that I went with MSNBC was because I felt comfortable there," McCaskill said. "Frankly, their willingness to give me a lot of latitude in my contract, both in scheduling and how much I appeared and where I appeared, was also important."

Mannies asked McCaskill for suggestions regarding how the average viewer is supposed to know which outlets are "crazy town," and which ones are trying to get the facts straight.

"I recommend to people that they watch a little bit of everything," McCaskill said. "I think reading is really important, and I'm just not talking about links on Facebook, I'm talking about whether it's online or old-fashioned paper, reading where there are editors, where reporters must run their stories by editors."

She said she is a big believer that people should get their main news from



**They want to keep you from voting. The freedom to participate in our democracy is a cultural issue. And I think it is one that could be really good for our party.**

— Claire McCaskill

investigation and buried in the story that there was no basis for any action against the police officer for the actual shooting.

"So, in one fell swoop, they undermine the effectiveness, in many ways, of the law enforcement community in St. Louis County for many, many years to come," McCaskill said.

McCaskill said she called the White House to complain and was told the president didn't interfere with the Justice Department.

That hands-off approach "got blown up during Trump's years," McCaskill said. "There was no line. He saw that lawyer as his lawyer. It is outrageous what he tried to do with the Department of Justice. So, I think there is a desire to get that line back to normal, to get it out of the political realm and back to the calling balls and strikes."

She thinks Garland is reacting to the Trump abuses by trying to get back to traditional norms. But she said she would continue to be critical of Garland until he acts on Bannon.

## Breyer should retire now

Dale Singer, a former Post-Dispatch editorial writer, and reporter for St. Louis Public Radio asked if Justice Breyer should retire to preserve rights like those recognized in New York Times v. Sullivan.

McCaskill did not hesitate. "I think he should retire," she said. "I think he should retire tomorrow."

She added, "We have some really old Democratic senators," pointing in particular to Vermont Sen. Patrick Leahy and California's Diane Feinstein. "I love Diane, but she's very old, she's the oldest (Democratic senator). I love Pat Leahy, he's very old. If anything happened to either one of them then we're no longer the majority. So I wish Breyer would retire so that we could make sure we at least hold on to three seats (in the Supreme Court) as far as values I worked for for 30 some years."

Should Feinstein retire? "Diane blew me away. She was hyper-prepared. She wasn't staff-driven. ....I think she has struggled lately. Her husband's in very bad health. I don't know what it is about that place that people don't want to go home. But I'd like to take them aside and say come on out here, it is pretty nice....I'm having a hoot now....I think they get so used to the deference and the routine....I think many people stay too long."

## Retain but reform filibuster

"All of my friends in the very progressive camp of the Democratic party...they forget there's a 50-50 Senate," she said. "They get so mad about the filibuster and about Joe Manchin. You only get to a majority in the U.S. Senate if you elect some moderates. There aren't enough bright blue places to elect 55 or 53 Bernie Sanders or Elizabeth Warrens."

"....I was there when we stopped them defunding Planned Parenthood. It would have happened if it wasn't for the filibuster....I was there....when because of the filibuster we were able to stop funding of the wall."

"...It sounds great to do away with the filibuster as long as we're in charge," she said. "If we are no longer in charge, it won't feel so good. It will be helpless to stop anything."

She said there is a need to reform the filibuster.

"Somebody shouldn't be able to call the cloakroom from a bar downtown and say 'I object,'" McCaskill said. "They should have a standing, talking filibuster."

McCaskill said voting rights should be carved out as an exception. Appointments are now an exception to the filibuster. She believes voting rights could legitimately be couched as such an essential in the democracy.

"If we do away with the filibuster, it will swing back and forth," McCaskill said. "There will be no really big long-term change because it will become just whoever is in charge. I'm not sure that is what the Founding Fathers wanted."

## Integrity has been undermined

When people used to run for office, integrity was a pretty important value, McCaskill said.

"People would believe what you said," she said. "Donald Trump took that and turned it on its ear. He basically played to people's cynicism and their sense of grievance."

The main thing that has changed with the advent of the internet, McCaskill said. She doesn't know whether it was Trump, the internet or an unhealthy combination of the two.

McCaskill said next Tuesday's gubernatorial race in Virginia would be important because the Republican candidate is trying to have it both ways - courting Trump voters without embracing Trump. She said it would be interesting to see if he can thread that needle.

Mannies asked: With the media backdrop

of the silos, did polarization of the media affect Missouri's polarization?

The Missouri Legislature, during the beginning of COVID-19, legalized brass knuckles, McCaskill said.

"That moment was just a defining moment for me about how far we had fallen in terms of representation in Jefferson City prioritizing, I think, the issues most Missourians want them to care about," she said. "The reason that is happening is because the Republicans did something very effectively, not just in Missouri, but in the country, and that is they weaponized cultural issues."

In the past, McCaskill said in Jefferson City, there was a lot of time spent on the meat and potatoes of what state government is supposed to be doing and the services it's supposed to be providing.

"Republicans don't talk about stuff anymore, they don't really even try to legislate on that stuff anymore," she said. "It's all about cultural stuff."

McCaskill said she wants Democrats to do a better job of bringing up cultural issues on their side of the equation, including abortion rights and gun control.

In regard to other cultural issues that could be helpful to Democrats, politically, McCaskill said the main one is voting.

"They want to keep you from voting," she said. "The freedom to participate in our democracy is a cultural issue. And I think it is one that could be really good for our party."

"The other thing is it's going to motivate a lot of people to vote because what those guys haven't figured out, that are pushing all this voter suppression stuff, Black and Brown Americans know what they're doing," she said. "They know they are trying to keep them from voting. And you know what is going to happen psychologically, it's going to motivate them to vote more, I really do believe that."

McCaskill said she was surprised one of the Republican candidates for the Senate in Missouri "isn't trying to take a traditional Republican role...saying I believe in conservative values but not all this crazy talk." McCaskill referred to the Trump-like rhetoric of the candidates, including Mark McCloskey, whom she referred to as that "crazy gun-waving St. Louis West End gun lawyer."

McCaskill suggested that Democrats may have to wait a cycle or two to win statewide political office but added that the nomination of Eric Greitens, might open the door sooner.





Photo by Jennifer Sarti

Dr. Donald M. Suggs, publisher of The St. Louis American, is surrounded by part of the staff on Wednesday, Oct. 13, 2021. Due to COVID protocols, many people are still working remotely.

# GJR honors publisher, editor of The St. Louis American with lifetime award

by Linda Lockhart

Dr. Donald M. Suggs has spent his lifetime accomplishing one achievement after another. He was the first in his family to complete high school. He is an oral surgeon-cum-civil rights advocate, art collector, and newspaper editor and publisher.

As executive editor and publisher of The St. Louis American Suggs is chief producer and promoter of the 93-year-old weekly newspaper — not just keeping the American alive but also striving to adapt and change as it provides vital information for people throughout the St. Louis metropolitan area. All people. Blacks, whites and people of other ethnicities have come to trust the American to tell news and feature stories as seen through an African American lens.

Suggs is this year’s recipient of the Gateway Journalism Review’s Lifetime Achievement Award. He was honored Oct. 27 at the magazine’s annual First

Amendment Celebration.

An influencer of public thought, Suggs sits on more than two dozen boards of directors or trustees, ranging from the Barnes-Jewish Goldfarb School of Nursing (emeritus member) to the Urban League of Metropolitan St. Louis.

When he’s not shifting from Zoom meetings with his newspaper staff to those of the myriad of other organizations he supports, he’s writing pointed editorials and overseeing page production for Wednesday afternoon deadlines.

The Suggs of today has come a long way from where he started. Donald Marthal Suggs was born Aug. 7, 1932, to Morris and Elnora Suggs. His father was born in Terre Haute, Indiana, and grew up in Kentucky. His mother was born in Montpelier, Mississippi.

The couple met and settled in East Chicago, Indiana, where Morris Suggs worked in a steel mill, their families having joined others who were part of the Great Migration

from the South to the industrial centers in the North.

The couple had three children: Donald, Loretta and Walter.

Though he grew up in the age of segregation, the young Suggs was raised in an integrated environment of the small, factory town. He attended public schools with the children of Eastern European and Hispanic immigrants.

“I had a ‘mixed’ kind of upbringing,” he told GJR, adding that he learned to “code switch” at an early age.

His father, he said, was a voracious reader.

“He was intellectually curious.”

**Early influences**

Growing up with Black newspapers such as The Chicago Defender and the Pittsburgh Courier in his home, the young Suggs followed his father’s lead and also developed an intellectual curiosity.

In high school, with his

then-best friend, Donald Peters, Suggs started a newspaper — The Galloping Gossip.

But it wasn’t until much later that he would return to that first passion for sharing news.

After high school he spent a year working while taking classes at an extension program of Indiana University. He went on to enroll full time at the university, earning his bachelor’s degree in dentistry and his doctorate of dental surgery — D.D.S. He was one of two Black students in his graduating class when he completed graduate school.

It was while he was a student that he began learning about, and developing an appreciation for, fine art. During his high school years, he spent summers with his paternal grandparents in Chicago and visited places like the Art Institute.

On visits to New York, he began exploring art even more.

“New York was my North Star,” he said.



Photo courtesy of The St. Louis American

Dr. Donald Suggs, 1998.

He came to St. Louis for an internship in 1957 and medical residency a year later at the historic Homer G. Phillips Hospital.

Suggs chose Phillips — known as a training ground for a generation of Black physicians — over an internship in New York “because I thought Blacks were in charge.”

It was also in St. Louis that he turned his focus on the burgeoning civil rights movement.

As he started on the activism trail, however, Suggs said initially he was viewed with suspicion.

“I had two fights: one with our political opponents and also with those on the inside, who were suspicious that I was a plant,” because of his speech, mannerism and advanced education.

During this time, he met two men who would become his closest friends for the coming decades.

## The Joneses

Mike Jones was a sophomore at the University of Missouri, St. Louis, in 1968, when he met Suggs.

“Donald was a revolutionary oral surgeon,” Jones said.

“He drove a Volkswagen and collected African art. He was leading the Poor People’s March.”

In fact, Suggs served as the St. Louis chairman of the Poor People’s March on Washington for Jobs and Freedom. The historic 1968 event was organized to call for economic justice in the United States.

Under Suggs’ leadership, St. Louis sent busloads of people to Washington, D.C., joining more than 200,000 others from around the country who had come to hear from civil rights, labor and religious leaders. The march had been planned by the Rev. Martin Luther King Jr. for the summer five years after he delivered his “I have a dream” speech. But King was assassinated that April and the Rev. Ralph Abernathy carried on with the march.

Jones said he was introduced to Suggs by a college friend during Jones’ days as a student-activist.

“Take away the movement, Donald and I would have never met,” Jones said.

“He had a profound effect on me. He nurtured my intellectual development.”

Jones has served on the Missouri Board of Education, and was deputy mayor for development of the City of St. Louis and a senior policy advisor for the St. Louis County executive. Today he is a regular opinion writer for the American.

“Without the American,” Jones said, “the Black community [in St. Louis] would be totally ignored.” In the American “there is a forum for Black perspective and Black voice.”

Virus Jones, who is not related to Mike, met Suggs when the young surgeon was balancing his dental practice, cultural pursuits and activism.



“Doc always had an interest in history and politics,” Virus Jones said. At Suggs’ home at the time in University City, “there were these African sculptures ... He showed me how Picasso copied a lot of African art.”

A Vietnam war veteran and former St. Louis comptroller, Virus Jones is the father of St. Louis Mayor Tishaura Jones. Though Virus Jones for years contributed to the American’s “Political Eye” opinion column, he stopped as his daughter, a former St. Louis treasurer and Missouri state representative, rose in politics.

Suggs’ passion for art and politics grew along with his family.

He is the father of Dawn Suggs who is the American’s digital and special projects director, Dina Suggs, who lives in New York and Donald Suggs Jr., who died in 2012, and grandfather of Delali Suggs-Akaffu.

“I was attracted to the artistic community, [but] I didn’t have talent,” Suggs said.

What he did have was connections, which led him to establish the African Continuum, an organization that brought to St. Louis what he called “serious, non-commercial artistic endeavors:” musicians, theater performances and fine artists.

He also helped establish the Alexander, Roth, Suggs Gallery of African Art, with locations in St. Louis and New York City.

## Running a newspaper

The St. Louis American was established by Nathan B. Young in 1928. N.A. Sweets sold advertising in the early days before taking over in the mid-1930s. Sweets went on to run the paper with his wife, Melba Sweets, until 1981.

When the Sweets family stepped down, the paper was purchased by business partners Dr.

Benjamin Davis, Clifton Gates and Gene Liss.

After Davis died a few years later, Suggs joined the other partners. He eventually bought them out and assumed control of the paper in the mid-1980s.

“He always loved the American because it was well written,” said Fred Sweets, son of N.A. and Melba, and a former photographer at the St. Louis Post-Dispatch.

“He is committed to quality journalism.”

## The American today

Yet another Jones — Kevin Jones — started out selling advertising for the American almost 30 years ago. Today he is the paper’s chief operating officer, in charge of advertising, circulation and supervision of the business staff. The American currently distributes about 50,000 papers each week through about 700 locations in Missouri and Illinois.

Kevin Jones described Suggs as a visionary and extremely energetic.

“He’s up at the gym when I’m still asleep,” Kevin Jones said. “It’s hard to work with him and not be that energetic. It rubs off.”

Kevin Jones said he believes one of the keys to Suggs’ success is that “he listens to people.”

“He’s always one to listen to ideas for changes. He takes my ideas and enhances them and takes them to the next level.”

These days, Suggs is looking toward the future and working to ensure the American remains strong not just in print, but online and across social media platforms.

The paper continues to be celebrated by its peers.

Among recent honors, the American in September won 33 statewide awards in competition against newspapers with circulation of 5,000 or more, from Missouri Press Association in its 2021 Better Newspaper Contest. The awards include the first place award for general excellence, which the American has won seven times.

But for Suggs, 89, the work goes on.

“In the next two years,” he said, “the American has to be reset. To thrive we must be sustainable.”

And he wants to continue the tradition of raising up talented journalists.

“We want to have the kind of reputation that people will want to work here because it is a professional community newspaper. We want this to be a desirable destination.”





## Drey: Whistleblower for an Atomic Age in St. Louis

by Don Corrigan

Kay Drey is an activist, environmentalist, a whistleblower and an Earth Mother. Who could argue that there is anyone more passionate than Kay Drey about protecting humanity from the dangers of the atomic age?

Humanity means mothers, fathers, children – it's not just a word. She is the premier whistleblower because she has educated so many journalists to blow the whistle, to make some noise, to sound the alarm in defense of man, woman and child.

She is the Paul Revere of the Nuclear Age:

- “Mobile Chernobyls are coming!” she warned us.
- “Plutonium is coming!” she warned us.
- “Polonium is coming! Have you heard of it?” she asked us.

In recognition of those midnight rides to warn about environmental dangers, the Gateway Journalism Review is gave Drey its Whistleblower award at its First Amendment

Celebration on Oct. 27.

Who else but Kay Drey would have tritium3 as her email address? It is impossible to message her without wondering if this radioactive element might be contaminating the neighborhood.

Most St. Louis journalists who have covered nuclear issues in any depth have found their way to Kay Drey's basement. Full of file cabinets packed with items like 200-page Department of Energy documents, her basement is an extensive library on nuclear issues.

Two legendary Post-Dispatch investigative reporters, Lou Rose and Roy Malone, found their way to her basement when nuclear power plants were first being proposed for Missouri.

When writers with the Society of Environmental Journalists wanted to find out about yellow cake, and why St. Louis is called “atomic city” for its role in the making of the first atomic bombs, they found their way to Kay Drey's basement.

Whether it was a story on the careless disposal of byproducts in the manufacture of atomic bombs, or a plan for nuclear power plants at Callaway near Fulton, Missouri, Kay Drey was in that basement helping journalists find facts. And she would talk with them.

Kay Drey would say: “It's been more than a half century since the beginning of the atomic age, and we still don't know what to do with the first cupful of the dangerous radioactive waste that has resulted.”

Kay Drey doesn't just stay in the basement, though. With her knowledge of the dangers of the nuclear age, she might be forgiven for hunkering down in the basement. And never mind the radiation danger – how about a fallout shelter for protection from the profiteers, policy makers and public relations men of the atomic age?

No, Kay Drey has not stayed in the basement. She has come to the aid of her

countrymen when they have organized and protested neglect of dangerous debris buried in lakes and streambeds. She has demonstrated with mothers opposed to train cars of radioactive waste barreling through their backyards.

There is, in fact, much more to be done in Kay Drey's basement, but she has felt compelled to take on other obligations. She has served on professional panels and at university seminars on the intricacies of nuclear technology and radioactive containment.

She was not afraid or intimidated to debate the engineers and the project managers of the Weldon Spring Remedial Action Project for burial of atomic waste in the St. Louis region.

Despite her best efforts, a tomb for some of the worst radioactive waste from the atomic age was built on a 45-acre site at Weldon Spring. The highest point in St. Charles County now is not a bucolic, vine-covered bluff



overlooking the Missouri River. It's a boulder-covered mound of atomic debris. It's a pyramid completed in 2001 containing 1.5 million cubic yards of hazardous waste.

Kay Drey told the project officials that they had no business siting an atomic waste repository in a significant population area – literally just a few thousand feet from Francis Howell High School. It belonged at sites sanctioned to isolate the wastes from people and the environment.

Under Kay Drey's questioning, officials conceded that the burial site might be effective for 1,000 years or less. Not a good fit for deadly materials with a half-life that could exceed hundreds of thousands of years.

When the Nuclear Regulatory Commission and the Department of Energy decided to ship the radioactive debris from the 1979 Three Mile Island (TMI) accident through Pittsburgh, Indianapolis, St. Louis and Kansas City, Kay Drey once again sounded the alarm. The shipments especially upset mothers in St. Louis who saw the rail casks of radioactive materials coming by their schools and backyards.

Kay Drey helped form Citizens Against Radioactive Transport (CART), which successfully got the attention of city and county officials, as well as the St. Louis congressional delegation, to demand more safety measures for the program to transport debris from TMI to Idaho.

St. Louis's most informed nuclear activist warned that the TMI program was just a dry run for a plan to ship thousands of spent nuclear plant fuel rods for decades from the East Coast, through the Midwest, to Yucca Mountain, Nevada. The U.S. Congress eventually nixed the Yucca Mountain plan.

“Spent fuel rods should not be coming through populated cities,” Drey told a reporter with the Webster-Kirkwood Times. “Such shipments can be mobile Chernobyls. They must be isolated, under constant surveillance. Irradiated fuel rods are always vulnerable to acts of terrorism, fire and accidents.”

When concerns over global warming and climate change began to make headlines in the 1990s, the nuclear industry began talking about the need for new, safer, greener energy generation

with nuclear power plants. Kay Drey blew the whistle to remind us of accidents like TMI, Chernobyl and Fukushima.

When Ameren-UE began talking about a second nuclear plant at Callaway, or a series of small, modular reactors for electric energy, Kay Drey blew the whistle. She insisted that nuclear power reactors are neither safe, nor economical for ratepayers and taxpayers.

“My number-one reason for disliking nuclear power is – you can't have it without exposing workers to the radiation,” she told St. Louis Magazine. “I don't think they level with the workers about that. My second reason is routine releases: Every nuclear power plant, even without accidental releases, sends nuclear waste into the air and water – in our case, from Callaway into the river. And I don't think people know that.

“Then there's the possibility of huge accidents. Terrorism – it's a dream for a terrorist,” Drey added. In one reactor vessel the size of Callaway, there are 16 billion curies – a long-lived radioactivity equivalent to 1,000 Hiroshima bombs – and there's even more in the spent fuel pool. And there is simply no place for the waste.”

In recent years, Kay Drey has devoted much of her energy to the cause of Just Moms St. Louis. This is a group of North St. Louis County citizens who have suffered ill effects from Mallinckrodt Chemical's atomic waste being dumped in their Coldwater Creek, in their West Lake Landfill, in sites near their Lambert International Airport.

No one knows the importance of the presence of Kay Drey in an atomic battle more than Dawn Chapman and Karen Nickel. Kay Drey helped educate Just Moms St. Louis about the radioactive materials and their correlation to cancers, instances of leukemia, and immune-deficiency diseases in North County.

What's more, Kay Drey helped them communicate with their county, state and national officials about the overdue cleanup of contaminated landfills that have been plagued by underground fires. Eventually, federal officials took notice and drew up a remediation plan.

“Kay Drey has been our Erin Brockovich and so much more,” said Chapman. “She has been our Lois Gibbs. What Lois Gibbs was to the cleanup of the toxic disaster of Love Canal, that's

what Kay has been for us with the West Lake disaster.

“She was there for us when we needed to learn more about what was happening to us where we live,” added Chapman. “She was there for us for organizing, demonstrating, and expanding awareness of the terrible legacy in St. Louis of the atomic age.”

The word exceptional has lost much of its meaning in a time of faltering “exceptional leaders” and the broken promise of our “American Exceptionalism.” However, there is real meaning when just ordinary, concerned mothers like Dawn Chapman and Karen Nickel call Kay Drey a truly exceptional person – an exceptional environmentalist.

Consider a partial list of Kay Drey's environmental accomplishments:

- She led a campaign to stop Callaway from building a second reactor.
- She got the DOE to admit to the radioactive waste at Lambert Airport.
- She won a 20-year battle to get airport contaminants removed.
- She identified contaminated quarry water at Weldon Spring.
- She made sure a water treatment plant was built near Weldon Spring so “hot” radioactive waste would not be dumped into the Missouri River.
- She played a pivotal role to get the EPA to acknowledge responsibility for at least a partial cleanup of radioactive waste at WestLake Landfill.
- She has served on the Board of Great Rivers Environmental Law Center.
- She has served as president of Beyond Nuclear, a national nonprofit on nuclear issues.
- She and her late husband, Leo A. Drey, were founders of the Missouri Coalition for the Environment in 1969 and she remains active with MCE.
- She and Leo Drey amassed more than 153,000 acres in the Missouri Ozarks and donated most of the property to the L-A-D Foundation for protection and recreation.

Let's be honest. After all, Kay Drey has been honest for nine decades of life. The days are numbered. We are not going to have Kay Drey to blow the whistle for our own safety's sake forever. And who among us could possibly take her place?





## Crosslin – Immigration advocate wins 2021 GJR/SJR Freedom Fighter

by Jessica Z. Brown-Billhymer

Ask Anna Crosslin, Gateway Journalism Review's 2021 Freedom Fighter, about Afghan resettlement, and she paints the "big picture" from decades of public service on immigration resettlement.

The retired leader of the International Institute of St. Louis, St. Louis' immigrant service and information hub, starts out like this: "One of the things I could look at... as we were beginning to discuss Afghan resettlement... I could look back at the Vietnamese resettlement, and also at the Bosnian resettlement programs, and better understand what some of the options might be in terms of how to be able to conduct resettlement....but also understand what some of the challenges would be."

Crosslin was one of three people who received awards at GJR's annual First Amendment celebration Oct. 27 featuring former senator and current NBC/MSNBC commentator Claire McCaskill.

In addition to giving Crosslin the Freedom Fighter award, GJR gave St. Louis American publisher Donald Suggs its Lifetime Achievement award and environmental activist Kay Drey its Whistleblower award.

Crosslin, who began her job at the Institute in 1978, had many chances to observe matters relating to immigration, and refugees in particular. "Each population has its challenges," she said. "For the 1,000 Afghans resettling in St. Louis, the successful re-settling of large families in urban areas will be the big challenge."

Crosslin, with the benefit of 42 years of leadership, points out, "One hundred thousand Afghans is not such a huge number...it's not that

big when you look at our massive evacuation –in three waves, over three periods–of 800,000 Vietnamese."

"Freedom Fighter.... I love it," Crosslin said. "That's quite a moniker. I try. I'm one of those people who tries. That would be accurate."

Nine years ago, on the occasion of Media Literacy Week, Gateway Media Literacy Partners invited Crosslin to write an essay on "Why media literacy is important." Crosslin wrote "...freedom is the one over-riding value that refugees believe is at the heart of America. In spite of this, they are sometimes shocked by the abundance of information and divergent opinions that are openly promoted in all forms of mass media. The high level of verbal and written dissention on a multitude of issues—a result of our strong democratic values which translate into support for a free press and uncensored Internet – fascinates them."

Asked if the commentary she wrote then still resonated with her, she replied,

"Yep! I would, however, change the last sentence....fascinates and sometimes frightens them."

Asked if "the fight" has changed over the years, Crosslin quickly responded, "Oh, heavens... You know, with age has come an understanding that the process and the outcomes may be a lot slower, in terms of achieving goals, that is, than what I would have initially wanted. What I thought I could achieve in my 20s and what I've been able to achieve in my 70s, well... there's a measurable difference: there's not as much difference as I had hoped. "

On Crosslin's body of work: "When you look back at your body of work, your body of work isn't

really just yours, it's a product of everybody who's been working on whatever that goal happens to be over the same period.

Last year, on the announcement of her retirement, Crosslin in an interview with St. Louis Partnership said, "We all need to better understand that foreign-born growth is an important part of the solutions to our community's economic and social challenges in our region and work together to achieve IISTL's vision of a diverse, inclusive and thriving community."

In her retirement, Crosslin cited how grateful she is to be a Missouri Historical Society board member where she can focus on the Society's library and archives. "I want to make sure that, not just the Institute's work but the history of immigrants in St. Louis. is preserved to the greatest extent." You know, "I'm always interested in the accurate story."

On receiving word of the GJR Freedom Fighter Award, Crosslin says she was both "shocked" and "flattered." "I see this as an acknowledgement, not just for what I'm doing, but for what the International Institute does in the community. It's about sometimes telling the stories that people don't always like to hear. Whether it's because we're a little too parochial, here, or because some of these countries are far away; or because we don't necessarily think of individuals—residents of these countries—having the same values as we do. Whatever the case may be, it just seems very removed to a lot of people, so part of my life-long mission is to try to help people understand that the shared values and behaviors of these people ...well, they are us. That's what I've been fighting for."

# Remembering a great journalist, investigator, teacher, mentor and friend

by William H. Freivogel

*Editor's Note: This article was originally written in August, 2021.*

When I woke up the day after William A. Recktenwald died this week, the first thing I heard in my head was his gravelly voice asking, "How are you doing my friend?" It was a greeting I had heard from "Reck" dozens of times over the past 15 years at the SIUC School of Journalism where we were colleagues.

I don't think I know of anyone who stayed in touch with a wider network of friends, colleagues and former students than Reck. Almost every vacation he flew to visit them in far-flung places around the globe. On one of those visits he survived the deadly Sri Lanka tsunami.

If this were August, 2020 rather than August, 2021, I know where Reck would have spent this past week. He would have been at the SIU dorms helping students and their parents move in. He never missed a move-in week – including last year's as he headed toward retirement – and he had the muscles to get the job done because worked out at the SIU gym late into his 70s.

There are half a dozen categories of greatness that apply to Reck. Great journalist, great investigator, great mentor, great teacher, loyal friend. But despite all that greatness, it was never beneath him to grab suitcases and boxes and tell the students and parents that SIU was a terrific school and they were wanted here.

I knew Reck by reputation before I knew him as a friend. Reck, Phil Greer and I were three journalists whom Mike Lawrence had recruited for the SIU School of Journalism. Mike, himself a journalist and former press spokesperson for Gov. Jim Edgar, was at the Paul Simon Public Policy Institute, which he went on to head.

When I came to SIU, I knew about Reck's role in the fabled Mirage tavern sting, which revealed many of Chicago's inspectors were crooks. And I knew he was a storied investigative reporter for the Chicago Tribune, who was a finalist for a Pulitzer prize multiple times and worked on two teams that won Pulitzers.

What I didn't realize was that Reck would be my savvy, hard-working, collaborator on some of our biggest projects in the School.

One of the worst days of our lives was April 29, 2008 when Ryan Rendleman, a talented young photojournalist on the Daily Egyptian, was killed when a truck totaled his car as he drove along Highway 127 to an assignment. On the day of his death, Rendleman had been offered a hand-out photo of a child afflicted by a disease for which there was a scheduled fundraiser near Carbondale. He could have just stuck the hand-out in the paper with a short story. But Rendleman thought he would bring the story to life by taking photos of the child and was on the way to the photoshoot when the truck struck him.

We were devastated. Reck, Greer and I had been particularly close to him along with the students and the faculty managing editor at the DE, Eric Fidler. We started a scholarship in Ryan's



Bill Recktenwald in Lima, Peru, in 2018.

name and planted a redbud tree outside the School of Journalism. Reck worked hard on both projects, tending to the health of the tree as years passed. And he took it a step farther by getting Ryan recognized at the Newseum in Washington D.C. as one of the journalists who had died in the line of duty. He remained close to Ryan's family.

The day the Leap Day Tornado hit Harrisburg in 2012, Reck made sure that DE reporters and photographers got to the scene immediately and then called friends at the Tribune to tell them about the disaster. DE photos were on the front of the Trib the next day thanks to Reck's intercession.

But it was what Reck did next that was special. He headed up a project to publish a book on the Leap Day Tornado to help raise funds for those hurt by the storm. Not only did Reck lead the project, he also lined up the support of the chancellor and himself sold some ads to help fund publication. He presented the book to the community the following August.

Reck also took the lead in our retrospective on the first century of the Daily Egyptian. He spent hours pulling together the names of past editors and making sure their names were all spelled right – not an easy task. He also lined up Geoff Ritter, a former student working at the Carbondale Times, to write the lead piece.

Geoff was one of scores of students with whom Reck stayed in close touch. In the end, Geoff was Reck's power of attorney and had to deal with difficult decisions over these past five weeks as his health declined rapidly. Ritter's obit on Reck captures the man beautifully.

As we approached the 100th anniversary edition of the DE, Reck and I talked often about the sad fact that there hadn't been a Black editor and that Blacks often didn't feel at home in the newsroom. We were grateful that Tyler Davis broke through that year to become the first Black editor. (And this year, Oreoluwa Ojewuyi became the first Black woman EIC.)

During most of his years in the School of Journalism, Reck was the faculty sponsor of the local National Association of Black Journalists chapter. He often found ways to fund trips for the

reporters to national NABJ conferences. Reck also kept in close touch with Ugandan students we had met on trips there. He often updated me on students I had met but that he had really gotten to know.

If memory serves, Reck also once bought a car for a poor Hispanic student to drive to a far-off summer internship. And another time he lined me up to join him interceding with the court to reduce the punishment of a promising DE cartoonist who had broken a window in downtown Carbondale.

Students loved his classes. I've heard from many in the past few days. Reck treated them to a wry, understated sense of humor as he imparted the wisdom of half a century. One example was the story he told to stress the importance of ending an interview by asking if the interviewee had anything to add. Reck told of an interview he had with a coroner after a young man had died unexpectedly and his parents suspected foul play. When Reck asked the coroner if there was anything to add, the coroner said there was one last matter – the note found in the man's stomach. It was a suicide note.

There were many paradoxes in Reck's life. He was a storied reporter even though he couldn't write or type well. He didn't have a close family life but kept up with dozens and dozens of close friends. He didn't have children but mentored scores of young people who remained his devoted friends. And he didn't graduate from college, because of his undiagnosed dyslexia, yet rose to be president of the SIU Faculty Senate.

In our journalism faculty meetings he was the most savvy of operators. I was the director but always made sure I was on the same side as Reck – not only because he usually was right but also because he almost always won. His keen reading of the departmental operating papers left those of us with so-called "terminal" degrees in the dust.

Most of my journalistic mentors are dead now. But I sometimes hear them in my head – not their voices but their nuggets of wisdom. For years to come, I think I'll be hearing Reck and his greeting, "How are you doing my friend?"



# LEGENDARY JOURNALISM

## Recktenwald honored with celebration at SIUC

by Emily Cooper

Bill Recktenwald had a list of accolades to his name, including finalist for the Pulitzer Prize. After a storied career in journalism, he went on to teach future journalists as a senior lecturer at Southern Illinois University at Carbondale. Recktenwald, or Reck as he was known, eventually became president of the Faculty Senate.

He did all of this in spite of never earning a college degree himself.

"They have said time and time again that Reck did not have a degree from a university," said Phil Greer, a retired photojournalism instructor at SIU and a colleague of Recktenwald's at the Chicago Tribune. "I'm going to reverse it, I'm going to say yes he did. He had a degree in humanity."

Recktenwald died Aug. 20 in Evansville, Indiana, at the age of 79 after a short illness unrelated to COVID-19. He had just retired from SIUC.

To celebrate his life, faculty, staff, students and friends of Recktenwald came together Oct. 1 at the SIU Student Center Ballrooms.

Those who attended the event in person were given a book by Geoff Ritter, a graduate of the SIUC School of Journalism. The book, "Reck Undercover, The Many Lives of William A. Recktenwald," details Recktenwald's life.

"I first met Bill 20 years ago when I walked into his classroom," said Mike Pettit, a former student of Recktenwald. "When I saw what I presumed to be the instructor in front of the class wearing a Hawaiian shirt and cracking jokes for the other students, I thought 'well this is different. This is going to be interesting.' Interesting it was."

Recktenwald taught his students how to find the right information and people along with how and when to ask the right questions, Pettit said.

"Bill had a sharp wit about him, and he helped us sharpen our own wits," he said.

Recktenwald would tell journalism students the importance of the final question, William Freivogel, colleague of Recktenwald and professor of School of Journalism, said.

"He would tell wide-eyed journalism students about the importance of asking sort of that final question:" is there anything else you would like to add, he said.

Recktenwald was one of a kind, truly an original, Freivogel said.

"The death of promising young Ryan Rendleman was a blow to the whole school and especially for Reck," he said.

Later a tree was planted in memory of Rendleman, Freivogel said.

"Reck tended to it," he said. "When the first tree died, he made sure the next one was better, and he arranged for Ryan's name to be entered in the museum on the list of journalists who had died doing journalism work."



Photo by Jim Frost, Chicago Sun Times

Members of the Mirage investigation team with William Recktenwald shown on the far left.

Recktenwald stood for the best in journalism in education, Freivogel said.

"He stood for journalists getting the facts right," he said. "And for students from less privileged backgrounds getting the opportunity that they deserve."

The event's speakers emphasized, in their own accounts, Recktenwald's degree in humanity stemmed from his care for others, especially his students.

What mattered to Recktenwald was people. He always wanted to help them, Pettit said.

"So, I'm happy to be here today to help Bill, to help honor him as a teacher, as a mentor, as a friend, above all, as a kind, good person that he was," Pettit said.

As a member of the Southern Illinois Chapter of the United Nations Association, a grassroots organization of the United Nations Foundation, Recktenwald expanded his impact on international students.

Recktenwald "was a treasure to SIU and the entire southern Illinois region" said Olga Weidner, former President of the United Nations Association

Southern Illinois chapter.

Reck was a great ambassador for the US and our university, she added.

"He was always actively engaged and helping those in need, and especially international students involved in journalism," she said.

Recktenwald made an impact on the future of his students as they were his highest priority. He measured his success by the degree of his student's success, Weidner said

Though he did not complete college, Recktenwald was a big believer in the impact of education, she said. He wanted his students to have the opportunities and experiences he did not have.

Recktenwald often mentored and guided many students, over the years, to help them grow as a person and as an individual, Weidner said. He remained connected to them, making a difference in their lives, she said.

"His students came from the U.S. and all over the world," Weidner said. "They regarded him as a citizen of the world."

Recktenwald, on his many travels to visit

former students, went to Sri Lanka in 2004 where he survived the tsunami, Weidner said. In 2005, Recktenwald shared his experiences with UNA and the university community. He completed his presentation by encouraging all in attendance to help the survivors recover.

"He thought globally, and acted locally," she said.

Recktenwald was a man of quiet integrity, Olusegun Ojewuyi, Dean of College of Arts and Media, said.

"It is the being in the phrase human being that marks the memories we share after a loved one is gone" Ojewuyi said. "Bill was always human, always about being better, being caring, being available, being a human."

Ojewuyi said Recktenwald will be missed.

"He exhibited interest in my being human," Ojewuyi said. "And in doing so, he shared his own humanity."

Recktenwald was not superficial, Mike Lawrence, former Director of the Paul Simon Public Policy Institute, said.

"He had a genuine interest in other human beings," he said. "When he asked how you were doing, he actually listened."

Greer and Recktenwald worked together for 44 years, 24 at the Tribune and 20 at SIU, Greer said.

"Bill Recktenwald cared about people," he said. "That's the best thing I could possibly say."

Recktenwald, beyond SIU, helped the Southern Illinois School Press Association in their annual competitions.

Each year the School of Journalism hosts Southern Illinois School Press Association where high school students compete in various journalism categories, Jan Thompson, Director of the School of Journalism, said.

"Reck was always a powerful force during this event," Thompson said.

Recktenwald was awarded a major accomplishment this past year, and because of COVID, the School of Journalism was not allowed to give him a ceremony, Thompson said.

SISPA is a group of middle school and high school student journalists and their advisors, Cathy Wall, news media production teacher at Harrisburg High School and current Director of SISPA, said.

"What you know about Reck was his work with the public, the work with college students, works as a legendary reporter, what you may not know is that the work also extended in middle school and high school kids," Wall said.

Wall said she has had the great privilege to work closely with Recktenwald, where he worked with SISPA as the presenter and a contest judge.

"As the current director, I sometimes would find myself pretty frazzled the morning of the conference," Wall said. "Reck was one of those people who I counted on to put it all in perspective for me. He would laugh, tell me a joke, make sure I knew that what really mattered was that the kids were there."

Wall said Recktenwald's consistent presence

was what made him a key player in SISPA's success.

Recktenwald identified students who he saw had potential and contacted their advisor personally, she said.

"You can't imagine how much that means unless you have been one of those kids or their advisors," Wall said. "I know several of my own students ended up here at SIUC as a result of his interest in them."

Recktenwald was also involved behind the scenes with SISPA's mail-in contests, Wall said.

"In 2020, when we were all moving toward quarantine, Reck read and scored every entry, that's over 350 pieces of student journalism," Wall said. "No complaints, just a smile and a positive comment about the good work that our students do."

In honor of his contribution to the organization, SISPA submitted Recktenwald to the Illinois Journalism Education Association, last spring, for the IJEA Friend of Scholastic Journalism Award in which he won, Wall said.

Though the ceremony was not able to take place, SISPA voted to create a new award in honor of Recktenwald, Wall said.

"This year we will award for the first time the William Recktenwald Friend of Scholastic Journalism Award, after the one he received from the state affiliate," Wall said. "It will recognize and encourage others to exemplify his kind of commitment to our students and advisors."

Recktenwald's life is paradoxical, Freivogel said.

"He did not graduate from college because he had undiagnosed dyslexia, yet he rose to be president of the SIU Faculty Senate," Freivogel said. "He was a storied reporter even though he couldn't write or type very well. He didn't have a close family life, but kept up with dozens and dozens of students and former colleagues. He didn't have children but he mentored you all. He stayed in touch."

Before his time at SIU, Reck was an investigative reporter at the Chicago Tribune.

"[Lawrence] introduced me to Bill Recktenwald who I had heard about," Freivogel said, "because he was a legend."

At the Tribune, Recktenwald had a storied career, with the Mirage being one of his most well-known projects, one he shared with his students often.

"Bill regaled students with tales as an investigator and reporter," Pettit said. "Telling us, to capture some of the good stories you may have to get a second job as a prison guard or buy a bar with your colleagues and operate it. He even had the 60-minute clips to prove it, wheeling a TV into the classroom and playing the Mirage segment for us all."

The Mirage was the longest, most complicated, but most rewarding story Zekman and Recktenwald had ever worked on together, Zekman, a former colleague of Recktenwald in the

Mirage, said via Zoom.

"It was Reck who came up with the perfect name for the bar because it was a mirage," she said.

Recktenwald, who used his prior success, partnered with 60 minutes to bring Mike Wallace to the Mirage, Zekman said. That was what got national attention for the project. However, that came with severe security complications, she said.

"It was Reck's quick-thinking that rescued us," Zekman said.

Someone from their staff, who did not know this was an undercover project, wandered down into the basement. It was after Wallace had left, but his producers and camera were still there, Zekman said.

"Without skipping a beat, Reck answered his questions and told the employee that the producer was an architect and that the camera was there because we were going to be doing a remodeling project to the Mirage and they needed the video to start the project."

Zekman said Recktenwald was incredibly skilled at undercover techniques.

"He could blend in to almost any situation," she said.

To expose voter registration and irregularities, Recktenwald would register to vote under other names like Henry David Thoreau and F. Scott Fitzgerald, Zekman said.

"That should have raised some suspicions by the registrars, but no," Zekman said. "All of those names appeared in the poll sheets for that precinct for the next election."

Reck also went under cover for the Tribune to expose dangerous conditions at the Pontiac Prison, Zekman said.

"He had to quit after an inmate yelled out at him in the hallway calling him 'Mr. Mirage,'" Zekman said. "A clue that Reck's undercover role in that particular project was coming to an end."

Ojewuyi said the passing of Recktenwald is very sad news and a major loss to the School of Journalism, CAM, and SIU as a whole.

"This event is not one of those you were told about when you applied for the job," Ojewuyi said. "It is one of those things that you have to handle, have to embrace it. That's the reality of the situation."

Ojewuyi and Thompson drove three hours for Recktenwald's funeral, which was held on Aug. 23, near Elizabethtown. After getting lost, they ended up in the Shawnee National Forest, Ojewuyi said. "I told Jan we need to look up in the trees, perhaps Bill was hiding up there. May his soul rest in peace."

"Despite all the reforms that Reck's stories created, I think he got the most gratification at SIU helping to prepare students to become competent, responsible journalists, lessons you learned from one of the best," Zekman said. "He will be greatly missed by the journalistic community. He worked with so many reporters on so many successful projects and made them happen, made them work, got the results."



# Parson’s investigation of Post-Dispatch shows misunderstanding of press, tech experts

by Emily Cooper

Missouri Gov. Mike Parson’s threat to prosecute the St. Louis Post-Dispatch for publishing a story on the state’s failure to keep teachers’ private information confidential is a reflection of the misunderstanding of the press’ role as the watchdog and computer coding, experts say.

Joseph Martineau, the Post-Dispatch attorney, put it this way: “I think the thought of threatening a journalist who has acted in a responsible manner, which is exactly this situation here, who discovered, while legitimately reviewing a website, that information, which he was not looking for, was available on a site, reporting that had occurred without disclosing the information and after identifying the vulnerability to the public agency involved so that it could correct it is extremely chilling to a reporter’s rights.

The St. Louis Post-Dispatch article reported that more than 100,000 Social Security numbers were “vulnerable.”

“This situation is extraordinarily rare,” Martineau said. “I have never seen a case where information that is available in the HTML code, on a website, that the viewing of that information is, that is put up there by the governmental entity, or anybody for that matter is subject to any sort of criminal prosecution.”

Parson and the State of Missouri’s press release refers to the person who discovered the vulnerability as a “hacker.”

HTML code is not hidden in any way, Mark Sableman, an Intellectual Property, Media, and Internet Law Partner at Thompson Coburn LLP in St. Louis, said via email.

“By its nature, it is public,” he said. “Saying that it is hacking when someone looks at a web page’s HTML code is a bit like saying it is hacking when someone opens the cover of a book and begins reading the pages inside. The HTML code, like the words inside the book, have always been readily accessible for anyone to see, without any locks, keys, passwords, or other access restrictions.”

Hacking means accessing part of a computer or network without authorization or beyond authorization, he said.

“HTML code is always public, so no one needs special authorization, and hence the concepts ‘without authorization’ or ‘beyond authorization’ cannot apply to accessing of HTML code,” Sableman said.

Whitehouse, Director of the School of Communication at Eastern Kentucky University, said Gov. Parson is trying to punish a news outlet that he doesn’t like for reporting lawfully obtained information.

The governor’s anger is “misdirected, at best, and malicious, at worst,” Whitehouse said.

It is discouraging whenever governmental officials don’t recognize the value of the media being a watchdog on the government and bringing

out things that can and should be corrected, Sableman said.

“Governmental officials not liking the fact of the press brought out news embarrassing to them, and then they accuse the press to divert attention from themselves, I think that happens a lot,” Sableman said.

As an internet lawyer and adjunct law professor, Sableman said he has regularly looked at HTML code since the mid-1990s.

“If you need to understand a website, you often need to look at its HTML code,” he said. “For several decades, it was very easy to examine, as most browsers had a readily accessible function called ‘view source’ that would bring up the entire HTML code. Most newer editions of browsers, because they are designed for consumers, no longer have that function quite so accessible, but the HTML code has always been readily accessible to professionals and anyone else who wanted to examine websites.”

Sableman said HTML source code for a webpage frequently includes metatags that describe the webpage.

“The developer of the page wants search engines to read and index these parts of the HTML code,” he said. “They want search engines and people who may want to link to the page, to know about and use those descriptions. A lot of what you see on a search engine results page is often taken from those metatags, which are part of the public HTML code. I suspect many state of Missouri webpages use descriptive and keyword metatags in their HTML code, and expect them to be viewed, copied, and used. They put the metatags there because they know the HTML code is accessible to everyone, and in fact, they want people to look at the code and use these keywords and descriptions found there.”

Sableman said the fact that HTML code is public and not private is so basic that it is hard to say more about it.

“Complaining that someone looked at my HTML code, and noticed what was in it, is a bit like complaining that someone stood on my street, looked at the exterior of my house, and noticed that it was made of brick,” he said. “It is not hacking, and it is not invasion of privacy. It is simply looking at things that are in public view.

Sableman said The Missouri highway patrol has descriptive metatags in the HTML code for its website. “These metatags are meant to tell the public that the highway patrol would like to have its website described as ‘the official website for the Missouri highway patrol”:

```
<!DOCTYPE html><html lang="en-us"><head><title>Missouri State Highway Patrol</title><meta name="twitter:title" content="Missouri State Highway
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Patrol"><meta property="og:title" content="Missouri State Highway Patrol"><meta name="description" content="The official website for the Missouri State Highway Patrol."><meta name="twitter:description" content="The official website for the Missouri State Highway Patrol."><meta property="og:description" content="The official website for the Missouri State Highway Patrol.Par"
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He said this is not secret information. It is something that the highway patrol is publishing to people it doesn’t know.

“The highway patrol is expecting people they don’t know to look at their HTML code, and they want those people to know their preferred description of their website,” Sableman said. “And clearly, because they know that all sorts of people will be looking at their HTML code for their descriptive meta-tags are other reasons the highway patrol certainly knows and understands that their HTML code is public and not confidential.”

State agencies, including the highway patrol, wouldn’t be publishing information for the public in their HTML code if they thought that website HTML code was private and confidential, Sableman said.

“All do respect to the government, [Gov. Parson] has absolutely totally mistaken when he calls looking at HTML code hacking,” Sableman said. “It is not.”

Anyone anywhere could have gained the same access, Whitehouse said.

“He didn’t break into the system, he accessed data that was already there,” she said.

Whitehouse said people usually think about journalists being subpoenaed because they gain access to information the government wants. Then, they might be held in contempt because they refuse to give a source.

“That a journalist would be accused of this, that anyone would be accused of this, this is anyone being accused of using data the government made available is ridiculous because the journalist is being punished, in this case, because the journalists embarrassed the governor,” Whitehouse said. “It is unacceptable.”

She said it is a bizarre claim.

“It is hard to say what it means for journalism as a whole,” Whitehouse said. “It is a governor who feels like he can lash out at someone who has embarrassed him. In a way, yes it is certainly a part of an anti-media climate, but at this point, it is a direct response of saying: ‘hey, I don’t like the way you made me look, so I’m going to throw a criminal action against you.’ There is nothing valid in this. It is such a convoluted situation, that it is hard to see what the ramifications might be.”

# Former war reporter steps back into familiar role in helping Afghans evacuate

by Jackie Spinner

I was still a relatively young reporter in The Washington Post newsroom when the US launched its longest war in history following the 9/11 terrorist attacks. I came of age as a journalist in the 20 years that followed, becoming part of a generation of reporters who ended up on a battlefield, first in Afghanistan and later in Iraq.

Even as I turned my reporting attention elsewhere in recent years, trading my flak jacket and helmet for the life of mom and journalism professor, the stories I told from both places stayed with me like a discarded notebook I kept finding in the bottom of a drawer, with a few empty pages that I had skipped as I filled it with my messy shorthand.

In the weeks, then days and then hours before the US withdrew its last troops and diplomats from Afghanistan at the end of August, I found myself entrenched again in the story, volunteering with Allied Airlift 21—started by a friend and retired Army commander, in a desperate attempt to get the last Americans and our allies out before the Taliban solidified its power grip on the country.

There are still thousands of people left behind, people who served alongside the US military, diplomatic and humanitarian mission in Afghanistan and who were promised a chance to escape the threats that now follow them because of their service, including former translators for the US military who are eligible for special immigrant visas. In spite of what the State Department still claims, there also are hundreds of US passport and green card holders with immediate family members who are trapped in Afghanistan unable to get on a flight to flee. I know this because I’ve seen their pleas, helped verify their documents, talked to their family members in America. This notion that people who want to leave have been able to leave is pure fiction.

It might seem like an unusual coda for a former war correspondent to be partnered with US veterans from the global war on terror in an effort dubbed “digital Dunkirk,” named after the World War II effort to evacuate British and other Allied forces from France. But for me, it was like stepping back into a familiar room that very few Americans have ever seen. It was comforting in a way. Less than 1 percent of the US population served in the conflicts that followed 9/11. During World War II, that number was 12 percent.

It is hard to measure the ways in which these last 20 years have shaped that small percentage of us. Over time the good and the bad have mingled into one experience, like a death of a loved one that sneaks up on you when you least expect it, the pleasant memories almost like

a longing, overshadowing the painful parts. I mostly have channeled this now into teaching about war and advising our student veterans on campus.

For me, the end of the 20-year war coincided with a small family vacation I had planned for my children, a vacation that will now be remembered as the one “mom spent on Slack.” In between bike rides and trips to the beach, I was collecting passports and GPS coordinates. One day, I hope my kids will understand that why their mom, a civilian who went to war to collect stories, went back at the end—albeit from the privilege of distance—because it was a way to settle the score of all the stories she had taken, without seemingly giving anything in return.

It was an extraordinary and intense few weeks as we worked mostly through digital channels to evacuate vulnerable Afghans, using Google maps to lead them around Taliban checkpoints, guiding them to gates at the Kabul Airport where we thought they had the best chance of getting in, listening to the gunfire and shouts, the desperation and exhaustion of people trying to flee.

I realized how valuable my skills as a war correspondent were in those moments, that ability to stay steely-focused on what was in front of me, to go without sleep, to record identification numbers on manifests without making a mistake. I also knew well enough when it was over—although I am still engaged with Allied Aircraft on a smaller scale, to show up each week for the mental health check-ins the organization offered, a hard lesson learned from 20 years of war and my own battles with PTSD.

To some extent, I am back where I was halfway through America’s longest war, when I was trying to heal but also make sense of what had happened, when I was trying to put into words what it meant to go to war and to survive. Survival is both a gift and a burden, something I am reminded of when I hear the pleas of Afghan-Americans whose families haven’t yet made it out. I hear it in the weariness of refugees starting over.

For them, the story hasn’t ended, which means our job, my job, isn’t done yet.

That, too, is a comfort after 20 years of war.

*A version of this story first appeared in Publisher’s Auxiliary, the only national publication serving America’s community newspapers. It is published by the National Newspaper Association. GJR is partnering with Pub Aux to re-print Jackie Spinner’s monthly “Local Matters” column on our website. Spinner is the editor of Gateway Journalism Review. Follow her on Twitter @jackiespinner.*



